

## ARTICLE IX SUPPLEMENTAL REQUIREMENTS

Section 1.	AGRICULTURAL USE RESTRICTIONS	Section 19.	RECREATIONAL AREAS, FACILITIES, OR CENTERS
Section 2.	BED AND BREAKFAST INNS	Section 20.	REMOVAL OF DIRT, TOPSOIL, OR GRAVEL
Section 3.	CLUBS, FRATERNITIES, LODGES, AND MEETING PLACES FOR OTHER ORGANIZATIONS	Section 21.	REST HOMES OR NURSING HOMES FOR CONVALESCENT PATIENTS
Section 4.	CORNER LOTS	Section 22.	SERVICE STATIONS
Section 5.	DAY CARE CENTERS, DAY CAMPS	Section 23.	SEXUALLY-ORIENTED BUSINESSES
Section 6.	FARM MARKETS	Section 24.	SINGLE FAMILY DWELLINGS AND PERMANENTLY SITED MANUFACTURED HOMES
Section 7.	FENCES AND HEDGES	Section 25.	STORMWATER MANAGEMENT
Section 8.	GROUP HOMES	Section 26.	TELECOMMUNICATION STRUCTURES
Section 9.	HOME OCCUPATIONS	Section 27.	TEMPORARY BUILDINGS
Section 10.	JUNK YARDS, RECYCLING CENTERS, AND SALVAGE YARDS	Section 28.	TRAILERS, MOBILE HOMES, MOTELS, MOTOR HOMES
Section 11.	LANDSCAPING REQUIREMENTS	Section 29.	TRANSPORTATION FOR HIRE BUSINESS
Section 12.	MANUFACTURED HOME PARK	Section 30.	DECKS
Section 13.	OFF-STREET PARKING AND LOADING	Section 31.	NON-TRADITIONAL ACCESSORY BUILDINGS
Section 14.	LANDSCAPE REVIEW REQUIREMENTS	Section 32.	ACCESSORY STRUCTURE
Section 15.	PERFORMANCE REQUIREMENTS		ENDNOTES
Section 16.	PONDS		
Section 17.	PRIVATE SWIMMING POOLS		
Section 18.	PUBLIC, SEMIPUBLIC, OR PUBLIC SERVICE BUILDINGS, HOSPITALS, INSTITUTIONS OF RELIGIOUS, CHARITABLE OR PHILANTHROPIC NATURE AND SCHOOLS		

### Section 1. AGRICULTURAL USE RESTRICTIONS

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

1. On Parcels of One Acre or Less:

A. Permitted Uses.

1. Agricultural uses not involving animals are permitted uses. With the exception of fruit trees, such uses may not be extended beyond the front setback line for the district in which the parcel is located and does not exceed more than thirty-three and one-third (33-1/3) percent of the total open space of such parcel.
2. Gardening, the raising of vegetables or fruits, and the keeping of domestic pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes are permitted accessory uses, provided that any heating plant and any exterior structure in which domestic pets are kept shall be located not less than one hundred (100) feet from every lot line.

3. Building and structures accessory to the agricultural use of the property shall:
  - a) Meet front, side and rear setback lines for the district in which the parcel is located;
  - b) Not exceed thirty-five (35) feet in height;
  - c) Not exceed one-eighth (1/8) of the total area of the parcel;
  - d) Be constructed in a design and of materials which harmonize to existing residential, commercial or industrial structures on the property.
- B. Conditional Uses. Dairying, pasturage and animal husbandry, not including the keeping of domestic pets, are conditional uses subject to approval by the Board of Zoning Appeals. The Board shall consider:
  1. Size of lot 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.
2. On Parcels larger than one acre but less than five acres:
  - A. Permitted Uses
    1. Building and structures incident to the agricultural use of property are subject to the setback, construction and design requirements set forth in (B) and (A)(3) above. Building and structures accessory to the agricultural use of the property shall:
      - a) Meet front, side and rear setback lines for the district in which the parcel is located;
      - b) Not exceed thirty-five (35) feet in height;
      - c) Not exceed one-eighth (1/8) of the total area of the parcel;
      - d) Be constructed in a design and of materials which harmonize to existing residential, commercial or industrial structures on the property.
  - B. Conditional Uses
    1. When at least thirty-five (35) percent of the lots of the subdivision are developed with at least one 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;
      - a) Dairying, pasturage, and animal husbandry not including domestic pets, are conditional uses subject to the approval by the Board of Zoning Appeals. The Board 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.
      - b) Any dairying and animal and poultry husbandry which exist prior to thirty-five (35) percent of the lots being developed shall be considered a nonconforming use of land, building, or structure pursuant to ORC 515.19.
    2. Riding stables and any building or land uses for the raising and care of horses shall be at least one hundred (100) feet from a lot in any "R" District.
    3. Dog kennels and veterinary establishments shall not be nearer than two hundred (200) feet to any zoned residential district or dwelling other than the dwelling of the lessee or owner of the site.

4. Temporary occupancy of a mobile home or house trailer upon property of forty (40) acres or more in size by a person whose principal livelihood during the entire period of the occupancy is derived from agricultural operations upon said property or by such a person and his immediate family. Occupancy of such mobile homes or house trailers shall conform to all applicable township, county and state health regulations and shall be subject to the requirements of Article VIII (Development Standards) of this Resolution as to the minimum depth of the front yard. Said mobile home or house trailer shall be removed from the property within thirty (30) days after any of the foregoing conditions cease to exist. Minimal size for a basic mobile home shall be seven hundred twenty (720) square feet.
3. On Lots Greater than Five Acres.  
The regulations of this Section do not apply to agriculture, buildings or structures and dairying and animal and poultry husbandry on lots greater than five (5) acres.

### **Section 2. BED AND BREAKFAST INNS**

The following conditions shall be met for all Bed and Breakfast inns:

1. The Inn must be owner-occupied; it must be the principal residence of the owner, and must be occupied by the owner.
2. Two (2) individuals not residing in the Inn may be employed in the operation of the Inn.
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.
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 the front yard set-back 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 Inn."
10. Any other condition or safeguard deemed appropriate by the Board of Zoning Appeals.

### **Section 3. CLUBS, FRATERNITIES, LODGES, AND MEETING PLACES FOR OTHER ORGANIZATIONS**

1. Clubs, fraternities, lodges, and meeting places for other organizations shall not include any use that is customarily conducted as a gainful business.
2. Buildings in which such uses are housed shall be located at least twenty (20) feet from any lot in any "R" District.

### **Section 4. CORNER LOTS**

1. Traffic Visibility Across Corner Lots.  
In any district on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the "corner" at a height of more than three (3) feet above curb or street grade, or so as to interfere with traffic visibility across the corner.
2. Setback.  
On a corner lot, the width of the yard along the side street shall not be less than any required front yard on such street, provided, however, the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet.

**Section 5. DAY CARE CENTERS, DAY CAMPS**

1. Have a minimum of thirty-five (35) square feet of indoor floor space available per person. Does not include kitchens, storage areas, or hallways.
2. Outdoor play space of a minimum of sixty (60) square feet per person.
3. Fences surrounding the premises shall be required. Type of fencing shall be of acceptable materials and height, with written approval by the immediate and adjacent property owners required prior to permit issuance, and conform to Section 7 of this article.
4. One toilet facility for each 10 students shall be provided. Said sewerage disposal shall be onsite or connected to public facilities with approval by the Health Department or E.P.A. No portable toilet facilities may be used.
5. Preliminary approval by State licensing boards and/or agencies and commissions shall be provided. All matters relating to the Ohio Basic Building Code shall be addressed and a letter from the Wood County Building Inspection Department indication preliminary approval shall be presented.

**Section 6. FARM MARKETS**

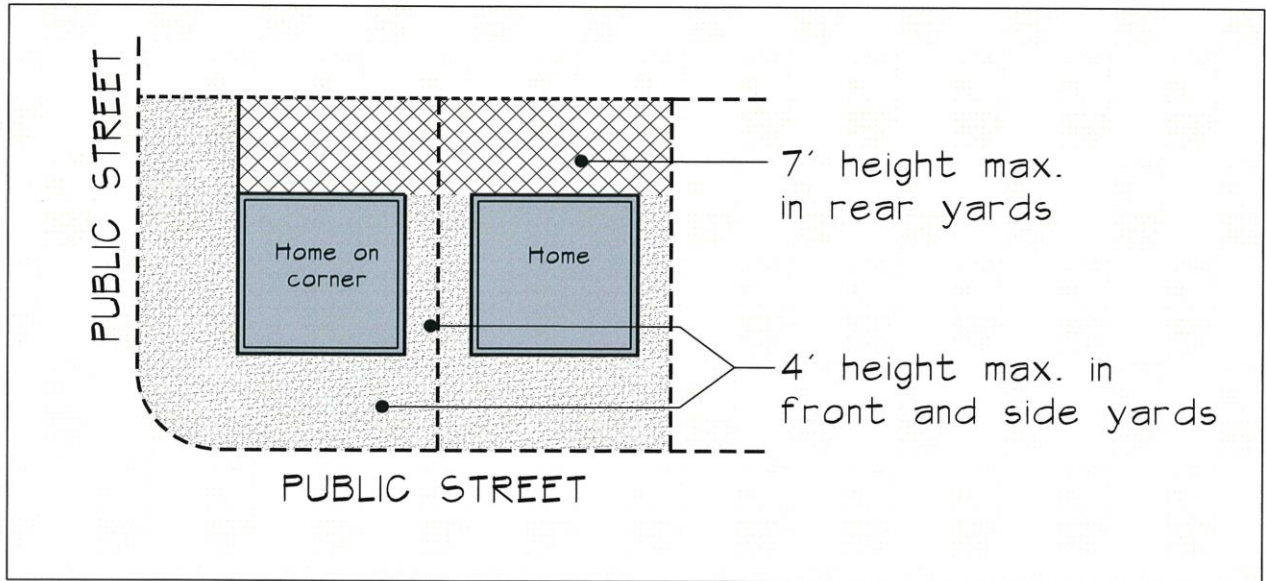
1. Farm market roadside stands, as defined herein, shall not be prohibited in any district..
2. Front Setback. Farm market roadside stands shall be set back twenty (20) feet from any right-of-way.
3. Building  
The maximum area of a farm market structure shall be two hundred (200) square feet.
  - A. There shall not be more than one such stand per parcel.
  - B. Said stand shall be portable and shall be removed or moved back to the specified zoning district setback line during any season or period when they are not being used.
  - C. The commercial fruit, vegetable, and produce sales shall be carried on wholly within the building.
  - D. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
4. Access Management. Farm Markets shall conform to access management requirements as required in this Resolution.
5. Parking  
Adequate off-street parking shall be provided for a minimum of 4 vehicles or more as determined by the Board of Zoning Appeals depending on the type and size of operation. Off-street parking areas shall be maintained in an all-weather, dust-free condition.
6. Signs  
The provisions of Article XII (Signage Regulations) shall apply.

**Section 7. FENCES AND HEDGES**

The purpose of this section is to establish regulations controlling the location, installation and standards for fences in order that a property owner may construct a fence while respecting the rights and enjoyment of neighboring property owners, the appearance of the Township, and the overall health, safety, and welfare of the public.

1. The following definitions are used in this section and are also defined in Article XVIII:
  - A. Fence: A structure used as an enclosure, barrier, privacy screening, confinement or for decorative purposes. Does not include hedges, shrubs, trees, or other natural growth unless supported by a trellis or other structure erected to satisfy the intent of this definition.
  - B. Fence Height: The distance from the ground directly below the fence to the fence's highest point. When a fence is constructed on a mound, or where the ground under the fence or wall has been raised to a higher level than the surrounding surface, the permissible height of the fence shall be reduced by the height of such mound or raised surface.
  - C. Fence, Temporary: A fence erected for a specific function and for a limited time such as snow fences or construction fences.

2. No fence shall be constructed, altered or reconstructed without an approved permit from the Township Zoning Inspector. To acquire the permit the applicant must submit the following:
  - A. A plan indicating the location, height, and material(s) of the proposed fence with accurate dimensions from all existing structures and property lines.
  - B. A written statement that the proposed fence location has been marked on site and is available for viewing by adjoining property owners.
  - C. The issuance of a permit by the Township Zoning Inspector shall not certify the location of lot lines.
3. Fence Standards
  - A. The maximum height of a fence in a business or manufacturing district shall be 8' with an additional 2' of barb wire permitted if applicable.
  - B. The maximum height of a fence in a residential district is 7'
  - C. Fences may not exceed four feet in height in the required front yard set-back in a residential district.
  - D. On a corner lot or a through lot, each yard abutting a street shall be considered a front yard.
  - E. Ornamental fences that are 42" or less and which do not exceed 20' in total length may be located in any yard and do not require a permit.
  - F. Fences may not be located within five feet of a public right-of-way.
  - G. Retaining walls, dry-stacked stone decorative walls and entry features may be located in front yards provided they conform to intersection clearance requirements.
  - H. No fence may be constructed which would obscure or screen fire hydrants, street address numbering, and other security or emergency service equipment, controls or components. Fences may not be located closer than 6' to a fire hydrant.
  - I. A three foot setback is required from any public utility box or equipment for fences in all districts.
  - J. In any district, no fence, structure, hedge or other planting shall be built or maintained in such a manner that visibility is obstructed from intersecting streets within thirty (30) feet in each direction from the intersection of the street right-of-way.
  - K. No barbed wire fence or similar sharp-point fences shall be constructed in any residential district.
  - L. Electrically charged fences shall be forbidden in all districts except when used for agricultural purposes.
  - M. Fences must be constructed so that exposed posts and supporting cross-elements shall face the property initiating the request or on which the fence or wall is constructed.



**Fence setbacks in residential districts**

**Section 8. GROUP HOMES**

Group homes may be permitted in all residential and agricultural districts subject to a conditional use designation. Any other criteria for conditional use permits would also apply. In addition, specific criteria are proposed for group home special uses.

1. Group homes which contain one (1) to eight (8) residents, exclusive of the care-provider(s), shall be operated by a owner/resident of the home. The lot shall be the same size or may be larger than the lot size required in the "A" and "R" District within which it is located.

**Section 9. HOME OCCUPATIONS**

A home occupation shall be allowed as a conditional accessory use in all residential zoning districts where it is clearly incidental and secondary to the use of the dwelling for residential purposes, and does not change the character thereof. A home occupation shall be subject to the following conditions:

1. Permit Required
  - A. No home occupation shall be permitted until an application for a Home Occupation Conditional Use Permit Application is reviewed and approved by the Board of Zoning Appeals according to the standards set forth herein.
  - B. A Home Occupation Conditional Use Permit shall be issued only to a resident of the dwelling unit in which the home occupation is to be conducted. If the resident rents the dwelling unit, the resident shall provide evidence of written permission from the dwelling unit's owner as part of the permit application.
  - C. Home Occupation Conditional Use Permits shall not be transferable, shall not run with the land, and shall expire upon the sale, transfer, or lease of the property to a new owner or tenant.
2. Prohibited Home Occupations as Accessory Uses  
The following uses and activities shall not be permitted as or conducted in a home occupation:
  - A. Funeral homes;
  - B. Hair care, salon, tanning studios, or other similar personal services;
  - C. Hotels;
  - D. Professional offices of physicians, dentists, and eye doctors;
  - E. Restaurants;
  - F. Retail sales;
  - G. Sexually-oriented businesses;
  - H. Vehicle or equipment sales, rental, or repair; or
  - I. Veterinary facilities and/or small-animal clinics or kennels.
3. Workforce. No more than two (2) persons other than members of the family residing in the dwelling unit shall be engaged in a home occupation.
4. Area of Use.
  - A. All activities associated with the home occupation shall be conducted entirely within the residential dwelling unit or in a building or other structure accessory to the dwelling unit.
  - B. Home occupations shall not involve the use of an area equivalent to more than twenty (20) percent of the floor area of the first story of the principal dwelling unit.
5. Operational Standards
  - A. Only one (1) home occupation shall be permitted per residence.
  - B. The use of the dwelling unit for a limited home business shall be clearly incidental and subordinate to its use as residential dwelling.
  - C. There shall be no display, stock in trade, or commodities sold except those which are produced on the premises.
  - D. Home occupations shall be subject to the performance standards (including noise standards) set forth in Article IX, Section 15 (Performance Requirements). No equipment or process

shall be used in a home occupation which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted on a lot with attached or multi-family structures. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers or causes fluctuations in line voltage off the premises.

- E. If applicable, the applicant shall demonstrate that all Americans with Disabilities Act (ADA), Occupational Safety and Health Administration, Environmental Protection Agency, and state and local Building Code regulations are met relevant to public standards for the use.

6. Outdoor Storage, Signage, and Exterior Appearance

- A. No outside storage of materials or equipment in conjunction with the home occupation shall be permitted.
- B. No signage with a commercial message related to the home occupation shall be permitted.
- C. There shall be no change in the outside appearance of the building or premises or other visible signs of the conduct of such home occupation.

7. Parking

- A. A home occupation shall provide off-street parking area adequate to accommodate all needs created by the home occupation in addition to the requirements for the principal use pursuant to Article XI (Off-Street Parking and Loading Requirements), but in no case shall a home occupation provide more than four (4) additional off-street parking spaces.
- B. Required off-street parking to serve a home occupation shall not be permitted in the front yard of the dwelling, other than in a driveway.
- C. To the maximum extent feasible, side yard areas shall not be converted to off-street parking areas to serve a home occupation.

8. Traffic Impact.

Home occupation shall not generate traffic in greater volumes than would normally be expected for the residential neighborhood.

**Section 10. JUNK YARDS, RECYCLING CENTERS, AND SALVAGE YARDS**

The following conditions and safeguards shall apply to the operation of Junk Yards, Recycling Center(s), and Motor Vehicle Salvage Yards. The Zoning Board of Appeals may impose additional safeguards or limitations as deemed appropriate.

1. Junk Yards shall be established in accordance with guidelines from the Federal and State Environmental Protection Agencies and shall be subject to additional protective measures as deemed necessary by the Township.
2. The Township recognizes the importance of recycling of certain commodities, and therefore shall address the need of these community and business operations by classifying recycling centers and regulating them as having similar characteristics as junkyards.
3. Before granting a conditional use permit, the applicant shall provide the Township with documentation evidencing the approval of the appropriate state and/or federal regulatory agencies and the necessary permits and licenses for such operations.
  - A. General
    1. In no event shall the disposal, handling, or storage of radioactive, toxic, or hazardous materials be permitted on the premises.
    2. The applicant shall provide a complete and accurate legal description of the entire site.
    3. The site plan shall be submitted which at minimum includes dimensions of the site, size of the buildings, building locations, setbacks, storage areas, driveways and fencing.



- B. Storage
1. When adding storage facilities, the applicant shall reduce the number of vehicles or junk of the storage yard.
  2. Motor vehicle wrecking yards shall maintain a list of vehicles in stock and submit this list to the township upon request.
- C. Licensing.  
Applicants for motor vehicle wrecking yards shall be licensed as required under ORC 4738 and filed with the Township proof of licensing by the Ohio Motor Vehicles Salvage Dealer's Licensing Board.
- D. Fencing and Screening.  
Any area used as a junk yard or motor vehicle wrecking yard shall be effectively screened on all sides by means of walls, fences and plantings. Walls and fences shall be a minimum of six (6) feet in height with no advertising thereon. Storage of materials shall not exceed this height. A strip of land not less than fifteen (15) feet in width 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 set back yard requirements of this section.
- E. Off-Street Parking and Loading:  
Off-street parking and loading shall be provided as set forth under Article XI (Off-Street Parking and Loading Requirement).
- F. Yard Requirements
1. 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.
  2. 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 are prohibited in a side yard.
  3. Rear Yard - There shall be a rear yard setback to 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.
- G. Pavement:  
All roadways internal to the site shall be paved to maintain minimal dust.

#### **Section 11. LANDSCAPING REQUIREMENTS<sup>C</sup>**

In addition to the provisions in Article X, no trees or shrubs shall be located in the right-of-way, except that trees or shrubs located in boulevards shall conform to the Wood County Subdivisions Regulations.

#### **Section 12. MANUFACTURED HOME PARK**

##### **1. General Standards**

A manufactured home, trailer or similar portable residence structure shall be permitted to locate in the township in an approved mobile home park under the following conditions:

- A. Manufactured home parks shall be located only in mobile home park districts.
- B. The park will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. The park will not be hazardous or detrimental to existing or future neighboring uses.
- D. The park will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services.

- E. The park will be consistent with the intent and purpose of this ordinance (resolution) and the comprehensive planning for the area.
- F. The park will have vehicular approaches to the property which shall be so designed as not to create and interference with traffic on surrounding public streets or roads.
- G. The park will not result in the destruction, loss of damage of natural, scenic or historic features of major importance.

2. Requirements

- A. Any Manufactured home park shall meet the requirements and regulations of the Ohio Department of Health and the Township.
- B. The minimum floor area for individual mobile homes within the RMH-1 District shall be seven hundred twenty (720) square feet.
- C. All manufactured homes shall have skirts installed within thirty (30) days after placement in the park to screen space beneath the manufactured homes.
- D. The lots shall each be landscaped with lawns and plantings including appropriate trees.
- E. The manufactured home park shall be effectively screened on all sides by means of walls, fences or plantings except where the area is sufficiently removed from other urban uses as determined by the Board. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of walls or fences, a planted and maintained evergreen hedge or dense planting of evergreen shrubs, not less than four (4) feet in height, may be substituted.

**Section 13. OFF-STREET PARKING AND LOADING**

In any district, spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Article XI (Off-street Parking and Loading Requirements) of this resolution.

**Section 14. OUTDOOR STORAGE OF VEHICLES, MATERIALS, AND JUNK**

In order to prevent conditions conducive to the infestation of breeding of vermin, insects or rodents, the establishment of an attractive nuisance, the unsightly accumulation of discarded or salvaged items and materials, and the devaluation of adjacent property, the following regulations shall apply:

1. General Requirements.

No waste products, raw materials, building materials, vehicles, merchandise, or other material or equipment shall be stored or displayed within the minimum yards as required in the applicable district.

- A. When an outdoor storage area exists on a site visible from a public street or adjacent to a residential district or where a principal residential use is permitted, that outdoor storage area shall be screened with walls, fence, or screening as allowed to the extent that it is two-thirds (2/3) opaque with not more than one-third (1/3) open.
- B. When an outdoor storage area does not abut a major street and is not in view of a residential district or where a principal residential use is permitted, the method of shielding is optional, providing it is fenced.

2. Licensed Motor Vehicles.

The parking of a licensed motor vehicle, trailer, or boat in the Township for a period greater than fourteen (14) days without being moved shall be prohibited except that such motor vehicle may be parked behind the principal structure on a paved or gravel parking space and shall be suitably screened or fenced. Such parking space shall be in addition to the number of required spaces required for the land use pursuant to Article XI (Off Street Parking and Loading Requirements).

3. Unlicensed or Inoperable Motor Vehicles.

The parking of unlicensed or inoperable motor vehicles within the township shall be prohibited except as follows:

- A. Such motor vehicles may be stored in an enclosed garage or other accessory building.
- B. One such motor vehicle may be stored within the township behind the principal structure on a suitably screened, paved or gravel parking space for a period of no more than ninety (90) days by each family unit.

- C. Whether a motor vehicle is operable shall be determined by whether the motor vehicle is capable of starting, moving, and whether it meets minimum requirements to operate on public roadways.

4. Storage of Materials

- A. Building materials or equipment intended for use in connection with construction upon the premises may be stored or placed in yards other than such minimum required yards for a period not to exceed one (1) year only upon receipt of a permit for such outside storage from the Zoning Inspector as long as the materials or equipment are screened or fenced in conformance with the screening requirements of Section 14.1 above. Provided further, that all construction debris shall be removed from any premises within thirty (30) days after occupancy thereof. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- B. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connected with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
- C. All outdoor storage facilities for fuel, raw materials and products, and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.
- D. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
- E. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
- F. (Note: For storage of hazardous wastes, see also ORC 3734; for transportation and storage of nuclear wastes and by-products see ORC 4163.)

5. Junk, Motor Vehicle Salvage/Recycling

- A. The accumulation or storage of the following items in any district for more than thirty (30) days is prohibited;
  - 1. Junk, disabled or inoperative vehicles, machinery, or equipment;
  - 2. Vehicle, equipment, or machinery parts, including used or discarded tires, inner tubes, or reclaimed rubber;
  - 3. Rags and other used textile items and used paper products;
  - 4. Discarded building and construction materials;
  - 5. Scrap metal, glass, plastic, and lumber;
  - 6. Discarded home furnishings and appliances; and
  - 7. Other junk items and those now or hereafter defined as "junk" in the Ohio Revised Code.
- B. Such items shall not be prohibited where located in a district zoned for such junk yards or auto salvage and approved as a junk yard licensed under ORC 4737 or a motor vehicle salvage facility licensed under ORC 3748.
- C. The above provision shall also not apply to such vehicles, parts, and other items so described above where they are kept entirely within an enclosed structure or to businesses located in commercial or industrial districts and engaged in the restoration or repair of vehicles, equipment or machinery.

**Section 15. PERFORMANCE REQUIREMENTS**

The use and occupancy of all land and buildings shall be held to the following supplementary requirements and performance standards:

1. General Performance Requirements

- A. The Zoning Inspector or Board, 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 land use, processing, or in equipment operations are to be eliminated or reduced to acceptable limits and tolerance.
- B. No land or building in any district shall be used or occupied in any manner that could be materially dangerous, injurious, jeopardize the health, degrade the quality of life, reduce the value of property, or result in an unreasonable interference with the use and enjoyment of the adjacent premises or the community at large by reason of: emission of smoke, dust, particular matter, odors, toxic or noxious materials, or other form of air pollution; generation of noise, vibration, glare, heat, or electromagnetic or other disturbances; fire or explosive hazards; liquid or solid refuse or wastes; or other substance, condition or element.

2. Dust, Fumes, Vapors and Gases

- A. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation or to property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited.
- B. No smoke shall be emitted from any chimney or other source, of visible gray opacity greater than No. 1 on the Ringelmann Smoke Chart as published by the U.S. Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringelmann Chart may be emitted for not more than six minutes in any thirty-minute period.
- C. No emission of liquid or solid particles from any chimney or other source shall exceed five tenths (0.5) grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. At the source, allowable particulate matter in combustion gases shall not exceed one pound per million BTU input.
- D. No manufacturing emission, or disposal of toxic or noxious matter which is injurious to human health, comfort or engagement of life and property, or to animal and plant life, shall be permitted, including radioactive materials, flammable or explosive substances and other hazardous chemical products.
- E. The emission of odors or odor-causing substances which can be detected at or beyond the district boundary is prohibited.

3. Exterior Noise Standards

- A. No residential, commercial, manufacturing, or processing land use may generate noise as a result of construction, operation, or use of equipment or permanent facilities or on-going projects of a quasi-permanent nature that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by the land use or which poses a threat to public health, safety, convenience, comfort, prosperity, and general welfare. Peak level sound limits established for the following time durations are established as follows:

<b>Peak Level Sound Limits</b>		
<b>Time Weighted Average Noise Exposure Duration</b>	<b>Peak Level Sound Limit</b>	<b>Equivalent to:</b>
15 minutes	115 dB	Sandblasting, loud rock concert, auto horn
30 minutes	110 dB	Punch press
2 hours	100 dB	Chain saw, pneumatic drill, snowmobile
4 hours	95 dB	Heavy truck, large bus, compressor
8 hours	90 dB	Lawn mower, shop tools, truck traffic
NASD Review: 04/2002		

- B. Except as provided in Subsection 3(f), the table set forth in Subsection 3(e) establishes the maximum permissible noise levels for land uses in the Township zoning districts. Measurements shall be taken at the closest boundary line of the receiving lot to where the sound emitter is located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the manufacturing or processing use is located.
- C. A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (i.e., whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. Accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.
- D. The standards established in the table set forth in Subsection 3(e) are expressed in terms of the Equivalent Sound Level (Leq), which must be calculated by taking 100 instantaneous A-weighted sound levels at the slow response setting at 10-second intervals and computing the Leq in accordance with the tables set forth in Subsection 3(h) below.
- E. Table of Maximum Permitted Sound Levels, dB(A)

<b>Maximum Permitted Sound Levels in Zoning Districts</b>					
		<b>Zoning District of Receiving Site</b>			
<b>Zoning District of Sound Source</b>	<b>Applicable Hours</b>	<b>R and R-PUD</b>	<b>B</b>	<b>M-1</b>	<b>M-2</b>
Residential and R-PUD	7 a.m. - 7 p.m.	50	50	50	50
Residential and R-PUD	7 p.m. - 7 a.m.	45	45	45	45
B, M-1	7 a.m. - 7 p.m.	55	65	65	65
B, M-1	7 p.m. - 7 a.m.	50	55	55	55
M-2	7 a.m. - 7 p.m.	60	70	75	80
M-2	7 p.m. - 7 a.m.	55	60	75	80
<b>(re: 0.0002 Microbar)</b>					

- F. Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of 10 dB(A) in excess of the figures listed in Subsection 3(e), except that this higher level of permissible noise shall not apply from 7 p.m. to 7 a.m. when the noise may be heard in any residential zoning district. The impact noise shall be measured using the fast response of the sound level meter.
- G. Exempt Noises. The provisions of this Section shall not apply to:
  1. Noise resulting from temporary construction activity (as opposed to ongoing, permanent construction activity) that occurs between 7 a.m. and 7 p.m., Monday through Saturday;
  2. The emission of sound for the purpose of alerting persons to the existence of an emergency;
  3. The emission of sound in the performance of emergency work;
  4. Railway locomotives and railcars, but only during transit; and
  5. Transportation noises emitted by devices that are licensed and regulated by the State of Ohio;
  6. Noise related to reasonable and customary agricultural activity.

H. Worksheets for Measuring Noise Levels

### Community Noise Measurement Data Sheet

Site No. \_\_\_\_\_ Packet No. \_\_\_\_\_ Cluster \_\_\_\_\_ Area \_\_\_\_\_

5    10    15    20    25    30    35    40

Number of Readings Per 2-DB Interval

Total

Location \_\_\_\_\_

Operators \_\_\_\_\_

Date \_\_\_\_\_ Day M Tu W Th F Sat Sun

Time \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Wind Speed \_\_\_\_\_ km/h ( \_\_\_\_\_ mph)

Air Temperature \_\_\_\_\_ °C ( \_\_\_\_\_ °F)

Meter Check ( ) \_\_\_\_\_

Battery OK \_\_\_\_\_ Replaced \_\_\_\_\_

Settings A \_\_\_\_\_ Slow \_\_\_\_\_

Calibrations Set to \_\_\_\_\_ DB End \_\_\_\_\_ DB

Miscellaneous (after data coll.) \_\_\_\_\_

Background Noise Sources \_\_\_\_\_

Unusual Situations or Interferences \_\_\_\_\_

Comments \_\_\_\_\_

---

Description	Evaluation
_____ V Quiet	_____ V Accept
_____ Quiet	_____ Acceptable
_____ M Quiet	_____ M Acceptable
_____ Noisy	_____ Unacceptable
_____ V Noisy	_____ V Unaccept

**Code for identifiable simple noise sources**

<b>Transportation</b> E—Emer Veh G—Gen. Ana J—Jet H—Helicopter R—Railroad T—Truck A—Auto B—Bus M—Motorcycle S—Service Veh V—Off-Rd Veh	<b>Machinery</b> C—Construction Y—Yard Maint F—Factory Q—Household Other D—Door P—People Noise X—Unidentifiable
---	---

Further Comments \_\_\_\_\_

Sum \_\_\_\_\_

H. Worksheets for Measuring Noise Levels (cont'd)

**Computational Work Sheet  
to Hand-Calculate  $L_{eq}$   
from Sound Level Meter  
Measurements Recorded  
on Data Log**

A	B	C	D	
Noise Level Band, dB	Count	Relative Noise Energy	Relative Total Noise Energy	
100	x	=		
98	x	79,400	=	
96	x	50,100	=	
94	x	31,600	=	
92	x	20,000	=	
90	x	12,600	=	
88	x	7,910	=	
86	x	5,010	=	
84	x	3,160	=	
82	x	2,000	=	
80	x	1,260	=	
78	x	794	=	
76	x	501	=	
74	x	316	=	
72	x	200	=	
70	x	126	=	
68	x	79.4	=	
66	x	50.1	=	
64	x	31.6	=	
62	x	20.0	=	
60	x	12.6	=	
58	x	7.94	=	
56	x	5.01	=	
54	x	3.16	=	
52	x	2.00	=	
50	x	1.26	=	
48	x	.79	=	
46	x	.501	=	
44	x	.316	=	
42	x	.200	=	
40	x	.126	=	
38	x	.0794	=	
36	x	.0501	=	
34	x	.0316	=	
32	x	.0200	=	
30	x	.0126	=	
SUM B = _____		SUM D = _____		
SUM D/SUM B = _____		$L_{eq}$ = _____		

**Data Requirements:**

- Each noise reading must be taken at a standard time interval between measurements.
- Each noise level recorded is the instantaneous level

**Step Procedure**

1. Enter number of counts per noise level in Column B.
2. Multiply the counts in Column B by the number in Column C and enter the result in Column D
3. Add all values in Column B to determine Sum B, add all values in Column D to determine Sum D, and divide Sum D by Sum B.
4. Locate the value in Column C that is approximately equal Sum D/Sum B. The corresponding value in Column A is equal to  $L_{eq}$ . Interpolate to the nearest 0.5 dB

**Example**

Given the following count data, find  $L_{eq}$

Noise Level	Number of Occurrences
81	—
82	2
80	—
78	5
76	11
74	4
72	—

Using Steps 1—4 gives

A	B	C	D
81			
82	2	x 2,000	= 4,000
80	0	x 1,260	= 0
78	5	x 794	= 3,970
76	11	x 501	= 5,511
74	4	x 316	= 1,264
72	0	x 200	= 0
Sum B = 22, Sum D = 14,745			
Sum D/Sum B = 670			
$L_{eq}$ = 70 dB			

• by linear interpolation in Column C and Column A

4. Vibrations.  
No use shall cause earth vibrations or concussions detectable without the aid of instruments beyond its lot lines with the exception of vibration produced as a result of construction or demolition operations.
5. Odor.  
No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.
6. Heat.  
No use shall produce heat detectable without the aid of instruments beyond its lot lines.
7. Exterior Lighting Standards
  - A. Prior to approval of zoning or building permits for commercial and industrial developments, a photometric computer printout of the lighting model shall be submitted for review and approval to insure that lighting restrictions are followed and light trespass is minimized. The plan shall show the location, the height above grade, the type of illumination, the source lumens, and the luminous area for each source light which is proposed.
  - B. Minimum Site Lighting Criteria.  
No use shall produce a strong, dazzling light or a reflection thereof beyond its lot lines. All exterior lighting shall meet the following minimum standards:
    1. All developments with less than ten (10) parking spaces shall only be required to provide exterior lighting at all exterior doorways.
    2. All developments with ten (10) or more parking spaces shall to provide exterior lighting for all exterior doorways, pedestrian pathways and vehicular use areas.
    3. The minimum exterior lighting shall not drop below three-tenths (0.3) footcandles measured at grade in all vehicular use areas and pedestrian pathways.
    4. For design purposes, the light loss factor (LLF) shall be calculated at seven-tenths (0.7) LLF for incandescent and metal halide luminaires, and eight-tenths (0.8) LLF for fluorescent and sodium lamp sources.
  - C. Luminaires
    1. Overall Height Limitation.  
The maximum height of any luminaire shall not exceed the maximum building height permitted in the Zoning District; however, outdoor sport facility lighting fixtures may have a maximum height of up to sixty (60) feet.
    2. Lighting fixtures shall be set back from the perimeter of the lot by a minimum distance of twice the height of the luminaire and each lighting fixture shall be spaced a minimum distance equal to approximately four times the height of the luminaire.
    3. Any lighting used to illuminate any off-street parking areas shall not exceed an average of two foot-candles and shall divert light away from an adjoining residential property or the public way.



D. Light Trespass Criteria.

All exterior lighting used to light vehicular use areas and pedestrian pathways shall be total cutoff type luminaires. Light originating on a site shall not be permitted beyond the site to exceed the following values when measured at grade for the following adjacent properties:

<b>Light Trespass Criteria</b>			
<b>Land Use</b>	<b>Maximum Value</b>	<b>As Measured on Adjacent Land Use</b>	
		<b>From Lot Line</b>	<b>Height</b>
<b>Residential</b>	<b>0.0 footcandle</b>	<b>Zero (0.0) feet</b>	<b>Zero (0.0) feet</b>
<b>Multi-family</b>	<b>0.5 footcandle</b>	<b>Zero (0.0) feet</b>	<b>Zero (0.0) feet</b>
<b>Office/Commercial</b>	<b>1.0 footcandle</b>	<b>10 feet</b>	<b>5 feet</b>
<b>Industrial/Warehouse</b>	<b>1.5 footcandles</b>	<b>10 feet</b>	<b>5 feet</b>
<b>Outdoor Recreation/Sports Facilities</b>	<b>These shall minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way</b>		
<b>Prohibited Lighting Fixtures.</b>			
<b>Mercury-vapor and quartz lighting shall be prohibited for most outdoor uses</b>			
<b>Uplighting shall be prohibited unless used to light buildings, trees, shrubs, or the U.S. flag</b>			

E. Exception.

The Zoning Inspector may modify these exterior lighting standards where a compelling safety interest exists that cannot be addressed by another method, including lighting of areas of substantial nighttime pedestrian traffic, and where a qualified lighting professional has determined that the illumination requirements of the application require additional illumination or other types of luminaires.

**Section 16. PONDS**

A pond shall be considered a structure and shall require a zoning certificate prior to installation. Construction of a pond shall comply with the following conditions:

1. Pond Plan Required.  
A pond plan, to scale, must be prepared, showing the location of the proposed pond, final grades, location of any existing or proposed buildings, septic tanks, leach fields, wells, underground fuel or gasoline storage tanks, easements, ditches and utility lines within five hundred (500) feet of the perimeter of the area.
2. Professional Review.  
Adequate provisions for drainage and pond design shall be made subject to approval of the Wood County Soil and Water Conservation District or a qualified consulting engineer selected by the Township using Natural Resources Conservation Service (NRCS) Technical Standard 378 - Ponds, where the NRCS standard does not conflict with the requirements of this section. If ponds are to be used for potable water supply, approval of the Wood County Health Department will be required. Estimated funds additional costs for securing such expert approval shall be borne by the applicant, and shall be placed on deposit with the Township Board of Trustees.
3. Minimum Size and Depth.  
Ponds shall be at least one-fourth (1/4) acre in area and be at least seventeen (17) feet deep.
4. Aeration and Destratification.  
Ponds on commercial parcels or in common areas of a subdivision shall operate a bottom-diffused aerator 24 hours per day from June through September of each year.
5. Slopes.  
The slope of the sides and the areas adjacent to a pond shall have a maximum horizontal to vertical ratio of three-to-one (3:1). Beach areas may be sloped no less than at a horizontal to vertical slope of ten-to-one (10:1) and shall not exceed twenty-five (25) percent of the pond's surface area.

6. Excavated Material.  
Embankments, earth berm, or disturbance from pond construction shall not be higher than seven (7) feet from the original undisturbed grade level. Fill dirt may be hauled off site. The natural grade of land shall remain undisturbed within fifteen (15) feet of any property line.
7. Setbacks.  
Setbacks shall be measured from the point where the grade approaching the pond changes either higher or lower than the original elevation for the area before pond construction began. If no grade change occurs, then the normal pond-full water elevation shall determine the edge of the pond. Pond setback requirements shall equally apply to proposed construction of a structure, other than a dock or equipment shelter to service water quality, near an existing pond. Each of the following setbacks shall apply:
  - A. Setback from Property Line.  
A pond, shall be setback from all sides of a property a minimum distance equal to the minimum required side yard setback for the district in which it is located.
  - B. Setback from Right-of-Way.  
Ponds shall be located twenty-five (25) feet from any public road right-of-way or public drainage ditch. Where embankments are utilized to maintain the high water mark of a pond above the natural grade, the toe of the slope for said embankment shall be located at least sixty (60) feet from any public road right-of-way or public drainage ditch. The provisions of this paragraph shall not apply to dry detention ponds, as defined herein. 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;
  - C. Building Foundation.  
Ponds shall be located at least twenty-five (25) feet from any building foundation on any lot. Where embankments are utilized to maintain the high water mark of a pond above the natural grade, the toe of the slope on the non-water bearing side of said embankment shall be located at least twenty-five (25) feet from any building foundation on any lot;
  - D. Septic Systems.  
All ponds shall be located a minimum of one hundred (100) feet from a septic tank or a leach field.
8. Hundred Year Flood Plain.  
Ponds shall not be permitted to locate in the 100-year flood plain.
9. Overflow.  
Ponds shall provide at least one overflow diverted to a suitable outlet or drainage ditch to accommodate surface drainage and overflow from pond development.
10. Maintenance. After completion, a pond shall be properly maintained and supervised so that it will not become a danger or nuisance to area residents.

**Section 17. PRIVATE SWIMMING POOLS**

A permanent<sup>A</sup> private swimming pool, but not including ponds, shall be any man made body of water<sup>A</sup> 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 (1-½) feet. No such swimming pool shall be allowed in any "A", "S" or "R" District except as an accessory use and unless it complies with the following conditions and requirements:

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. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10)<sup>A</sup> feet to any property line of the property on which located.
3. For an in-ground pool the<sup>A</sup> pool or the entire property on which it is located 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 to be not less than four (4) feet in height and maintained in good condition.
4. For an above-ground pool the owner may choose to enclose the pool as described in Section 17.3 or utilize steps that swing up and lock in place off the ground; or build a deck or stairs that access the pool and have a gate and lock that shall be closed and locked when pool is unattended.<sup>A</sup>

**Section 18. PUBLIC, SEMIPUBLIC, OR PUBLIC SERVICE BUILDINGS, HOSPITALS, INSTITUTIONS OF RELIGIOUS, CHARITABLE OR PHILANTHROPIC NATURE AND SCHOOLS**

Public, semipublic or public service buildings, hospitals, institutions or schools, where permitted, shall:

1. Be located upon sites containing a minimum area of five (5) acres;
2. Occupy not over ten (10) percent of the total area of the lot;
3. Be set back from all yard lines as established by this Resolution; In addition, the required side and rear yard set-backs shall each be increased by one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located;
4. Be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet.

**Section 19. RECREATIONAL AREAS, FACILITIES, OR CENTERS**

Any principal building or swimming pool of a private, non-commercial nature open to the public or members of a club or lodge shall be located not less than one hundred (100) feet from any other lot in any "R" District.

**Section 20. REMOVAL OF DIRT, TOPSOIL, OR GRAVEL**

Removal of dirt, topsoil, or gravel shall be limited to areas not less than two hundred (200) feet from street or highway right-of-way lines and not less than fifty (50) feet from property lines, provided that any building housing power-driven or power-producing machinery or equipment shall be located at least four hundred (400) feet from any other lot in any "R" District.

1. Any extraction operation that is intended to, or will result in the creation of a body of water shall be effectively fenced along the property lines and provided with a locking gate. Such fence shall be of a non-climbable design installed and maintained at a height of four (4) feet.
2. Any processing or storage of materials shall be conducted within an enclosed structure and/or effectively screened from view.
3. Before granting a conditional use permit, the applicant shall provide the Township with documentation evidencing the approval of the appropriate state and/or federal regulatory agencies and the necessary permits and licenses for such operations.

**Section 21. REST HOMES OR NURSING HOMES FOR CONVALESCENT PATIENTS**

Rest homes or nursing homes for convalescent patients shall be distant not less than twenty (20) feet from any other lot in any "S" or "R" District.

**Section 22. SERVICE STATIONS**

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.

**Section 23. SEXUALLY-ORIENTED BUSINESSES**1. Purpose for Regulation of Sexually-Oriented Business.

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.

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.

2. Land Use Regulations

- A. Permits and Review. A conditional use zoning permit to operate a sexually-oriented business shall be required before engaging in the use. The Township shall reserve the right to review facilities established under this section after it has been in operation for a period of one (1) year upon the recommendation of the Zoning Commission and/or initiation by the Township Trustees.
- B. No two sexually-oriented business uses may be located in the same premises or on the same lot.
- C. Accessory Use.  
A sexually-oriented business use may not be an accessory use.
- D. Prohibited Uses.  
The following establishments or accessory uses of an establishment shall be prohibited within the township: nude model studios, sexual encounter centers, sexually-oriented escort agencies, sexually-oriented spas, or sexually-oriented viewing booth facilities, each more specifically defined by this regulation.

## E. Separation Requirement

1. Sexually-oriented uses shall not be located within 1,000 feet of any land zoned or used for residential purposes, 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, or other public gathering places, family-oriented uses, or recreational uses established for the activities of juveniles.
2. For the purpose of this section, measurement shall be made in a straight line, without regard to the 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.
3. Sexually-oriented uses shall not be located within a 1,000 foot radius of any other 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.

## F. Signage Requirements.

Exterior identification signage of sexually-oriented businesses is permitted subject to other applicable provisions of these regulations. However, no exterior signage shall include verbal or written messages, graphics, drawings, or other illustrations which publicly display specified sexual anatomical areas or specified sexual activities.

## G. Parking Requirements.

Off-street parking shall be provided in accordance with Article XI (Off-Street Parking and Loading Requirements).

3. Business Regulations

- A. Obscenity. It shall be prohibited for a person to knowingly or intentionally display or depict obscene material, as defined herein, in any establishment or land use in the Township.
  - B. Sexual conduct. No employee, patron, or any other person at a sexually-oriented business establishment shall perform or conduct any specified sexual activity with or for any other employee, patron, or any other person on the premises.
  - C. Gambling. No sexually-oriented business establishment games, machines, tables, or implements shall be used for gambling.
  - D. Tips. No sexually-oriented business establishment employee or other person shall accept any form of a tip or gratuity offered directly or personally by a patron or other person for entertainment performances. Any such tips or gratuities must be placed into a receptacle provided by management for receipt of such tips and gratuities or shall be placed on the stage on which the employee or other person is performing.
- 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.
  3. No person under the age of 21 years shall be admitted to a sexually-oriented business establishment that serves or otherwise provides alcoholic liquor pursuant to a liquor license.
- F. Separation Requirement for Live Performers. No person shall engage in a live performance of sexually-oriented material except upon a stage elevated at least eighteen (18) inches above floor level.

1. All parts of the stage, or a clearly designated area thereof within which a person engages in a live performance of 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.
2. 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.
3. 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. This requirement shall be noted in a sign affixed to the stage, barrier, or railing in such a manner to be easily visible and legible to patrons.

G. External Visual or Audio Impact

1. 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.
2. All building openings, entries, windows, and doors of sexually-oriented businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from the public right-of-way, or from adjacent public or privately owned property. For new construction, the building shall be oriented so as to minimize any possibility of viewing from any public right-of-way or any public or private property.
3. No screens, loudspeakers, or sound equipment used in sexually-oriented motion picture theaters (enclosed or drive-in) or other sexually-oriented businesses shall be operated in such a manner as to be seen or discerned from the public right-of-way or any public or privately owned property.

H. 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.

I. 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.

**Section 24. SINGLE FAMILY DWELLINGS AND PERMANENTLY SITED MANUFACTURED HOMES**

1. Intent

Middleton Township hereby establishes the following standards 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.

- A. All single-family dwellings and permanently sited manufactured homes shall meet the minimum lot areas, minimum setbacks, and maximum height limitations for the particular district in which it will be located.
- B. Off-street parking shall be provided pursuant to Article XI (Off-street Parking and Loading Regulations).
- 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. All dwelling shall be installed with properly engineered foundation systems that meet manufacture'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 dwellings vertical and horizontal loads and transfers these and other imposed forces, without failure, from the dwelling to the undisturbed ground below the front line.
  - F. All single family dwellings and permanently sited manufactured homes shall be taxed as real property.
2. Manufactured housing not meeting the criteria established for a permanently sited manufactured home (see definitions) shall be permitted in either a mobile manufactured home park or manufactured home subdivision. Manufactured home parks and manufactured home subdivisions may be permitted/conditional uses as a RMH-1 residential district.
  3. A manufactured home or travel trailer used for temporary living quarters, or storage of materials or equipment used in conjunction with construction work may be permitted in any district during the period that the construction is in progress. Such permitted use shall be conditional and requires approval by the Zoning Board of Appeals and shall expire upon completion of construction work. Permits for such use shall be for one year and will require renewal for continued use.

#### **Section 25. STORMWATER MANAGEMENT**

Prior to the issuance of any zoning certificate for all commercial or industrial uses, including new uses and changes of uses encompassing a lot of area greater than one (1) acre, the applicant shall prepare and a qualified engineer selected by the Township shall review and approve stormwater management plans. Said plans shall be prepared by a licensed professional engineer and be designed using commonly accepted principles and practices. The stormwater management plan shall be in line with design guidelines developed by the County Engineer governing stormwater retention/detention and other measures as appropriate.

**Section 26. TELECOMMUNICATION STRUCTURES****1. Communication Towers**

Radio and television towers, microwave and cellular telephone towers, electrical transmission towers, etc. and their attendant facilities may be permitted in a "A" agricultural district after review by the Zoning Board of Appeals. Such review is subject to the following:

- A. Said tower shall be located centrally on a contiguous parcel having a dimension at least equal to the height of the tower measured from the base of said tower to all points on each property line. Said parcel shall at a minimum be five acres or greater, be provided a thirty (30) foot access to public right-of-way and will be owned/leased in fee simple by the company, corporation, etc. erecting/operating said tower.
- B. No communication tower shall have a height greater than two hundred (200) feet.
- C. Other conditions and safeguards as prescribed by the Zoning Board of Appeals, including but not limited to, screening, landscaping, fencing, etc. may be required.

**2. Satellite Dish.**

Satellite dishes are permitted in all districts as an accessory use. Satellite dishes shall be within the required rear and side yard setbacks. Dishes are prohibited from placement in a front yard.. Any satellite dish in excess of 36" in diameter shall require a zoning permit.

**Section 27. TEMPORARY BUILDINGS**

- 1. Temporary buildings, used in conjunction with construction work only, may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.
- 2. Temporary structures such as freestanding tents, canopies and sheds shall require a township zoning permit if regulated by the Ohio Building Code. Such temporary structures are limited to 180 days of use.

**Section 28. TRAILERS, MOBILE HOMES, MOTELS, MOTOR HOMES**

- 1. Parking or location of a mobile home coach or trailer, boat, van, or motor home in any district for more than seven (7) days is prohibited except as provided herein.
  - A. No unlicensed trailers (utility or recreational), boats, house vans, motor homes, etc., shall be permitted unless stored in an enclosed garage or accessory building and then provided that in all cases no living quarters or business uses are allowed.
  - B. Any licensed empty utility trailers or recreational trailers, boats, house vans, motor homes, etc. shall be permitted in the rear yard up to two (2) per residence not of the same use, provided that they are not used as residence or business and they meet all yard requirements and do not extend closer to the street than the front building line of the residence.
- 2. Motels or motor homes 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:
  - A. Any lot to be used for motel shall be not less than one (1) acre in area and shall contain not less than two thousand (2,000) square feet per sleeping unit.
    - 1. All buildings and structures shall be distant at least fifty (50) feet from a rear lot line and at least twenty-five (25) feet from the front and side lot lines.
    - 2. The buildings and structures on the lot shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot.
  - B. 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.
  - C. In the "R-4" District, signs shall be limited to two indirectly illuminated signs with a total area of not over forty (40) square feet; no part of the building or site shall be floodlighted and no part of any building shall be outlined or otherwise decorated with electric lights, except customary religious symbols and holiday lights and decorations with no commercial message, but only for a two month period which includes a recognized holiday.



**Section 29. TRANSPORTATION FOR HIRE BUSINESS**

1. Transportation-for-hire business with not more than one commercial vehicle or trailer may be located in an "A" or "R" district so long as the business is operated from a parcel with an owner/operator single family dwelling.
2. Any transportation-for-hire business with two (2) or more vehicles and/or trailers must be located in a commercial district.
3. Any transportation-for-hire business wherever located in the township must meet the following requirements:
  - A. Parts, tire and other vehicles supplies shall be stored in an enclosed building.
  - B. The drive and parking surface area shall be graveled or paved and shall be within the established setbacks. The parking area shall have a minimum dimension of ten by twenty-five (10 x 25) feet for each vehicle and ten by sixty (10 x 60) feet for each trailer.
  - C. No more than one building or structure associated with the transportation-for-hire business shall be located on the property. The maximum floor area of such building or structure shall not exceed one thousand square feet or one-third the living area of the single family dwelling on the premises whichever is greater.
4. This provision does not apply to the following:
  - A. Vehicles and trailers licensed as agricultural vehicles or trailers which are an integral part of onsite agricultural business.
  - B. Buildings or structures of, or the use of the land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;
  - C. Infrequent short term parking of a commercial vehicle or trailer for the delivery of goods to a premises for use on the premises; and
  - D. The delivery or moving of goods to or from a dwelling unit.

**Section 30. DECKS<sup>B</sup>**

The purpose of this section is to establish regulations controlling the location, installation and standards for decks in order that a property owner may construct a deck or decks while respecting the rights and enjoyment of neighboring property owners and the overall health, safety and welfare of the public.

1. Definition

A structure constructed of any building material and that may or may not have railings or access to the ground but does not contain walls or a roof, and has a surface area greater than thirty-six square feet, and has a height greater than six inches measured from any point of the deck surface to the surrounding grade level. Structures constructed solely to provide handicap access directly to a dwelling shall not be defined as a Deck. A dock leading to a pond shall not be considered to be a deck.

2. Permit Requirements

No deck shall be constructed, altered, or reconstructed without an approved permit from the Township Zoning Inspector. To acquire the permit the applicant must submit a plan indicating the location, height, and material(s) of the proposed deck with accurate dimensions from all existing structures and property lines.

The issuance of a permit by the Township Zoning Inspector shall not certify the location of lot lines.

3. Deck Standards

- A. All decks must conform to required front and side yard setbacks, and may not be located closer than ten (10) feet to the rear lot line.
- B. Decks may be constructed of any building material including, but not limited to, wood, composite, brick, stone, pavers, or concrete.

**Section 31. NON-TRADITIONAL ACCESSORY BUILDINGS<sup>D</sup>**

The following non-traditional accessory buildings are prohibited; semi-truck trailers, box trucks, cargo containers used by rail, air, shipping and land transportation industries.

**Section 32. ACCESSORY STRUCTURE<sup>E</sup>**

Any accessory structure over 200 square feet in area shall require a township zoning permit and must meet building specifications per the Ohio Building Code.

**ARTICLE IX ENDNOTES**

- A Section 17 – PRIVATE SWIMMING POOLS - Resolution Amended October 2011
- B Section 30 – DECKS – Resolution Amended January 2013
- C Section 11 – LANDSCAPING REQUIREMENTS – Resolution Amended July 2015
- D Section 31 – NON-TRADITIONAL ACCESSORY BUILDINGS  
Resolution Amended December 2015
- E Section 32 – ACCESSORY STRUCTURE – Resolution Amended February 2016