

## **ARTICLE VII SUPPLEMENTAL LAND USE REGULATIONS**

### **SECTION A. ACCESSORY SECONDARY DWELLING UNIT<sup>1</sup>**

1. An owner-occupied single-family dwelling unit may be converted to allow the incorporation of one additional secondary dwelling unit for the exclusive occupancy of close relative household, a member of which shall be close relative including parents, in-law parents, siblings or children related to the owner of the single-family dwelling unit. Such accessory secondary dwelling units shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor, or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the close relative.
2. Accessory secondary dwelling units shall be a conditional use in all districts which permit single family dwelling and shall require review and approval of the Board of Zoning Appeals.
3. Residential accommodations for servants and caretakers shall be a conditional use in all districts which permit single family dwelling and shall require review and approval of the Board of Zoning Appeals.

### **SECTION B. ACCESSORY STRUCTURES AND USES<sup>2,3</sup>**

1. Accessory structures and uses include, but are not limited to, the following:
  - a. a private greenhouse,
  - b. a barn, shed, tool room, or other similar building or other structure for domestic or agricultural storage,
  - c. keeping of domestic animals, but only for personal enjoyment, for household use, or for cultivation of the soil, and not including a commercial stable or kennel,
  - d. incinerators incidental to residences and public or private institutions,
  - e. storage of goods used in or produced by manufacturing activities, on the same lot with such activities, unless such storage is excluded by the district regulations,
  - f. the removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a building or other structure on the same lot.
2. Accessory structures and uses shall adhere to the following regulations:<sup>4</sup>
  - a. Lot Coverage
    - (1) In all agricultural districts, accessory structures shall not cover an area greater than fifteen (15) percent of the lot area.

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<sup>1</sup> HISTORY: Amended Effective January 16, 2013

<sup>2</sup> HISTORY: Amended Effective March 2, 2004

<sup>3</sup> HISTORY: Amended Effective January 16, 2013

<sup>4</sup> HISTORY: Amended Effective February 18, 2005

**SECTION B. ACCESSORY STRUCTURES AND USES (Contd.)**

- (2) In all residential districts accessory structures shall not cover an area greater than the ground floor area of the principal building, or fifteen (15) percent of the lot area, whichever is less.
  - (3) In all commercial and industrial districts, an accessory structure may not occupy more than thirty (30) percent of the lot.
- b. Yard Setbacks<sup>5</sup>
- (1) An attached accessory structure shall meet all setback requirements specified for a principal structure.
  - (2) No accessory structures shall be permitted in a lot's front yard. A detached accessory structure shall not be located closer to the road-right-of-way than the principal structure.
  - (3) No accessory structures shall be permitted in a private or public easement or right- of-way.<sup>6</sup>
  - (4) No detached accessory structure shall project beyond the following required side and rear yard setback for any district.
    - (a) If detached accessory structure occupies less than one hundred twenty (120) square feet, the setback requirement from any side or rear property Line shall be five (5) feet;
    - (b) If detached accessory structure occupies more than one hundred twenty (120) square feet, the setback requirement from any side or rear property line shall be ten (10) feet, or a distance equal to the height of the eaves on the wall most parallel with the respective side or rear lot line, whichever is greater.
  - (5) Temporary structures located near a drainage ditch or waterway see Article V, Section B. 8.
- c. Height
- (1) A detached accessory structure's height shall not exceed twenty-four (24) feet in all agricultural and residential districts.
  - (2) For attached accessory structures and in commercial and industrial districts, accessory structure height shall meet all height requirements specified for a principal structure.

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<sup>5</sup> HISTORY: Amended Effective January 16, 2013

<sup>6</sup> HISTORY: Amended Effective February 17, 2011

**SECTION C. AGRICULTURAL LAND USES (NON-EXEMPT)<sup>7</sup>**

Pursuant to ORC 519.21, the following regulations shall apply to platted subdivisions (see ORC 711.05, 711.09, and 711.10) and areas containing 15 or more lots approved under minor lot split regulations (see ORC 711.131), each of which is less than five (5) acres in size and contiguous as determined by abutting or being opposite each other on a public dedicated road:

1. ON A LOT OF ONE ACRE OR LESS:
  - a. The breeding, raising, or maintaining of farm animals such as horses, pigs, cows, sheep, goats, or similar livestock is prohibited on lots of one (1) acre or less.
  - b. Dairying, pasturage, and animal husbandry of all other animals are conditional uses subject to approval by the Board of Zoning Appeals. The Board of Zoning Appeals shall consider:
    - (1) Size of the lot or parcel
    - (2) Type and number of animals
    - (3) Size area devoted to the above animal uses
    - (4) Feed and waste management plan
    - (5) Uses of adjacent properties
    - (6) Location and type of animal housing
  - c. Agricultural uses not involving animals are permitted uses so long as, with the exception of fruit trees, they are not extended beyond the front setback line for the district in which the parcel is located and do not exceed more than thirty-three and one-third (33-1/3) percent of the total open space of such parcel.
  - d. Building and structures accessory to the agricultural use of the property shall meet side and rear setbacks and shall be constructed in a design consistent with existing residential, commercial, or industrial structures on the property. Such buildings shall not exceed 35 feet in height, shall not exceed one-eighth of the total area of the parcel and shall be placed behind the front set back line for the district in which the parcel is located.
2. ON A LOT LARGER THAN ONE (1) ACRE BUT LESS THAN FIVE (5) ACRES:
  - a. Dairying, pasturage, and animal husbandry are conditional uses subject to approval of the Board of Zoning Appeals when at least thirty-five (35) percent of the lots of the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under ORC 4503.06,

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<sup>7</sup> HISTORY: Amended Effective February 18, 2005

**SECTION C. AGRICULTURAL LAND USES (NON-EXEMPT) (Contd.)**

- (1) Farm animals shall not be permitted within fifty (50) feet of a dwelling or an adjacent property line.
- (2) The Board of Zoning Appeals shall consider:
  - (a) Size of the lot parcel
  - (b) Type and number of animals
  - (c) Size area devoted to the above animal uses
  - (d) Feed and waste management plan
  - (e) Uses of adjacent properties
  - (f) Location and type of animal housing
- (3) Any dairying and animal and poultry husbandry which exist prior to 35 percent of the lots being developed shall be considered a nonconforming use of land and building or structures pursuant to ORC 519.19.
  - b. Building and structures accessory to the agricultural use of the property shall meet side and rear setbacks and shall be constructed in a design consistent with existing residential, commercial, or industrial structures on the property. Such buildings shall not exceed thirty (35) feet in height, shall not exceed one-eighth (1/8) of the total area of the parcel and shall be placed behind the front set back line for the district in which the parcel is located. Structures incident to housing farm animals shall not be permitted within fifty (50) feet of a dwelling or an adjacent property line.
3. The regulations in this Section do not apply to agriculture, buildings, or structures, dairying, and animal and poultry husbandry on lots greater than five acres.

**SECTION D. BED AND BREAKFAST**

The following conditions shall be met for all Bed and Breakfast establishments in addition to those identified in the definition in Article XV (Definitions).

1. The establishment must be owner-occupied; it must be the principal residence of the owner, and must be occupied by the owner.
2. One (1) individual not residing in the establishment may be employed in the operation of the Bed and Breakfast.
3. No more than four (4) rooms shall be offered for rent. The Board of Zoning Appeals may permit more rooms in Residential Zoning Districts, which permit multi-family dwellings, and in Agricultural Districts.

**SECTION D. BED AND BREAKFAST (Contd.)**

4. Each room rented shall contain a minimum of one hundred (100) square feet. No rented room shall have an independent outside entrance (but emergency fire exits are permitted).
5. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure.
6. No cooking facilities of any type shall be permitted in the rented rooms.
7. A minimum of one (1) on-site paved or dustless surface parking space per room offered for rent, and two (2) spaces for the owner shall be required.
8. No change to the outside appearance of the dwelling shall occur behind front yard setback as required.
9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a "Bed and Breakfast."
10. If Board of Zoning Appeals approval is needed, any other condition or safeguard deemed appropriate by the Board of Zoning Appeals.<sup>8</sup>

**SECTION E. (MOVED TO ARTICLE VI SECTION E.4)<sup>9</sup>**

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<sup>8</sup> HISTORY: Amended Effective February 17, 2011

<sup>9</sup> HISTORY: Amended Effective February 17, 2011

**SECTION F. CONSTRUCTION EXCAVATION / FILLING<sup>10, 11, 12</sup>**

The placement of fill material on an existing parcel (i.e., rock, topsoil, demolition debris, etc.) for the purpose, whether current or in the future, of constructing a permanent structure is permitted.

1. A Site Grading Plan with a completion date must be filed with the Perrysburg Township Zoning Inspector detailing at a minimum, current grade of property surrounding property, finished grade of the site and volume of materials to be used, along with plans for the diversion of all surface water. Storm Water Management Plans shall be submitted prior to the issuance of any zoning certificate for all residential, commercial and industrial uses, including new uses and changes of uses, on sites encompassing a lot of area greater than one (1) acre in area pursuant to Article XIII, Section D.2.1(2) (Storm Water Plans). All plans must be approved by the Township Engineer and if the disturbed area is one (1) acre or greater an Environmental Protection Agency (EPA) NOI permit must be obtained and a copy of the permit submitted to Perrysburg Township.
2. The building site, parcel or area, upon completion of the filling activity, shall be leveled and a suitable topsoil shall be placed over the entire site to promote growth of vegetation.
3. Filling of flood plain or diverting surface water to adjacent property is prohibited. An area variance from this provision to avoid practical difficulties shall be based upon relevant planning studies and any proposed construction in the floodplains shall meet County flood plain regulations.

**SECTION G. DUMPING AND/OR SPREADING OF SEWAGE SLUDGE**

The dumping and/or spreading of sewage sludge, industrial sludge, and any by-product of the treatment of sewage or industrial waste is prohibited within the Township, except in areas which are zoned as agricultural.

**SECTION H. ENVIRONMENTAL STANDARDS**

No land or building shall be used or occupied for commercial, industrial, or nonresidential purposes which produce any dangerous, injurious, noxious, or otherwise objectionable element or condition which could adversely affect the adjacent land or pose a threat to the public health, welfare, and safety of persons at the site or external to it. Such uses permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous objectionable elements to acceptable limits as established by the following standards:

1. **ENVIRONMENTAL STANDARDS**  
Environmental standards will be maintained for air quality and solid waste disposal as required by the Ohio Environmental Protection Agency and the Ohio Department of Health.

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<sup>10</sup> HISTORY: Amended Effective February 18, 2005

<sup>11</sup> HISTORY: Amended Effective February 17, 2011

<sup>12</sup> HISTORY: Amended Effective January 16, 2013

**SECTION H. ENVIRONMENTAL STANDARDS (Contd.)**

2. **PERFORMANCE STANDARDS**  
Standards pursuant to Article VII, Section S (Performance Requirements) for glare, heat, noise, vibration, smoke, dust, particulate, odors, radiation, and electromagnetic disturbance shall apply.<sup>13</sup>
3. **INTERNAL ROADWAYS**  
All roadways internal to the site will be paved or maintained to minimize dust.
4. **ELECTRICAL AND TELECOMMUNICATION FACILITIES**  
All electrical and telecommunication facilities should be hidden from view of adjoining property and roadways and where feasible will be placed underground.

**SECTION I. EXOTIC ANIMALS**

Any person owning, keeping, or harboring a wild or exotic animal shall provide housing and containment that is adequate to prevent such wild or exotic animal from escaping or injuring the public.

**SECTION J. FENCES AND HEDGES<sup>14</sup>**

1. Fences or hedges may not exceed four (4) feet in height in the required front yard, subject to the provisions for limitation to visibility in Article V, Section B.3.b. (Visibility at Intersections).
2. In any district, no fence, structure, or planting shall be built or maintained in such a manner that the visibility is obstructed from intersecting streets within thirty (30) feet from a corner in each direction from the intersection of the public right-of-way, subject to the provisions for limitation to visibility in Article V, Section B.3.b. (Visibility at Intersections).
3. Fences may not exceed four (4) feet in height in the required side yard adjacent to the main building and projected to the required front yard. Fences not exceeding six (6) feet in height may be permitted in the required side yard to the back of the main building and located within the R-3, R-4 and R-4A Residential Districts.<sup>15</sup>
4. Fences may not exceed seven (7) feet in height in any other location on a lot.
5. The posts and all other supporting portions of fences shall not exceed the maximum permitted height of the fence by more than four inches. The measurement of the height of a fence shall be made from the original ground surface at the bottom of the fence.
6. A fence may be located on the owner's property line, if there is a written agreement between the affected property owners that is filed along with the permit application.

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<sup>13</sup> HISTORY: Amended Effective February 17, 2011

<sup>14</sup> HISTORY: Amended Effective February 17, 2011

<sup>15</sup> HISTORY: Amended Effective January 16, 2013

**SECTION J. FENCES AND HEDGES (Contd.)**

7. The posts and all other supporting portions of fences shall be placed on the side of the fence facing the interior of the property owner installing the fence. If the fence has a "good side", the "good side" must face away from the property of the Owner of the fence. Two property owners jointly installing a fence along their property line may choose to place the posts and other supporting portions of the fence on either side of the fence.
8. If a parcel and/or lot has two or more front yards, the Zoning inspector may approve a fence not exceeding six (6) feet in height in a front yard that is in the opposite front yard of the building's designated front yard.
9. A three (3) foot setback requirement from any public utility, box, or equipment shall be required for the placement of fencing, in all zoning districts. Fences placed on the property line can not be any closer than six (6) feet to a fire hydrant.
10. Fences associated with commercial and industrial projects may exceed the maximum permitted height if there is a demonstrated need for additional screening. Said fencing shall be approved as part of the Site Plan review process.
11. **FENCE HEIGHT AND STYLE REQUIREMENTS.**  
The following table provides height and style requirements for various fences in each zoning district as well as whether the fence is a permitted or conditional use.
12. Fences near a drainage ditch or waterway See Article V, Section B. 8.<sup>16</sup>

Fence Style	Max Permitted Height	Front Yard Zoning District				Side Yard Zoning District				Rear Yard Zoning District			
		<u>A&amp;S</u>	<u>R</u>	<u>C</u>	<u>I</u>	<u>A&amp;S</u>	<u>R</u>	<u>C</u>	<u>I</u>	<u>A&amp;S</u>	<u>R</u>	<u>C</u>	<u>I</u>
Chain Fence	4 feet	P	P	P	P	P	P	P	P	P	P	P	P
	7 feet			CU	CU			CU	CU	P	P	P	P
Wire Mesh	4 feet	P	P	P	P	P	P	P	P	P	P	P	P
	7 feet			CU	CU			CU	CU	P	P	P	P
Wooden or Vinyl Fence or Structural Screen (Privacy Fence)	4 feet	P	P	P	P	P	P	P	P	P	P	P	P
	7 feet			CU	CU	CU	CU <sub>P**</sub>	CU	CU	P	P	P	P
Masonry Wall	4 feet	*	*	*	*	P	P	P	P	P	P	P	P
	7 feet	*	*	*	*	CU	CU	CU	CU	P	P	P	P
Hedge or Screen Planting	4 feet	P	P	P	P	P	P	P	P	P	P	P	P
	7 feet					CU	CU	CU	CU	P	P	P	P

-District Abbreviations: (A) Agricultural, (S) Special, (R) Residential, (C) Commercial, (I) Industrial.  
-For special fence height requirements see Article VII, Section J.10, Article VIII, Sections B.2.e., B.2.f. or D.3.a.

<sup>16</sup> HISTORY: Amended Effective January 16, 2013



Symbols: P = Permitted Use  
CU = Conditional Use Approval By Board of Zoning Appeals  
\* = Gates at the driveway entrance in front yard are permitted.  
\*\* = Fences not exceeding 6 feet in height are permitted in the side yard of lots located in the R3, R4 and R4A - Residential Zoning District to back of house.<sup>17</sup>

**SECTION K. GROUP HOMES** <sup>18</sup>

The regulation of the location, operation, and maintenance of group homes is in the interest of the purposes for this Zoning Resolution. It is the intent of the Township to provide for the assimilation of these homes in stable and suitable neighborhoods so that the living environment of their residents are conducive to their rehabilitation. Group homes shall comply with the following criteria:

1. Prohibited group homes: The following group homes shall not be established within the Township: alcohol and drug addiction facilities; halfway house facilities; shelters for the homeless; and shelters for victims of domestic violence.
2. Licensing. No group home shall be established, operated or maintained on any premises unless authorized by the issuance of a Zoning Certificate and Certificate of Zoning Compliance in accordance with the provisions of the Zoning Resolution. In addition, a group home shall not be permitted to be constructed or operated until the agency, or institution operating such a home meets the certification, licensing, or approval requirements of the appropriate State or County and local certifying agencies.
3. Building, Fire, Health and Safety Standards. A group home shall meet building, fire, health and safety standards as set by State and local laws and regulations applicable to such a facility.
4. Types of Dwellings. Group homes shall be established in detached single-family dwellings, two-family, multiple family dwellings, or structures, or portions thereof, converted entirely to group home use.
5. Residential Character. All group home structures in residential districts shall maintain a residential character and remain unaltered from its residential character. The design of a proposed new structure and any proposed remodeling of existing structures shall be feasible for permitted uses in the district in the event that the group home is discontinued, and will not be detrimental to the area because of substantial differences in exterior design or site development.
6. Off-Street Parking. Group homes must comply with the parking requirements for the zoning district within which it is located and ensure that adequate off-street parking is provided for hired or volunteer staff, as provided for in Article IX (Off-Street Parking and Loading Requirements) of the Zoning Resolution.
7. Signage. No signs shall be erected by group homes for the purposes of identification except a permitted street address sign.

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<sup>17</sup> HISTORY: Amended Effective January 16, 2013

<sup>18</sup> HISTORY: Amended Effective February 18, 2005

## SECTION K. GROUP HOMES (Contd.)

8. Separation. In order to limit the excessive concentration and to reduce any negative impact on neighborhoods within the Township, no group home shall be permitted within eight hundred (800) feet of the boundary lines of the property on which another group home in the Township is located.
9. Screening of Residents. The applicant shall provide documentation indicating the need for the group home, the specific clientele it will serve, and the location of similar homes operated by the applicant.
  - a. No group home shall admit into residence any client until such client has first been screened by the licensee to insure that such client's history or present condition does not indicate that such client represents a substantial risk of physical harm to the client or to others;
  - b. No group home shall be permitted to have in residence a juvenile offender within two years of the date the crime was committed.
  - c. No group home shall be permitted to have in residence: adult persons under probation, parole or conditional release; adult persons being treated primarily for alcohol or drug abuse; adult persons or juvenile offenders who have been convicted of an act that if committed by an adult would be a felony; or juvenile offenders who were adjudicated guilty of negligent homicide (ORC 2903.05), vehicular homicide or vehicular manslaughter (ORC 2903.06), assault (ORC 2903.13), menacing by stalking (ORC 2903.211), or a violation of a substantially equivalent municipal ordinance or township resolution.
10. Accessibility. Group homes shall be reasonably accessible, by virtue of its location or transportation provided by the licensee, to medical, recreational, retail services, and to employment opportunities required by its residents, if applicable.
11. Operation. The applicant shall provide a plan indicating the manner in which the home will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
12. Staff. The licensee of each group home shall employ a sufficient number of qualified persons to provide the services which it offers in such a way as to meet the standards and guidelines of these rules, on a twenty-four (24) hour basis. No operator shall knowingly employ a person of questionable character or reputation, or one whose physical, mental or emotional health is such as to be a danger to the persons under care.
13. Preference to Township Residents. Residents of Perrysburg Township and Wood County, and members of their immediate family shall upon their request be given preference for placement as a resident in any group home regulated by this Zoning Resolution; provided, however, that such resident or family member must meet all other qualifications for clients and the operators of the group home.
14. Report. The licensee of a group home shall submit to the Township Trustees a written progress report each year, which report shall describe the group home's operation, specifically detailing problem areas, successes, and any anticipated changes in operations.

**SECTION K. GROUP HOMES (Contd.)**

15. Revocation. A licensee's failure to comply with any standards provided herein shall be grounds for revocation, suspension or modification of the terms of the Zoning Permit.

**SECTION L. MANUFACTURED HOMES AND MOBILE HOMES <sup>19</sup>**

1. Manufactured housing not meeting the criteria established for permanently-sited manufactured homes (see definitions) and mobile homes shall be permitted in a manufactured home park.
2. A manufactured home or mobile home used for a temporary construction office, temporary storage of materials or equipment used in conjunction with temporary construction work, temporary living quarters, or temporary sales office shall meet the requirements of Article VII, Section CC (Temporary Buildings).

**SECTION M. MANUFACTURED HOME PARK REQUIREMENTS <sup>20</sup>**

1. All manufactured home parks shall comply with the requirements of the Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with chapter 3733 of the Ohio Revised Code and any other applicable local or state codes and regulations.
2. The Zoning Commission shall review the particular facts and circumstances of each proposed manufactured home park development in terms of the following standards and shall find adequate evidence such development meets these standards before amending the Zoning Map with a Manufactured Home Park District:
  - a. The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police, and fire protection; or persons or agencies involved in the establishment of the proposed park will provide such services adequately.
  - b. The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on the surrounding public streets or roads.
  - c. The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance.
  - d. Establishment of the proposed park will not be hazardous or demonstrably detrimental to the value of the surrounding properties or the character of the adjacent existing or planned future neighboring land uses.

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<sup>19</sup> HISTORY: Amended Effective February 18, 2005

<sup>20</sup> HISTORY: Amended Effective February 18, 2005

**SECTION M. MANUFACTURED HOME PARK REQUIREMENTS (Contd.)**

- e. The establishment of the proposed park will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- f. The establishment of the proposed park shall be in general conformance with the Zoning Resolution and the Perrysburg Township Land Use Plan.

**3. AREA AND ACCESS REQUIREMENTS**

- a. A Manufactured Home Park District site must have a minimum area of 5 acres, with a minimum width of 60 feet on those portions of the site used for general vehicular entrances and exits.
- b. All private roadways shall have unobstructed access to a Major or Secondary Thoroughfare, either existing or proposed.

**4. SCREENING**

An opaque landscaping buffer not less than twenty (20) feet in width shall be located along all perimeter property lines except internal street frontage lines. This screening shall be designed in accordance with Article VIII, Section D.3. (Visual Screening) and require approval by the Zoning Commission.

**5. REQUIRED OUTDOOR LIVING AREA**

An outdoor living area of not less than 480 square feet must be provided on each lot. This area must be properly drained and located for convenience and optimum use and may not include required setbacks or parking areas. The length of such area shall not exceed two (2) times its width.

**6. STORM SHELTER**

A Manufactured Home Park must provide one or more storm shelters, with fifteen square feet of floor space for each home. An existing building that complies with these provisions may serve as a storm shelter. A storm shelter must:

- a. Comply with the National Storm Shelter Association standard for the design, construction, and performance of storm shelters;
- b. Be clearly marked with a sign at or near its entrance; and
- c. Be accessible at all times, either by being kept unlocked or if locked, access must be immediately available to residents by an emergency key box or a designated person(s) present at the Manufactured Home Park at all times.

**7. BUILDING HEIGHT REGULATIONS**

The maximum height of any structures in a manufactured home park not regulated by the Ohio Public Health Council shall be one (1) story or fourteen (14) feet.

**SECTION M. MANUFACTURED HOME PARK REQUIREMENTS (Contd.)**

8. MANAGEMENT

Each Manufactured Home Park must be managed by an operator licensed in accordance with Ohio Revised Code Chapter 3733. The operator must establish rules governing the operation and maintenance of the manufactured housing park and assume responsibility for enforcement of those rules. These rules must be conspicuously posted or provided to each occupant as they initially enter the park.

**SECTION N. MOTELS OR HOTELS**

Motels or hotels shall comply with the sanitary regulations prescribed by the county health authorities, the regulations of the building code, and as may otherwise be required by law, and in addition shall comply with the following regulations:

1. Any lot to be used for a motel or hotel shall not be less than two (2) acres in area and shall contain not less than one thousand (1,000) square feet of lot per sleeping unit in the first story (up to 44 units per acre) and eight hundred (800) square feet of lot per sleeping unit above the first story (up to 54 units per acre);<sup>21</sup>
2. The building and structures on the lot shall not occupy in the aggregate more than twenty-five percent (25%) of the area of the lot.
3. All buildings and structures shall be not less than fifty (50) feet from a front or rear lot line and not less than twenty-five (25) feet from any side lot line.
4. All areas not used for access, parking, circulation, buildings, and services shall be completely and permanently landscaped and the entire site maintained in good condition.

**SECTION O. MOTOR VEHICLE SERVICE STATIONS AND REPAIRS<sup>22, 23</sup>**

Service stations and convenience stores with gas dispensing shall meet the following criteria:

1. Motor Vehicle Service stations - Fuel and Service are limited to the selling and dispensing of fuel primarily to passenger vehicles and to accessory uses of sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tuneup, and brake repair.
2. Motor Vehicle Service Stations - Fuel and Convenience Store are limited to the selling and dispensing of fuel primarily to passenger vehicles to accessory uses of sale of lubricants, accessories and supplying food staples, snacks and general goods.
3. Motor Vehicle Service Stations - Fuel are limited to selling and dispensing of fuel primarily to passenger vehicles to access uses of sale lubricants and vehicle accessories.
4. The lot shall have frontage on at least one major street.

<sup>21</sup> HISTORY: Amended Effective February 18, 2005

<sup>22</sup> HISTORY: Amended Effective February 18, 2005

<sup>23</sup> HISTORY: Amended Effective February 17, 2011

**SECTION O. MOTOR VEHICLE SERVICE STATIONS AND REPAIRS (Contd.)**

5. Filling station pumps and pump islands may be located within a required yard, provided they are not less than fifteen (15) feet from any street line and not less than fifty (50) feet from the boundary of any residential district or residential use in any agricultural district.
6. All motor vehicle service station canopies shall be no closer to the right-of-way or property line than ten (10) feet.
7. Fifty percent (50%) of the linear frontage or the entire frontage exclusive of the portions thereof used for driveway approaches, whichever is less, shall be landscaped. The landscaping shall be a combination of lawn and plant material. Where a service station is located next to a lot in a residential district or a residential use in an agricultural district, screening with either a solid fence, solid wall, or dense evergreen hedge not less than six feet (6 ft.) in height shall be provided along the common lot line in accordance with Article VIII, Section D.3. (Visual Screening).
8. No additional signage shall be permitted on the vertical support member of the canopy.
9. The entire operation of an motor vehicle service station, except the sale and dispensing of fuel shall be within an enclosed building.
10. No retail or wholesale sales of any non motor vehicle products shall be permitted at Motor Vehicle Service Stations - Fuel and Motor Vehicle Service Stations- Fuel and Service, other than vending machines, unless specifically approved as part of the application; and in no event shall any sales or storage of non motor vehicle products be permitted.
11. No dismantling, wrecking, or storage of motor vehicles, parts or accessories shall be permitted except as reasonably necessary and incidental to operations described above. Motor Vehicle service stations shall not provide for any outdoor storage of parts, materials, or damaged vehicles unless screened by solid fencing and landscaping. Such storage shall not be conducted within a required yard. No dismantled or junked vehicles shall be stored on the premises.
12. Motor Vehicle Repair - Light - Businesses such as muffler shops, shock absorber replacement shops, tire stores, undercoating shops and engine tune up shops, subject to the following conditions:
  - a. Access to such use shall be directly to a major or collector / thoroughfare or shall be to a minor street which has direct access to an abutting major or secondary street.
  - b. Access to and from such use shall not be cause for traffic to utilize residential streets.
  - c. Outdoor storage of parts or materials shall be prohibited unless such storage is within a fenced and obscured area which meets all setback requirements.
  - d. Areas for off-street parking required for customer use shall not be utilized for the storage or vehicles awaiting repair.

**SECTION O. MOTOR VEHICLE SERVICE STATIONS AND REPAIRS (Contd.)**

- e. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.
  - f. A six (6) foot obscuring wall shall be provided and maintained on those property lines adjacent to or abutting a residential district.
13. Motor Vehicle Repair - General - Businesses such as engine rebuilding shops, reconditioning shops, body and frame shops and undercoating or steam cleaning shops, subject to the following conditions:
- a. Access to such use shall be directly to a major or collector / thoroughfare or shall be to a minor street which has direct access to an abutting major or secondary street.
  - b. Access to and from such use shall not be cause for traffic to utilize residential streets.
  - c. Outdoor storage of parts or materials shall be prohibited unless such storage is within a fenced and obscured area which meets all setback requirements.
  - d. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.
  - e. A six (6) foot obscuring wall shall be provided and maintained on those property lines adjacent to or abutting a residential district.

**SECTION P. MOTOR VEHICLE SALVAGE YARDS AND JUNK YARDS**

See also: Article IX, Section C (Special Parking Provisions); and ORC 505.173, et seq, Storage of Junk Motor Vehicles

- 1. GENERAL
  - a. The applicant shall provide a complete and accurate legal description of the entire site.
  - b. The Site Plan shall be submitted which, at minimum, includes dimensions of the site, size of buildings, building locations, setbacks, storage areas, driveways, and fencing.
- 2. STORAGE
  - a. When adding storage facilities, the applicant shall reduce the number of vehicles or junk in the storage yard.
  - b. Motor vehicle wrecking yards shall maintain a list of vehicles in stock and submit this list to the township upon request.

## SECTION P. MOTOR VEHICLE SALVAGE YARDS AND JUNK YARDS (Contd.)

## 3. LICENSING

- a. Applicants for junk yards shall be licensed as required under ORC Chapter 4737 and file with the Township proof of licensing by Wood County Auditor.
- b. Applicants for motor vehicle wrecking yards shall be licensed as required under ORC Chapter 4738 and file with the Township proof of licensing by the Ohio Motor Vehicles Salvage Dealer's Licensing Board.

## 4. FENCING AND SCREENING

Any area used as a motor vehicle wrecking yard or junk yard shall be effectively screened on all sides by means of walls, fencing, and planting. Walls and fences shall be seven (7) feet in height with no advertising thereon. Storage of materials shall not exceed this height. A strip of land not less than 25 feet in width shall be planted and maintained on the exterior with evergreen hedge or shrubs and shall be equal to or greater than the height of the fence or wall. Said fencing and screening shall be in accordance with the setback yard requirements of this section.

## 5. OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as set forth under Article IX, Section B.2. (Minimum Number of Spaces Required), Article IX, Section B.3. (Rules Governing the Determination of Required Number of Spaces), and Article IX, Section C (Special Parking Provisions).

## 6. YARD REQUIREMENTS

- a. **Front Yard.** There shall be a front yard setback of not less than fifty (50) feet, but where such a yard is opposite an "A" Agricultural or "R" Residential district, it shall be a minimum of one hundred (100) feet and the first twenty-five (25) feet thereof shall be used only for landscaping purposes.
- b. **Side Yard.** There shall be a side yard setback of not less than twenty-five (25) feet, but where abutting an "A" Agricultural or "R" Residential district it shall be a minimum of fifty (50) feet. Storage of materials and parking of vehicles is prohibited in a side yard.
- c. **Rear Yard.** There shall be a rear yard setback of not less than fifty (50) feet, but where such a yard is abutting an "A" Agricultural or "R" Residential district, it shall be a minimum of one hundred (100) feet.

## 7. PAVEMENT

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



**SECTION Q. MOTOR VEHICLE WASHING FACILITY<sup>24</sup>**

- a. Motor vehicle washing facilities shall provide trench drains at all exit drives to prevent water from running onto public rights-of-way and creating potentially hazardous traffic conditions.
- b. An asphalt bump shall be installed in the car wash exit lane between the exit door and the curb cut of the exit drive to loosen water on the undercarriage of the vehicle before it enters the right-of-way.
- c. Where a service station is located next to a lot in a residential district, or residential use in an agricultural district, screening with either a solid fence, solid wall, or dense evergreen hedge not less than six feet (6 ft.) in height shall be provided along the common lot line in accordance with Article VIII, Section D.3. (Visual Screening).

**SECTION R. OUTDOOR LIGHTING<sup>25</sup>**

All permanent outdoor light such as that used for area lighting or building floodlighting shall be steady, stationary, shielded sources directed so as to avoid glare for motorists, pedestrians, or neighboring premises. The marginal increase of light, as measured at any property line other than a street line, shall not exceed one footcandle. A photometric plan shall be submitted to the Township for all outdoor lighting improvements. The plan is required for all site plan approval and may be required by the Zoning Inspector for residential district or residential use in an agricultural district.

**SECTION S. PERFORMANCE REQUIREMENTS**

- 1. **PREVENTION OF NUISANCE**  
Every structure shall be located, arranged and operated in accordance with the following provisions so that it will not interfere with the development and enjoyment of an adjacent property.
- 2. **REQUIRED LIMITS**  
The following limits of development and operation are provided to control hazardous, obnoxious or other nuisance activity of uses subject to the provisions of this section.
  - a. **Noise or Vibration.** Noise or vibration shall be so controlled that at the property line on which such noise or vibration is produced it will not be at a level above that normally perceptible from other developments in the area or from the usual street traffic observed at the street right-of-way line of the lot. Noises and vibration shall not be permitted if determined by an outside independent testing organization that the levels exceed those standards established by the State or Federal government.

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<sup>24</sup> HISTORY: Amended Effective February 18, 2005

<sup>25</sup> HISTORY: Amended Effective February 17, 2011

**SECTION S. PERFORMANCE REQUIREMENTS (Contd.)**

- b. **Smoke.** Smoke shall be controlled in its emission so as to be less dark in shade than that designated as No.2 on the Ringlemann Chart published and used by the U.S. Bureau of Mines, except that emission above such level shall be permitted for a period of three minutes or less during the operation of starting or cleaning a fire.
  - c. **Dust or Particulate Matter.** Dust or particulate matter shall be controlled so as not to produce a hazardous or obnoxious situation beyond the property lines of the lot on which such dust or particular matter is produced.
  - d. **Odors or Fumes.** Odors or noxious fumes shall be so controlled so as not to be offensive nor pose a threat to the health and safety of the surrounding area. Compliance shall be in accordance to Air Quality standards of the State of Ohio as administered by the Ohio EPA or other cognizant organization.
  - e. **Glare or Heat.** No direct glare or reflected lights which are visible from the public right-of-way or residential properties outside the industrial or commercial districts shall be permitted. Heat from processing or other activity shall be so screened as not to be perceptible beyond the property lines of the lot on which such glare or heat is produced.
  - f. **Radiation or Electromagnetic Disturbance.** No evidence of material which generates hazardous radiation or causes electromagnetic disturbances to nearby areas shall be permitted.
3. The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a Zoning Certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerance.

**SECTION T. PONDS, LAKES, AND BORROW PITS** <sup>26, 27</sup>

1. **PERMITS REQUIRED**  
Construction or installation of a pond, retention pond, lake, or borrow pit or any alterations thereto shall require conditional use approval by the Board of Zoning Appeals due to potential deficiencies in size, depth, aeration, fencing, and other considerations. Approval shall be based upon a recommendation from a qualified consulting engineer selected by the Township. The consulting engineer will also make a final inspection once construction is complete to ensure specifications were met. The cost for securing such expert recommendation shall be borne by the applicant. The Zoning Inspector shall require the applicant to place a deposit roughly equivalent to the estimated cost of expert review with the Township Board of Trustees at the time of the application. The applicant will be responsible for any additional amount due. All unused funds shall be returned to the applicant.

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<sup>26</sup> HISTORY: Amended Effective February 18, 2005

<sup>27</sup> HISTORY: Amended Effective February 17, 2011

**SECTION T. PONDS, LAKES, AND BORROW PITS (Contd.)**

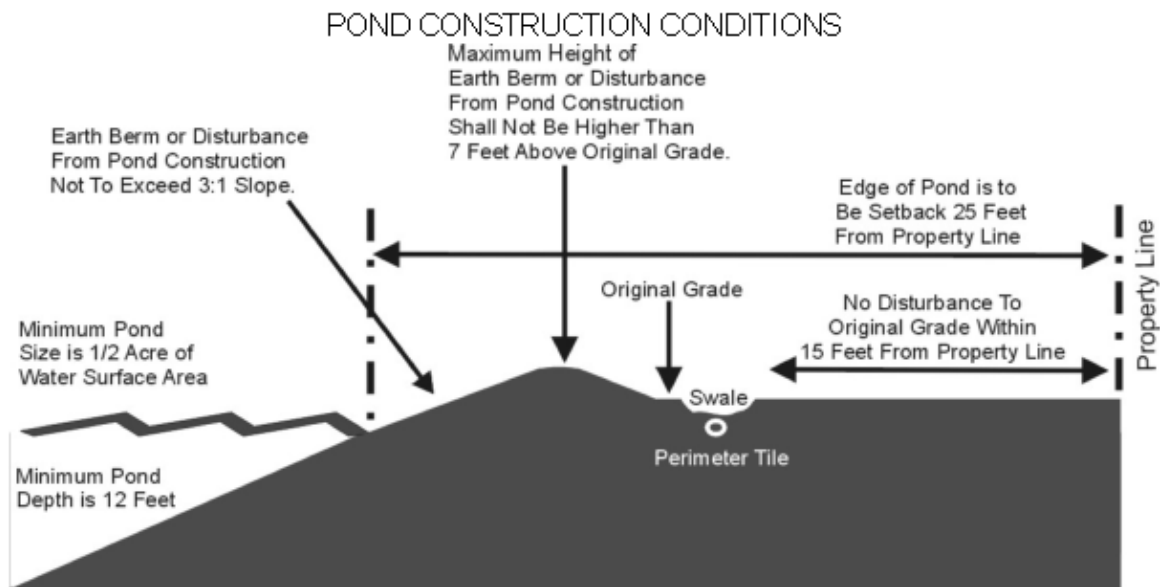
2. CONDITIONS

A private pond, lake, retention pond or borrow pit shall be allowed upon the following conditions:

- a. Area. The property shall contain at least two (2) acres. It shall contain a minimum of one-half (1/2) acre of water surface area (no less than one-third (1/3) acre conditioned upon Board of Zoning Appeal approval);
- b. Setback. The edge of a pond, retention pond, lake, or borrow pit, as defined herein, shall be located:
  - (1) Seventy (70) feet from any road right-of-way or behind the front building line whichever is greater. However, ponds that are landscaped with earthen mounds and flowering trees and bushes in accordance with Article VIII, Section D.3. (Visual Screening), may be located within a required front yard, but setback from the public right-of-way at least twenty-five (25) feet. The public road right-of-way shall be determined as the greater of the existing right-of-way line or a right-of-way line proposed for future roadway widening in Township, County, or State Transportation Plans.
  - (2) Twenty-five (25) feet from any side or rear property line, top of a drainage ditch bank, or a building foundation. (See Pond Construction Conditions Figure)
  - (3) One hundred (100) feet from a septic tank or leach field.
- c. Depth and Aeration. To avoid stagnation of water, all proposed retention ponds, ponds, lakes, and borrow pits shall maintain a minimum depth of twelve (12) feet at its deepest point when filled to normal capacity and contain a bottom-diffused or fountain spray aeration system that shall be continually operated during the months of June through September.
- d. Maximum Water Elevation. The edge of the water when all proposed ponds, retention pond, lakes, and borrow pits are filled to normal capacity shall not be higher than the normal surrounding grade. Berm or mounding shall not be considered part of the pond water depth.
- e. Slope. The slope of all proposed ponds, retention pond, lakes, and borrow pits walls shall have a horizontal to vertical ratio of 3:1 (a slope of 2:1 shall be conditional use requiring Board of Zoning Appeals approval). Pond walls shall be compacted with a "sheep foot" roller.
- f. Beach Areas. Beach areas may be sloped no less than at a horizontal to vertical ratio of 10:1 and shall not exceed twenty-five (25) percent of the pond, lake, or borrow pit surface area.

SECTION T. PONDS, LAKES, AND BORROW PITS (Contd.)

- g. Berm. Earth berm or disturbance from pond, retention pond, lake or borrow pit construction shall not be higher than seven (7) feet from the original undisturbed grade level. The slope of areas adjacent to the pond, lake or borrow pit shall have a maximum horizontal to vertical ratio of 3:1. The natural grade of land shall remain undisturbed within fifteen (15) feet of any property line. Excavated material may be hauled off site.
- h. Drainage System. To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage from pond, lake or borrow pit development. The perimeter of the pond, retention pond, lake or borrow pit shall be tiled, with drops (small catchbasins) and/or swale installed. The flow shall then be diverted to a suitable outlet, either a catch basin, or drainage ditch.
- i. Fencing. Fencing may be required around the perimeter at ponds, retention ponds, lakes and borrow pits if the body of water endangers the health and safety of the immediate residents, as determined by the BZA based on surrounding uses, attractive nuisance potential, highway glare potential, and the specifics of the site itself.
- j. Maintenance. After completion, a pond, retention pond, lake or borrow pit shall be properly maintained and supervised by the property owner so that it will not become a danger or nuisance to area residents.



**SECTION T. PONDS, LAKES, AND BORROW PITS (Contd.)**

3. **PONDS USED FOR DETENTION OR RETENTION OF STORMWATER**  
The regulations in subsection 2, above, shall not apply to a "dry detention pond" as defined herein, however "wet retention pond" the regulations in subsection 2 will apply.
4. **Decorative/Garden Pond<sup>28</sup>**
  - a. The Decorative/Garden Pond shall have a maximum water depth of 30 inches and a maximum surface area of 60 square feet.
  - b. The Decorative/Garden Pond shall only be allowed in the rear yard.
  - c. The Decorative/Garden Pond shall meet the minimum yard setbacks of the Zoning District in which the pond is located, and shall not be located in any public or private easements.

**SECTION U. RECREATION VEHICLES**

1. Recreational vehicles (travel trailers) shall not be occupied as a single-family dwelling.
2. A recreation vehicle (travel trailer) used for a temporary construction office, temporary storage of materials or equipment used in conjunction with temporary construction work, temporary living quarters, or a temporary sales office shall meet the requirements of Article VII, Section CC (Temporary Buildings).<sup>29</sup>

**SECTION V. SATELLITE DISH ANTENNAS<sup>30</sup>**

1. One (1) satellite dish per dwelling unit or commercial/industrial lot is permitted in all Districts as an accessory structure. Before installation of a dish antenna of one (1) meter or more in diameter or diagonal measurement, an installation permit must be obtained. The application for a permit must contain a written description of the antenna and art elevation sketch of the location on the site.
2. A satellite dish antenna shall not exceed three (3) meters in diameter.
3. Ground-mounted satellite dishes over one meter in diameter or diagonal measurement shall be located toward the rear of the lot, shall be at least 10 feet from any main building, shall have rear and side property line setbacks equal to or greater than the height of the proposed structure, and, in the case of a corner lot, shall not project beyond the front yard required or existing on the adjacent lot.

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<sup>28</sup> HISTORY: Amended Effective January 16, 2013

<sup>29</sup> HISTORY: Amended Effective February 18, 2005

<sup>30</sup> HISTORY: Amended Effective February 18, 2005

**SECTION V. SATELLITE DISH ANTENNAS (Contd.)**

- a. Satellite dishes are prohibited from placement within the required front yard or side yard setbacks.
  - b. An antenna, if ground-mounted, shall not exceed a grade height of fifteen (15) feet.
4. Roof or wall mounted satellite dish antennas shall be mounted only upon the portion of the primary structure that faces the rear yard or on an accessory structure in the rear yard.
- a. Roof mounted dishes in a residentially-zoned district shall not exceed the maximum permissible height of the principal building
  - b. in a non-residentially-zoned district, a roof mounted dish shall not exceed eight (8) feet above the roof upon which it is mounted.
5. Antenna must be colored to blend into the background against which it will be mounted. This may require painting, if paint will not interfere with reception or result in an unreasonable cost of installation. Antenna may be painted within thirty (30) days of the antenna's installation or as soon thereafter as weather permits.
6. The connection between a ground-mounted antenna and its receiving and/or transmitting equipment shall be placed at least four (4) inches beneath the surface of the ground.
7. Any driving motor shall be limited to one hundred twenty (120) volts maximum power design and shall be encased in protective guards.
8. An antenna must be grounded.
9. No sign or advertising shall be displayed on the antenna.
10. VARIANCES
- a. In addition to its other powers, the BZA may grant a variance for an antenna, if:
    - (1) The BZA finds that the intended function of the antenna would be adversely affected, in some significant way, if the antenna had to be constructed in accordance with the provisions of this section, or
    - (2) The variance is necessary to harmonize the Township's resolution and federal laws, rules or regulations. A variance under this section does not require a showing of unnecessary hardship.
  - b. If a variance is granted to permit satellite dish antenna placement in a front or side yard, the antenna shall be fully screened with evergreen landscaping to reasonably conceal the antenna from views from adjacent neighboring properties and the public right-of-way. Screening may be installed within thirty (30) days of the antenna's installation, or if vegetation will be used to screen an antenna that is not installed during a planting season, screening may be installed within thirty (30) days of the beginning of the next planting season.

**SECTION W. SEXUALLY-ORIENTED BUSINESSES**

1. PURPOSE

Additional regulations are imposed upon sexually oriented businesses to: protect juveniles from harm or exposure to sexually oriented materials; prevent the spread of communicable or sexually transmitted diseases; reduce and eliminate the negative impact that adult uses may have on property values and the character and quality of residential neighborhoods; prevent sexually oriented businesses from diminishing or destroying the use of public facilities, particularly facilities expected to be used by children or used for religious purposes, etc. These regulations are not adopted for the purpose of restricting or prohibiting any protected speech associated with sexually oriented business land uses. The Supreme Court and lower federal courts have recognized a number of possible secondary effects of sexually oriented businesses, including:

- a. Decline of character of a community's neighborhoods and quality of life.
- b. Increase of crime (e.g., prostitution, drug sales).
- c. Spread of disease, particularly sexually transmitted diseases.
- d. Degeneration of the social and moral order.
- e. Harm to children.

The Township Trustees and Zoning Commission have reviewed secondary effect studies by various cities. Given the documented harmful secondary effects of sexually-oriented businesses on adjacent neighborhoods and specific land uses, the following specific, reasonable and uniform regulations have been developed to protect the public health, safety, convenience, comfort, prosperity, and general welfare of the residents of the township.<sup>31</sup>

2. PERMITTED USES

Permitted sexually-oriented businesses include, but are not limited to the following uses: sexually- oriented cabarets/movie houses, sexually-oriented media stores, sexually-oriented motels, and sexually-oriented shops, more specifically defined in this regulation.

3. ACCESSORY USES

- a. A sexually-oriented business use may not be an accessory use.
- b. No two sexually-oriented business uses may be located in the same premises or on the same lot.

4. PROHIBITED LAND USES AND ACTIVITIES

- a. Specifically prohibited sexually-oriented businesses include: sexually-oriented encounter centers; sexually-oriented escort agencies; sexually-oriented nude modeling studios; sexually- oriented spas; and sexually-oriented viewing booths, more specifically defined hereunder by this Zoning Resolution.

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<sup>31</sup> HISTORY: Amended Effective February 18, 2005

**SECTION W. SEXUALLY-ORIENTED BUSINESSES (Contd.)**

- b. **Gambling.** No sexually-oriented business establishment games, machines, tables, or implements shall be used for gambling.
- c. **Obscene Sexual Conduct,** No one shall perform or conduct any obscene material, performance, or activity at any business establishment in the Township.<sup>32</sup>
- d. **Tips.** Tips or other gratuities shall not be given to performers or employees of a sexually oriented business establishment by placing such tips or gratuities directly on the performer or employee or in or on the performer's or employee's costume or clothing. Any such tips or gratuities shall be placed by patrons into a receptacle provided by management for receipt of such tips or gratuities.
- e. **Age Restrictions**
  - (1) No person under the age of 18 years shall be admitted to or employed by a sexually- oriented cabaret or theater.
  - (2) No person under the age of 18 years shall be allowed or permitted to purchase or receive, whether for consideration or not, any sexually-oriented material or other goods or services at or from any sexually-oriented business establishment.

5. SEPARATION REQUIREMENT FOR SPECIFIED LAND USES

- a. No sexually-oriented business shall be permitted in a location which is within 500 feet of any residence or boundary of any residential district.
- b. Sexually-oriented uses shall not be located within 1,000 feet of libraries, educational institutions, training facilities for persons with mental or physical disabilities, museums, religious places of worship, child day care facilities, parks, playgrounds, swimming pools, pool and billiard halls, video arcades, pinball arcades, any social services facility or neighborhood center, or other public gathering places, family-oriented uses, or recreational uses established for the activities of juveniles.
- c. No sexually-oriented business shall be permitted in a location which is within 1,500 feet of another sexually-oriented business or within a 1,000 foot radius of any bar, tavern, or other establishment regulated by the Ohio division of liquor control offering the sale of beer or intoxicating liquor for consumption on the premises in combination with live entertainment.
- d. For the purposes of this section, measurement shall be made in a straight line without regard for intervening structures or objects, from the nearest point of the property line of a sexually- oriented business, to the nearest property line of the protected district or premise listed above. The presence of a municipal, county, or other political subdivision boundary shall be irrelevant for the purpose of calculating and applying the distance requirements of this section.

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<sup>32</sup> HISTORY: Amended Effective February 18, 2005



**SECTION W. SEXUALLY-ORIENTED BUSINESSES (Contd.)**

6. SEPARATION REQUIREMENT FOR LIVE PERFORMERS  
No person shall engage in a live performance of sexually-oriented material except upon a stage elevated at least 18 inches above floor level.
  - a. All parts of the stage, or a clearly designated area thereof within which the person exhibits specified anatomical areas or performs specified sexually-oriented material, shall be a distance of at least six (6) feet from all parts of a clearly designated area in which patrons may be present.
  - b. The stage or designated area thereof shall be separated from the area in which patrons may be located by a barrier or railing the top of which is at least three (3) feet above floor level.
  - c. No person engaging in such live performances or patron may extend any part of his or her body over or beyond the barrier or railing.
  
7. EXTERNAL VISUAL IMPACT
  - a. No sexually-oriented materials, or displays, promotions, or advertisement which display specified sexual anatomical areas or specified sexual activities, shall be displayed, distributed or exhibited so as to be visible from the public right-of-way, or from any adjacent public or privately owned property, or by juveniles permitted within the establishment.
  - b. All building openings, entries, windows, and doors of sexually-oriented businesses shall be located, covered, serviced, or otherwise designed to prevent a view into the interior of the building from any public right-of-way or other public space or privately owned property.
  
8. OTHER REGULATIONS
  - a. Sexually-oriented businesses shall comply with the regulations applicable to all properties in any district in which they are located;
  - b. **Signage Requirements.** Exterior signage shall not include verbal or written messages, graphics, drawings, or other illustrations which publicly display specified sexual anatomical areas or specified sexual activities.
  - c. **Animals.** No animals, except seeing eye dogs required to assist the blind, shall be permitted at any time at or in any sexually-oriented business establishment.
  - d. **Restrooms.** All restrooms in a sexually-oriented business establishment shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No sexually-oriented materials or live performances shall be provided or allowed at any time in the restrooms of a sexually-oriented business establishment. Separate male and female restrooms shall be provided for and used by sexually-oriented business establishment employees and patrons.
  - e. **Parking Requirements.** Off-street parking shall be provided in accordance with Article IX (Off-Street Parking and Loading Requirements).

**SECTION X. SHOOTING RANGES**<sup>33, 34</sup>

In order to protect the health and safety of Township residents from the danger of lead poisoning and noise public nuisance, shooting ranges shall:

1. Be located in buildings or outside shooting range equipped to follow state and federal lead pollution guidelines. All owners and employees shall undergo "elevated blood - lead" testing and airborne lead dust testing once per year, and provide the Township with the results of such testing.
2. Be designed to prevent noise from reaching adjacent properties and violating Township noise performance standards;
3. Be subject to limited hours of operation as directed by the Board of Zoning Appeals.
4. Be conditionally permitted requiring approval by the Board of Zoning Appeals (BZA).

**SECTION Y. SINGLE FAMILY DWELLING UNIT REQUIREMENTS**

The following standards are established for the placement of all single-family dwellings and permanently sited manufactured homes in areas of the Township in which single-family dwellings are permitted.

1. **SINGLE FAMILY DWELLINGS**
  - a. All single-family dwellings shall meet the minimum lot area, minimum setbacks, and maximum height limitation for the particular district in which it will be located.
  - b. All single-family dwellings shall be affixed to the land upon an approved foundation, constructed in accordance with the requirements of the Wood County Building Regulation for foundations.
  - c. All single-family dwellings shall meet construction requirements of the Wood County Building Regulation or be in compliance with Federal codes (HUD) for industrialized units.
  - d. All single-family dwellings must be approved for and permanently connected to all required utilities and meet applicable requirements for water and sewer disposal as determined by the Wood County Board of Health.
  - e. Off-street parking shall be provided according by Article IX (Off-Street Parking and Loading Requirements).
2. **PERMANENTLY-SITED MANUFACTURED HOMES**
  - a. All permanently-sited manufactured homes shall meet the minimum lot area, minimum setbacks, and maximum height limitations for the particular district in which it will be located.

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<sup>33</sup> HISTORY: Amended Effective February 18, 2005

<sup>34</sup> HISTORY: Amended Effective February 17, 2011

**SECTION Y. SINGLE FAMILY DWELLING UNIT REQUIREMENTS (Contd.)**

- b. All dwellings shall be installed with properly engineered foundation systems that meets the manufacturer's installation requirements and/or applicable State and local building codes for residential dwellings. A properly engineered foundation system is one that provides adequate support of the dwelling's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the dwelling to the undisturbed ground below the frost line.
- c. The dwellings shall have all towing apparatus, wheels and exposed chassis, if any, removed before occupancy of any kind is permitted.
- d. The dwelling must be approved for and permanently connected to all required utilities.
- e. Off-street parking shall be provided according to Article IX (Off-Street Parking and Loading Requirements)
- f. All permanently-sited manufactured homes shall be taxed as real property.

**SECTION Z. STATE ROUTE 20/23 OVERLAY DISTRICT**

- 1. **REVIEW AND APPROVAL PROCEDURES**  
All requirements contained in this overlay district shall be enforced as part of the Site Plan review process as specified in Article XIII (Site Plan Review) and/or as part of the Zoning Certificate/Permit process as specified Article XI, Section B (Zoning Certificates/Permits).
- 2. **DEVELOPMENT STANDARDS**  
Specific development standards for the Route 20/23 Overlay District replace and/or supplement development standards within the underlying zoning district. Where the requirements of the Route 20/23 Overlay Zone conflict or contradict requirements in the underlying zoning district, the stricter of the two shall apply.
  - a. **Landscape Strip:** A landscape strip is required along the full length of the lot line which abuts a public right-of-way and shall be not less than 30 feet in width (measured from the right-of-way toward the opposite lot line).
    - (1) This landscape strip shall be used only for landscaping treatments, permitted signage, underground utilities, and driveways that are generally perpendicular to the right-of-way line. In the case of a corner lot, landscape strips shall be provided along both road frontages. However, where a front, side or rear lot line abuts an access road parallel or perpendicular to Route 20/23, the width of the landscape strip may be reduced to 10 feet.

## SECTION Z. STATE ROUTE 20/23 OVERLAY DISTRICT (Contd.)

- (2) This landscape strip shall be mounded with varying slopes, alignments and contours in accordance with Article VIII, Section D.3.b. (Landscape Mounding Option) provided slopes average a horizontal to vertical ratio of three to one (3:1). Gently sloping crests shall be provided. Mounding shall not screen the view of vehicles entering or exiting a parking area or driveway.<sup>35</sup>
  - (3) Plant materials in the landscape strip shall be in accordance with Article VIII, Section E (Plant Materials) and include at least one, three inch caliper tree every thirty (30) feet of linear road frontage, and random shrub plantings and/or ornamental plant materials.<sup>36</sup>
- b. **Signage:** Freestanding signs shall be limited to monument signs. All other sign standards shall be equivalent to those established in Article X (Sign Regulations) for signs located in the applicable underlay district, except that monument style signs shall not exceed eight (8) feet in height, fourteen (14) feet in width, eighty (80) square feet in sign area (excluding area of support structure) and the sign face shall be perpendicular to the main road. Sign height shall be computed in accordance with Article X, Section D.3 (Computation of Height).<sup>37</sup>
  - c. **Utilities:** New utilities shall be underground.
  - d. **Outside Storage:** All outside storage areas shall employ screening and/or fencing. Outside storage areas shall be confined to approved locations, kept in an organized and orderly manner, with no growing or noxious weeds permitted.
  - e. **Exterior Lighting.** All exterior lighting shall be positioned in such a way to avoid light spillage or glare onto adjoining residential properties or public streets. A photometric plan shall be submitted to the Township for review.<sup>38</sup>
3. ACCESS CONTROL  
A Site Plan for property in the Route 20/23 overlay district shall address, access issues raised by a traffic impact study, any applicable corridor plans, and in terms of general requirements of this Zoning Resolution. The following specific requirements shall also be considered:
    - a. **Planned Major Intersections.** Major intersections are planned at the following Route 20/23 locations:
      - (1) Route 20/23 and Lime City Road
      - (2) An undetermined location about 2,000 feet west of Lime City Road.
      - (3) The eastern most signalized entrance to Crossroads Shopping Center (closest to Home Depot)
      - (4) Route 20/23 and Crossroads Boulevard and Thompson Road
      - (5) Route 20/23 and Simmons Road.

<sup>35</sup> HISTORY: Amended Effective February 18, 2005<sup>36</sup> HISTORY: Amended Effective February 18, 2005<sup>37</sup> HISTORY: Amended Effective March 3, 2003; Amended Effective February 18, 2005<sup>38</sup> HISTORY: Amended Effective February 17, 2011

**SECTION Z. STATE ROUTE 20/23 OVERLAY DISTRICT (Contd.)**

- b. **Access Drives/Roads.** The preferred type of access to a lot with frontage on Route 20/23 is a rear drive access drive, located in the rear of a property and connecting to adjoining parcels. Where a rear access drive is not feasible, a front access drive to connect adjoining parcels shall be considered. An access drive shall be publicly dedicated right-of-way, constructed at the owner's expense and built to Wood County and/or ODOT Standards. To the greatest extent practical, direct access to Route 20/23 should be limited to right-in and right-out driveways, or temporary, two-way drives that will be closed when a surrounding property develops and an access road is provided in the future. The distance between US Route 20/23 and access drive shall be determined by the Ohio Department of Transportation or the Wood County Engineer; subject to the jurisdictional authority of the roadway. The access drive shall be constructed before any occupancy or use is permitted. A bond, escrow or other assurance shall be required by an appropriate authority for the completion of the access drives/roads. Where access drives/roads are not appropriate, driveway sharing and/or cross access between parking areas of the adjacent parcels shall be substituted.<sup>39</sup>

**SECTION AA. SWIMMING POOLS FOR COMMUNITY OR CLUB USE**

A community or club swimming pool shall be any pool constructed by an association of property owners or by a private club for use and enjoyment by members of the association or club and their families. Community and club swimming pools shall comply with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the members and families and guests of members of the association or club whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structure thereto, including the area used by the bathers, shall be no closer than 100 feet from any property line on the property on which it is located
3. The swimming pool and the entire area used by the bathers shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet and not greater than seven (7) feet in height and maintained in good condition. The vertical clearance between the existing or proposed grade shall not exceed two (2) inches for grade surfaces that are not solid, such as grass or gravel or four (4) inches for grade surfaces that are solid, such as concrete or asphalt concrete. Openings in the fence or wall shall not allow passage of a four (4) inch diameter sphere and open spacing between vertical and/or horizontal member shall not exceed four (4) inches. The fence or wall shall be accommodated with a locking device and the pedestrian access gates shall open outward away from the swimming pool and shall be self-closing and shall have a self-latching device.<sup>40</sup>

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<sup>39</sup> HISTORY: Amended Effective February 17, 2011

<sup>40</sup> HISTORY: Amended Effective January 16, 2013

**SECTION AA. SWIMMING POOLS FOR COMMUNITY OR CLUB USE (Contd.)**

4. Above-ground swimming pools with a side wall height of not less than forty-eight inches from grade shall not require a separate wall or fence surrounding it, but shall have an access ladder removed or locked in an up position when not in use. Above-ground swimming pools which have a deck surrounding or partially surrounding the pool area shall be not less than forty-two inches in height and shall have a removable access ladder or self<sup>41</sup> lockable stair gate.

**SECTION BB. SWIMMING POOLS FOR PRIVATE USE**

A private swimming pool shall be any pool, temporary pool or open tank, where swimming is normally permitted, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1<sup>1</sup>/<sub>2</sub>) feet. No such swimming pool shall be allowed in any "A" or "R" district unless it complies with the following conditions and requirements:<sup>42</sup>

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
2. No part of the water area, exposed equipment, or structure housing equipment shall be closer than ten (10) feet from any property line. Concrete paved areas or decking adjoining a pool may not be closer than five (5) feet from a property line.
3. A permit shall be required.
4. The swimming pool and the entire area used by the bathers shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet and not greater than seven (7) feet in height and maintained in good condition. The vertical clearance between the existing or proposed grade shall not exceed two (2) inches for grade surfaces that are not solid, such as grass or gravel or four (4) inches for grade surfaces that are solid, such as concrete or asphalt concrete. Openings in the fence or wall shall not allow passage of a four (4) inch diameter sphere and open spacing between vertical and/or horizontal member shall not exceed four (4) inches. The fence or wall shall be accommodated with a locking device and the pedestrian access gates shall open outward away from the swimming pool and shall be self-closing and shall have a self-latching device.<sup>43</sup>
5. Above-ground swimming pools with a side wall height of not less than forty-eight inches from grade shall not require a separate wall or fence surrounding it, but shall have an access ladder removed or locked in an up position when not in use. Above-ground swimming pools which have a deck surrounding or partially surrounding the pool area shall be not less than forty-two inches in height and shall have a removable access ladder or self<sup>44</sup> lockable stair gate.

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<sup>41</sup> HISTORY: Amended Effective January 16, 2013

<sup>42</sup> HISTORY: Amended Effective February 17, 2011

<sup>43</sup> HISTORY: Amended Effective January 16, 2013

<sup>44</sup> HISTORY: Amended Effective January 16, 2013

**SECTION CC. TEMPORARY BUILDINGS <sup>45</sup> AND/OR STRUCTURES <sup>46</sup>**

Temporary buildings and/or structures such as construction offices, work sheds, temporary storage of materials (eg. Dumpsters, PODS, etc.), temporary living quarters, temporary sales offices, or other similar temporary uses are subject to the following requirements:

1. Temporary buildings and/or structures used for construction offices or temporary storage or disposal of material, and temporary storage of equipment in conjunction with construction work shall be permitted land uses in any district only during the period that the construction is in progress.
2. Temporary buildings and/or structures used for temporary living quarters, temporary sales offices, or other similar temporary uses shall be conditionally permitted requiring approval by the Board of Zoning Appeals and shall expire upon completion of the purpose for which the temporary permit is granted. Permits for such use shall be for a maximum of one year only and will require renewal for continued use.
3. Temporary buildings and/or structures (eg, Dumpsters, PODS, etc.) used for temporary storage or disposal of materials and items shall be a permitted land use in any district for a period not to exceed fourteen (14) days.

Other permits may be necessary and may be obtained from the appropriate Wood County or State of Ohio agency office. See Article VII, Section L (Manufactured Homes and Mobile Homes) and Article VII, Section U (Recreation Vehicles).

**SECTION DD. UNDERGROUND FUEL TANKS / PUMPS**

The installation of underground fuel tanks and/or pumps shall be subject to the submission of plans to the Zoning Inspector prior to installation along with the necessary permit from the State Fire Marshall.

**SECTION EE. WIRELESS TELECOMMUNICATION TOWERS<sup>47</sup>**

Wireless telecommunication towers are regulated in areas zoned for residential use by this zoning resolution in accordance with ORC Section 519.211.

1. When the Board of Township Trustees receives notice in accordance with ORC Section 519.211 from a property owner, or if a board member makes an objection, then the proposed telecommunications tower shall be deemed to be a conditional use subject to approval by the Board of Zoning Appeals.
2. As a conditional use, the Board of Zoning Appeals can require the following conditions:
  - a. Landscaping around the base of the tower in accordance with Article VIII, Section D.3.

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<sup>45</sup> HISTORY: Amended Effective February 18, 2005

<sup>46</sup> HISTORY: Amended Effective February 17, 2011

<sup>47</sup> HISTORY: Amended Effective January 16, 2013

**SECTION EE. WIRELESS TELECOMMUNICATION TOWERS (Contd.)**

- b. Certified evidence of the structure's stability.
- c. Evidence that adequate provisions are placed for the removal of the tower should it become obsolete.

**SECTION FF. HOME OCCUPATIONS<sup>48</sup>**

- 1. Home occupations are permitted accessory uses in a residential zone; subject to the provisions of this chapter.
  - a. Any occupation or activity is carried on by a member of the immediate family residing on the premises and not more than one non-family<sup>49</sup> person is employed other than members of the immediate family;
  - b. Such occupation shall be conducted wholly within the dwelling thereof;
  - c. The gross floor area devoted to a home occupation shall not exceed twenty-five(25) percent of the total floor area of such dwelling;
  - d. No stock in trade shall be kept or commodities sold other than articles produced by such home occupation. Samples produced by the home occupation can be kept at the site. Items commonly collected or traded and occasionally sold by hobbyists, such as coins, stamps, antiques, etc., may be considered as exempt of these provisions when all other conditions are met;
  - e. No vehicular or pedestrian traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood; any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard, in an amount as determined necessary by the Board of Zoning Appeals;
  - f. No vehicle, licensed as commercial vehicle and used in connection with the home occupation, shall be parked on the property.
  - g. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists;
  - h. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emissions of sounds, noises or vibrations;
  - i. There shall be no outdoor storage of any kind related to the home occupation;

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<sup>48</sup> HISTORY: Amended Effective February 17, 2011

<sup>49</sup> HISTORY: Amended Effective January 16, 2013



**SECTION FF. HOME OCCUPATIONS (Contd.)**

- j. No indoor storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible from the exterior of the structure in which the materials, goods supplies, or equipment are located;
  - k. Only one nameplate or sign shall be allowed, It may display the name of the occupant and/or the name of the home occupation (e.g. John Doe, Attorney). It shall not exceed two square feet in area, shall be non-illuminated, and attached flat to the main structure or visible through a window;
  - l. No mechanical equipment shall be used except such as may be used for domestic or household purposes, or as deemed similar to power and type.
  - m. When reviewed by the Board of Zoning Appeals, other reasonable conditions and limitations as may be required to protect nearby residential premises.
2. All home occupations are subject to the provisions and regulations of Article VII, Section FF. 1. the residential zoning district, which must be met before a home occupation permit is granted. Home occupations include, but are not necessary limited to the following:
- a. Dressmakers. Seamstresses, and tailors.
  - b. Music or dance teachers, provided that the instruction shall be limited to one pupil at a time.
  - c. Artists, sculptors, or authors.
  - d. Architects, engineers, attorneys, salesmen, and members of similar professions that typically do not involve extensive client visitation.<sup>50</sup>
  - e. Ministers, rabbis, priests, or members of religious orders.
  - f. The letting for hire of not more than two rooms for rooming or boarding use for not more than two persons, neither of whom is a transient.
  - g. Family day care homes, limited to not more than six (6) children and in which no more than three (3) children are under two (2) years of age at one time.
  - h. Home crafts, such as model making, rug weaving, lapidary work and cabinet making.
3. Home occupations permitted herein shall not in any event be deemed to include the following:
- a. Animal hospitals.
  - b. Barber shops.
  - c. Beauty parlors.

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<sup>50</sup> History: Amended Effective January 16, 2013

**SECTION FF. HOME OCCUPATIONS (Contd.)**

- d. Clinics or hospitals, including veterinary.
  - e. Dance schools.
  - f. Mortuaries.
  - g. Nursery schools.
  - h. Private clubs
  - i. Renting of motor vehicles or recreational vehicles.
  - j. Automotive repair shops or vehicular service establishments.
  - k. Restaurants
  - l. Stables or kennels.
  - m. Poultry or livestock
  - n. Tourist homes.
  - o. Gift shops.
  - p. Scrap or recycling yard.<sup>51</sup>
  - q. Automotive recycling yard.<sup>52</sup>
4. Prior to commencement thereof, an application for a home occupation permit shall be made to the Office of Zoning shall be accompanied by a zoning fee. The schedule of fees shall be posted in such office. Until all applicable fees, charges, and expenses are paid in full, no action shall be taken on any home occupation permit.
5. Zoning Inspector Decision
- a. If upon examination of the request for a home occupation permit, the Zoning Inspector finds that such a use will conform to the requirements of this chapter, he shall issue a permit for such use within thirty (30) calendar days. If the request for a home occupation permit is denied, the applicant shall be notified within thirty (30) calendar days.
  - b. The denial of any such application by the Zoning Inspector may be appealed by the applicant to the Board of Zoning Appeals in the manner provided in Article XII (Zoning Commission and Board of Zoning Appeals).

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<sup>51</sup> History: Amended Effective January 16, 2013

<sup>52</sup> History: Amended Effective January 16, 2013

**SECTION FF. HOME OCCUPATIONS (Contd.)**

6. The Zoning Inspector may, at his discretion, refer the application to the Board of Zoning Appeals. In the event of an appeal, the Board of Zoning Appeals shall give notice and hold an adjudicative hearing on such proposed use in accordance with the procedure outlined in Article XII.
7. Board of Zoning Appeals Decision
  - a. The decision of the Board of Zoning Appeals shall be final and become effective immediately from the date the written decision has been made.
  - b. No later than five (5) calendar days following the Board's action in granting or denying the home occupation, a written notice of the decision shall be mailed to the applicant at the address shown on the application form. A copy of such notice shall also be forwarded to the Trustees and the Zoning Commission.
8. The Zoning Inspector may void at any time a home occupation permit for noncompliance with the conditions set forth in approving the permit. Notice of such action shall be sent to the applicant in question.

**SECTION GG. WIND TURBINE<sup>53</sup>**

1. Unless otherwise specifically provided, wind turbines shall be a conditional use in all districts under the following conditions:
  - a. The maximum height of any wind turbine for the private generation shall be 100 Ft. For purposes of the particular zoning item, maximum height shall be considered the total vertical height calculated by measuring the length of the blade or vane at the maximum vertical rotation to the original/normal grade.
  - b. The maximum height of any wind turbine for public or commercial generation shall be reviewed and determined by the Zoning Commission on a case by case basis. Maximum height shall be measured the same as a private wind turbine.
  - c. Setbacks: the following shall apply in regards to setbacks
    - (1) Any wind turbine erected on parcel of land will need to establish a "clear fall zone" equal to the maximum height of the wind turbine from all neighboring property lines, structures, as well as any structures on the parcel intended for the wind turbine. A wind turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained safely on the property where the wind turbine is located at, and would not strike any structures including the primary dwelling, and any accessory buildings or uses.
  - d. Aesthetics: The following provisions shall be applied to the aesthetics issue of wind turbines,

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<sup>53</sup> HISTORY: Amended Effective February 17, 2011

**SECTION GG. WIND TURBINE (Contd.)**

- (1) The wind turbine, including the prop blade or vanes, turbine, cowling, nacelle, and tower shall be painted or coated either white, light gray, or sky blue. Logos, signs or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the wind turbine.
  
- e. Noise: Broadband noise from any wind turbine shall be limited to no more than 10 decibels above the original ambient baseline sound level (or that level which is exceeded 90% of the time) beyond the property line, considering both daytime and night measurements as reported in the engineer's sound propagation model required in Article VII, Section GG(1)(g)(k)(3). The day and night requirements will be different. The harmonic mean of the night measurements will set the baseline for night noise limits and the harmonic mean of the daytime measurements will set the baseline for daytime limits. Pure tones defined as an octave band (at any frequency) are limited to no more than 3 decibels above the adjacent higher and lower octave bands.
  
- f. Ice: The potential ice throw or ice shedding for the wind turbine shall not cross the property lines of the site in question nor impinge on any public right-of-way or overhead utility line. Compliance shall demonstrated in the zoning certificate application by specific analysis method, but such model shall not alleviate the applicant of the need to comply with this subsection under all atmospheric conditions, for the life of the structure. This standard shall not apply to an anemometer tower.
  
- g. Zoning Certificate Application
  - (1) A zoning certificate shall be required before construction can commence on a wind turbine system or anemometer tower.
  
  - (2) As part of the application process, the applicant shall provide written documentation that the applicant has notified the FAA, Toledo Executive Field and any other applicable state and federal regulatory agencies of the proposed wind turbine system or anemometer tower.
  
  - (3) As part of the application process, the applicant shall provide to the Township a report prepared by a professional engineer with the following information:
    - (a) The total size of the wind turbine unit.
  
    - (b) The total size and height of the tower, pole, or support structure including sealed structural design calculations from a professional engineer.
  
    - (c) The total size and depth of the concrete foundation including sealed foundation design calculations from a professional engineer.

**SECTION GG. WIND TURBINE (Contd.)**

- (d) list and or depiction of all safety measures that will be on the unit including anti-climb device, grounding devices, and lighting protection.
- (e) Data specifying the kilowatt size and generating capacity of the wind turbine unit.
- (f) An engineers sealed site drawing showing the location of the unit feet and inches in relation to existing structures on the site, roads and other public right-of-ways, and neighboring properties and structures.
- (g) Evidence of a "clear fall zone" shall be shown on the site drawing with manufacturing recommendations.
- (h) Color of the unit as well as the location and size of the manufacturers identifying logos shall be included in the drawings.
- (i) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the zoning certification.
- (j) Documentation that the site of the wind turbine has sufficient wind resources for the proposed wind turbine equipment.
- (k) Analysis, measurements and projections of wind turbine noise propagation shall conform to the International Electromechanical Commission (IEC) Standard 614.00-11 Part 11, as that standard may be amended or updated from time to time. Acoustic Noise Measurement Techniques, with optional noise directivity requirements (see below), infrasound (low frequency) projections, low frequency noise (between 20 and 100 Hz) measurement and analysis and impulsivity measurement (noise pressure of potential "thumping" sounds). Analysis shall include but not limited to:
  - (i) A Survey of the existing ambient background noise levels. Analysis shall include day time measurements and also at least two ambient noise measurements between 9:00 PM and 11:59 PM and two between 1:00 AM and 5:00 AM.

SECTION GG. WIND TURBINE (Contd.)

- (ii) A prediction of the Wind Turbine Generator (WTG) noise levels at the property border. This can be made with manufacturer's data or data from a private testing agency for proposed WTGs or by direct measurement for WTGs in place, so long as measurements are conducted according to MC and 61400-11 part 11 as that standard may be amended or updated from time to time. Including infrasound and low frequency noise between 20 and 100 Hz, modeling must identify likely pure tone sources
- (iii) Identification and support for a model for sound propagation. The model may be hemispherical or spherical but particular attention must be paid to the noise propagation downwind of the proposed installation site and the propagation of sound at different atmospheric densities.
- (iv) A comparison of calculated wind sound pressure levels with and without the WTG or proposed WTGs. This confirms the baseline for permitted sound levels once the WTGs are operating.

\*This application requirement shall not apply to any anemometer tower.

- h. Anemometer and Anemometer Tower: The anemometer and anemometer tower shall comply with the setback, height and other requirements for the wind turbines except where indicated in this section.
- i. Removal of Wind Turbine and Anemometer Towers: Wind Turbine Anemometer towers that are not operated for a continuous period of twelve (12) months shall be removed by the owner of the wind turbine or anemometer tower within 90 days of receipt of a notice from the Township requiring such removal. For purposes of this section, non operation shall be deemed to include, but shall not be limited to, the anemometer instrument(s) being removed from the anemometer tower or disconnected so that wind resources are no longer being measured, the blades of the wind turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the wind turbine is no longer connected to the public utility electricity distribution system. IN THE EVENT A WIND TURBINE OWNER FAILS TO REMOVE THE WIND TURBINE TOWER OR THE ANEMOMETER TOWER AS REQUIRED BY THIS SECTION THE TOWNSHIP SHALL HAVE THE AUTHORITY TO REMOVE THE TOWER AND SHALL ASSESS THE PROPERTY OWNER TO COVER THE COSTS OF SUCH REMOVAL.
- j. Duration of Permit: A permit to operate a temporary anemometer tower shall be valid for one year and may be extended for a maximum of one additional year. A permit to operate a wind turbine shall be valid for 20 years.

**SECTION GG. WIND TURBINE (Contd.)**

- k. Use of Current Technology: Wind turbines shall be designed to the current state of the technology. Used, outdated or obsolete wind turbine equipment shall not be permitted to be constructed or installed. With respect to performance standards set forth in this -resolution, repairs and parts replacement shall not be of lesser quality than that of the original permitted equipment and shall be upgraded to the performance standards current at the time of the repair. In no case shall repairs or alterations be allowed which will decrease the degree to which the wind turbine complies with this resolution.
- l. Major Equipment Replacement During Life of the Permit: Should the wind turbine operator wish to replace major components such as turbine blades, generator, main gear box, nacelle, or the entire wind turbine the operator shall demonstrate that the wind turbine will substantially meet the then current criteria for new wind turbine permits, except that setback distances will not be increased. In no case shall replacement or alterations be allowed which will decrease the degree to which the wind turbine complies with this resolution.
- m. Wind Turbine Permit Renewal: At any time the operator of a Wind Turbine may elect to seek a new permit for the given site. A new wind turbine permit shall not allow aspects of the previous permit to be "grandfathered". To qualify for a new permit the wind turbine installation shall meet all criteria of the then current standards.

**SECTION HH. SOLAR PANEL<sup>54</sup>**

Solar panels shall be allowed in all zoning districts either attached to permitted principal or accessory buildings or as accessory structures subject to the following regulations:

- 1. Attached to building. Where attached to building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks. Solar panels may be attached to the roof or the building wall, but not both.
  - a. Roof mounted panels shall include solar panels integrated as the surface layer of the roof structure which no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.
    - (1) Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
    - (2) Separate flush-mounted solar panels may only be located on a rear- or side-facing roof.
    - (3) Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.

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<sup>54</sup> HISTORY: Amended Effective February 17, 2011

**SECTION HH. SOLAR PANEL (Contd.)**

- (4) Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features.
- b. Flush-mounted solar panels on the building wall may only be attached to one (1) side or rear building facade and shall not face a street.
- 2. Free-standing. Solar panels that are not attached to a building shall be permitted as an accessory structure subject to the following regulations:
  - a. Free-standing solar panels shall be permitted in the rear yard only.
  - b. Free-standing solar panels shall be setback according to the setback requirements of Section B. 2. b. of this Article.
  - c. Free-standing solar panels shall not exceed a height of four (4) feet.
  - d. The surface area covered by a free-standing systems shall not exceed one percent (1%) of the lot or one hundred eighty (180) square feet, whichever is less. Area covered shall be included in the lot coverage calculations for the lot.
  - e. All power transmission lines shall be underground.
  - f. Free-standing solar panels shall not be visible from adjacent property and shall be screened by landscaping where necessary.
- 3. Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
- 4. Building permit, Solar energy systems shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system in accordance with the Building and Electrical Codes.

**SECTION II. WASTE DISPOSAL FACILITY<sup>55</sup>**

This section is intended to be interpreted and applied so as not to be in conflict with the general laws of the State of Ohio. Unless specifically defined otherwise in the Zoning Resolution, the terms used in this section and the definitions pertaining hereto, shall have the same meanings as the definitions established for such terms in the Ohio Revised Code and Ohio Administrative Code.

- 1. No waste disposal facility shall be established, operated, used or located within the Township unless such facility is located within an I-2 zoning district.
- 2. No waste disposal facility shall be established, operated or located within the Township unless such facility has been issued a Conditional Use Certificate under Article XII of this Resolution.

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<sup>55</sup> HISTORY: Amended Effective February 17, 2011



**SECTION II. WASTE DISPOSAL FACILITY (Contd.)**

3. A Conditional Use Certificate issued hereunder shall be conditioned on the operator and site having and maintaining valid permits, licenses and registrations required by any regulatory agency or authority having jurisdiction over such operations.
4. Except as specifically provided for and permitted under this Section, no person shall dispose of waste nor operate any waste disposal facility or solid waste transfer facility within the unincorporated territory of the Township.
5. This Section does not apply to home composting, as defined in this Resolution.