

## ARTICLE I PURPOSE AND TITLE

### 101 Purpose

Whereas, in accordance with Section 519 of the Ohio Revised Code and with the support of a comprehensive plan, the Trustees of the Township of GREEN deem it necessary for the interest of the public health, safety, convenience, comfort, prosperity, or general welfare of what is known as Green Township, the Board of Township Trustees, may in accordance with a comprehensive plan, regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures including tents, cabins, and trailer coaches, percentages of the lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of the population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township and establish reasonable residential landscaping standards and residential standards, excluding exterior building materials, for the unincorporated territory of the township; and for all these purposes, the Board may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the Board determines. All regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

The Board may allow for the creation and use of new rights-of-way and to limit congestion on existing rights-of-way; and to provide for the administration, and enforcement of these regulations; and to establish the powers and duties of the administering officers as allowed by the Ohio Revised Code.

### 102 Title

This Resolution shall be known as the Green Township Zoning Resolution and may be referred to as the Zoning Resolution, this Resolution, or as these regulations.

## ARTICLE II ADMINISTRATION

### Zoning Commission

#### 201 Membership

1. The Zoning Commission (also called the Commission) shall be appointed by the Board of Township Trustees
2. The Zoning Commission shall consist of 5 members (no member may be a serving member of the Board of Zoning Appeals at the same time).
3. Members of the Zoning Commission shall be residents of the unincorporated area of the Township.
4. Each member shall be appointed to a 5 year term and the terms shall be arranged so that the term of one member expires each year.
5. A successor shall be appointed on the expiration of each term to serve 5 years. Each member shall serve until his or her successor is appointed and qualified.
6. Members of the Commission may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide.
7. The Board of Township Trustees may remove any member for cause, after a public hearing, in accordance with the provisions of Section 519.04 of the Ohio Revised Code.
8. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.
9. The Board of Township Trustees may appoint 2 alternate members to the Zoning Commission for terms to be determined by the Board of Township Trustees.
10. An alternate member shall take the place of an absent regular member.
11. An alternate member shall meet the same appointment criteria as a regular member.
12. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

#### 202 Rules of the Commission

1. The Commission shall by majority vote of its members elect a Chairman, a Vice-Chairman and a Secretary, who shall occupy their offices until their successors are duly elected at the next annual meeting of the Commission which shall be held during the month of January each year.
2. Meetings of the Commission shall be at the call of the Chairman and at such times as the Commission may determine.
3. The Commission shall keep minutes of its proceedings showing:
  - A. The vote of each member upon each question.
  - B. If each member's absence or failure to vote.
  - C. Shall keep records of every official action.
  - D. Every rule or regulation.
  - E. Every amendment or repeal thereof.
  - F. Every order, requirement, decision or determination of the Commission.
  - G. Said records shall be filed in the Office of the Commission shall be a public record.
  - H. All meetings shall be open to the public.
4. If any member of the Commission is absent for 4 consecutive meetings, he may be considered to have resigned and the Chairman may request the Board of Township Trustees to appoint a replacement.
5. The Zoning Commission shall require a quorum of 3 members at all of its meetings.
  - A. If no quorum is present within 30 minutes of the scheduled starting time of the meeting, and then the meeting shall be rescheduled by the person(s) present at the time.
  - B. Once the alternate(s) are seated, then those person(s) shall remain alternate(s) for that meeting and any continuance of that meeting.
  - C. If an alternate once seated does not attend a continuance of that meeting then a regular may be seated.
6. A majority vote shall be required to affect any decision of the Commission.
7. The Commission may, within the limits of the monies appropriated by the Board of Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.

### 203 Powers and Duties of the Commission

1. The Zoning Commission may initiate amendments to this Resolution and its associated land district / zoning map.
2. The Zoning Commission shall review all proposed amendments to this Resolution and make a recommendation to the Township Trustees regarding the proposed change.

### BOARD OF ZONING APPEALS

#### 204 Membership

1. The Board of Zoning Appeals (also called the Board) shall be appointed by the Board of Township Trustees.
2. The Board of Zoning Appeals shall consist of 5 members (no member may be a serving member of the Zoning Commission at the same time).
3. Members of the Board of Zoning Appeals shall be residents of the unincorporated area of the Township.
4. Each member shall be appointed for a 5 year term and the terms shall be arranged so that the term of one member expires each year.
5. A successor shall be appointed on the expiration of each term to serve 5 years.
6. Each member shall serve until his or her successor is appointed and qualified.
7. The Board of Township Trustees may remove a member for cause, after a public hearing in accordance with the provisions of Section 519.04 of the Ohio Revised Code.
8. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.
9. The Board of Township Trustees may appoint 2 alternate members to the Board of Zoning Appeals for terms to be determined by the Board of Township Trustees.
10. An alternate member shall take the place of an absent regular member.
11. An alternate member shall meet the same appointment criteria as a regular member.
12. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.
13. If no quorum is present within 30 minutes of the scheduled starting time of the meeting, then the meeting shall be rescheduled by the person(s) present at that time.
14. Once the alternate(s) are seated, then those person(s) shall remain the alternate(s) for that meeting and any continuance of that meeting.
15. If an alternate once seated does not attend a continuance of that meeting then a regular may be seated.

#### 205 Rules of the Board

1. The Board shall by majority vote of its members elect a Chairman, a Vice-Chairman and Secretary who shall occupy such offices until their successors are duly elected at the next annual meeting of the Board to be held in the month of January each year.
2. If any member of the Board is absent for 4 consecutive meetings, he may be considered to have resigned and the Chairman may request the Board of Township Trustees to appoint a replacement.
3. All meetings of the Board shall be open to the public.
4. Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine.
5. The Chairman, or in his absence the Acting Chairman, may administer oaths
6. The Board shall keep minutes of its proceedings showing:
  - A. The vote of each member upon each question.
  - B. Each member's absence or failure to vote.
  - C. Shall keep records of every official action.
  - D. Every rule or regulation.
  - E. Every amendment or repeal thereof.
  - F. Every order, requirement, decision or determination of the Board
  - G. Said records shall be filed in the Office of the Board of Township Trustees shall be a public record.

7. The Board shall require a quorum of 3 members at all meetings
8. A majority vote shall be required to effect any decision of the Board.
9. The Board may, within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

#### 206 Powers and Duties of the Board

1. Appeals: To hear and decide appeals where it is alleged there is an error in any interpretation, order, requirement, decision or determination by the enforcement of the provisions of this Zoning Resolution.

2. Variances: To authorize upon appeal, where, by reason of exceptional narrowness, shallowness or shape or exceptional topographic conditions or other extraordinary situations or conditions of a lot, the strict application of the terms of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship upon the owner thereof, to authorize a variance from such strict application to relieve such difficulties or hardships, providing such relief may be granted without substantially impairing the intent of this Resolution, and provided that no variance shall be granted unless the Board finds that all of the following conditions exist:

A. The strict application of the provisions of the Resolution would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and the intent of this Resolution.

B. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.

C. The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought, and will not materially impair the purpose of this Resolution.

D. The application for the variance shall be valid for one (1) year. All work necessary to allow the variance to occur shall be completed in one (1) year. If the necessary work is not completed within one (1) year, a new application shall be filed. In granting a variance the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public health and safety and to further the purpose and intent of this Zoning Resolution. These conditions shall be made a part of and be attached to the Zoning Permit which is required for a variance.

3. Conditional Uses: To hear and decide all Conditional Uses that are specifically listed within the various Districts; and to grant Conditional Use Zoning Certificates for the use of land, buildings or other structures as provided for in this Resolution. Conditional Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Districts. Since this is the case, the Board shall approve an application for a Conditional Use only when the following conditions are met:

A. The Conditional Use is specifically listed or interpreted as listed in the District in question.

B. The Conditional Use is in general accord with the Ashland County Optimum Land Use Plan.

C. The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area. In granting a Conditional Use the Board may impose such conditions as it may deem necessary to protect the public health and safety and to further the purpose and intent of this Resolution.

4. Fees: Fees as established by the Board of Trustees shall be paid upon the filing of any request for a variance, conditional use or exception. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Permits required for a variance or conditional use.

## Zoning Inspector

### 207 Appointment and Duties

1. The Board of Township Trustees shall appoint a Township Zoning Inspector
2. The Township Trustees shall fix his compensation.
3. It shall be the duty of the Zoning Inspector to:
  - A. Enforce the provisions of this Resolution, except as overridden by the Board(s).
  - B. Issue permits as provided in this Resolution.
  - C. Keep record of all permits issued or refused with a notation of any special conditions involved.
  - D. File and safely keep copies of all plans submitted (these documents shall form a part of the records in his or her office).
  - E. Maintain a certified copy of the text of this Resolution and of the Zoning Map.
  - F. Keep records of all violations and/or complaints.
  - G. Make such records available for the use of the:
    - a. Board of Township Trustees
    - b. Zoning Commission
    - c. Board of Zoning Appeals
    - d. The Public.
  - H. Submit all zoning fees collected to the Township Clerk within 30 days.
  - I. Zoning inspector may keep minutes at meetings.

### 208 Zoning Certificates

1. A Zoning Certificate shall be required whenever an individual locates, erects, constructs, reconstructs, enlarges or structurally alters a non-farm building or structure within the Township to the extent that the change or addition involves the creation of a space greater than 144 square feet in area has a roof and/or side walls creating an enclosed space that protects the contents from the weather or unauthorized access.
2. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with the Zoning Regulations.
3. Applications for Zoning Certificates shall be made in writing by the applicant:
  - A. The status of the applicant as an individual, partnership or limited partnership, domestic or foreign corporation, or other entity;
  - B. The full name, residence address, and date of birth of the applicant or the person applying on behalf of the partnership, corporation, or other entity;
    - a. If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; the full name, residence address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner;
    - b. If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each shareholder holding more than two per cent of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership.
  - C. A statement of the use or intended use of the building or structure after construction, erection Or alteration
  - D. The address where the proposed activity will take place.
  - E. Shall be accompanied by a plan drawn to scale showing the proposed building line, its exact

relation to lot and road lines as well as satisfactory evidence that the line or lines of the bounding road or roads have been accurately located on the ground.

F. The required fee as established by the Board of Township Trustees shall accompany each application for a Zoning Certificate.

4. Zoning Certificates are not transferable.

5. The Board of Township Trustees may adopt a system of Zoning Certificates, establish and collect reasonable fees thereof, and amend such fees, or adopt new fees, from time to time when necessary.

#### 209 Pending Applications for Zoning Permits

1. Nothing in this Resolution shall require any change in the plans, construction, size or designated use of any building, structure or part thereof, for which a zoning permit has been granted before the enactment of this Zoning Resolution and the construction of which, from the approved plans, shall have been started within 90 days of the enactment of this Zoning Resolution.

2. The Township Zoning Inspector will not issue a Zoning Certificate to any applicant unless evidence of a valid health (sanitation) permit from the Ashland County Board of Health is in force unless such sanitation permit is not required by the Health Department for the land use in question.

3. Any subsequent actions by the Health Department condemning the land use or rescinding the health permit or finding the dwelling unfit for human habitation shall also render the Township Zoning Certificate null and void. A new Zoning Certificate is required before construction or use of the property may recommence.

4. As assistance to applicants for a zoning permit, the approved procedure and order for obtaining both health permits and zoning permits is as follows:

- A. Apply to township for a Zoning Certificate.
- B. Apply to the health department for a sanitation permit.
- C. Approval of the Zoning Certificate by the township zoning inspector.
- D. Final inspection and approval by the health department.

#### 210 Enforcement and Penalties

1. This Resolution shall be enforced by the Zoning Inspector or such enforcement officer as may be designated by him.

2. Any Zoning Certificate issued upon a false statement shall be void.

3. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Certificate shall be revoked by notice, in writing, to be delivered to the holder of the void certificate upon the premises.

4. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.

5. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or proposed to be, used in violation of this Resolution, the Township Zoning Inspector, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

6. Any person, firm or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100.00.

7. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use of continues may be deemed a separate offense.

#### 211 Correction Period

All Zoning violations shall be corrected within Ten (10) days, or a stipulated period established by the Green Township Board of Zoning Appeals of receipt of a written notice of said violation by the owner of the property. Any violation not corrected in this period of time shall be reported to the County Prosecutor for legal action.

#### 212 Remedies Available to Township Legal Counsel

1. The legal counsel of the Township may institute appropriate legal action, either civil or criminal, as authorized herein, or as may be otherwise available and appropriate either at law or in equity, which may, in the judgment of the legal counsel be necessary for the enforcement of any order or orders issued pursuant to this Regulation as it relates to adult cabarets, adult-oriented businesses, or massage establishments. Any such suits or proceedings shall be brought in the name of Township.

2. In addition, the legal counsel of the Township may bring an action to abate as a nuisance, under Sections 3767.03 to 3767.10 of the Ohio Revised Code, any property in the unincorporated area of the Township in violation of this Regulation. In bringing this action, the legal counsel shall proceed in the same manner as if the legal counsel were the chief legal officer of a municipal corporation bringing an action to abate a nuisance under those sections. All proceeds from the sale of personal property or contents seized pursuant to a civil action brought under these sections shall be applied initially to the payment of costs incurred in the prosecution of the action and the costs associated with the abatement and sale ordered under section 3767.06 (A) of the Ohio Revised Code, including, but not limited to, court costs, reasonable attorney's fees, and other litigation expenses incurred by the Township. Any proceeds remaining after that initial application shall be deposited into the Township treasury and credited to the general fund.

### ARTICLE III GENERAL PROVISIONS

#### 301 Uses Exempted From Zoning Resolution

1. Buildings, structures and activities related to agriculture or to activities in support of agriculture are exempt from the requirements of these regulations.

2. The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business are exempt from the requirements of these regulations.

#### 302 Farm Dwellings Not Considered Incidental to Agriculture

A structure used only as a dwelling for a person engaged in agriculture is not considered incidental to an agricultural use of the land so as to be exempt from township zoning pursuant to Section 519.01 of the Ohio Revised Code. All farm dwellings as permitted in this Zoning Resolution shall be subject to Zoning Permits and all other regulation of this Zoning Resolution.

### 303 Dwelling

There will be a maximum of one dwelling per lot of record, with the exception of planned unit developments.

### 304 Minimum Standards

Unless otherwise stated, these standards in their interpretation and application shall be held to be minimum requirements.

### 305 Greater Restrictions Prevail

Where this Resolution imposes greater restrictions than are imposed or required by other provisions of law, the requirements of this Zoning Resolution shall prevail.

### 306 Alterations

No building or structure shall be built or altered for uses other than those permitted in the district in which the structure is located.

### 307 New Land Uses

New land uses, other than those listed in these regulations, shall be prohibited on property in Green Township.

### 308 Height Exemptions

Parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, exhaust stacks, stage towers, silos, scenery lofts and necessary related mechanical equipment are exempt from the height restrictions listed in these regulations.

### 309 New Lots

New lots of record shall meet all minimum requirements for the district in which they are located.

### 310 Additions

Any addition to an existing building shall not intrude into any required yard, open space, or setback area.

### 311 Contiguous Parcels

Two or more lots of record, or platted lots, when contiguous and owned by the same individual or entity, may be treated as a single lot for the purposes of this Resolution as long as the property in question is located in a single district.

### 312 Existing Lots

Any lot of record existing at the time of adoption of this Resolution and held in separate ownership different from that of adjoining parcels may be used for any purpose normally permitted in that district even though its area, width and depth are less than the new requirement of that District as long as the minimum setback and side yard requirements are met. Before any structure is built on such lot or use established on the lot, an application for a variance shall be filed and acted on by the Green Township Board of Zoning Appeals.

### 313 Sales of New Lots

No sales of property are permitted which fail to meet the minimum size requirements as outlined in this resolution.



### 314 Landfills

Commercial or private landfills are expressly forbidden in Green Township.

### 315 Fireworks

Manufacturing, sales, storage or distribution of fireworks or explosives is expressly forbidden in Green Township.

### 316 Existing Uses and Structures

- 1 Land uses and structures lawfully existing at the time of the adoption of this Resolution may continue to operate or to be occupied.
2. The owners of pre-existing structures or operators of pre-existing land uses that comply with these regulations and who wish to alter the structure or the nature of their use of the land shall comply with the requirements of these regulations.
- 3 Owners or operators of pre-existing uses or pre-existing structures that do not comply with this Resolution and who seek to alter their activities or structure shall meet the requirements outlined in these regulations for Nonconforming Uses.

### 317 Restoring Unsafe Buildings or Structures

Nothing in this Zoning Resolution shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by any Building Inspector or the Township Zoning Inspector or any other Green Township authorized authority.

### 318 Compliance with Zoning Resolution

A lot may be used and a structure, altered, occupied, or used only as this Zoning Resolution permits.

### 319 Deposit and Use of Fees

Fees collected by the township for permits and licenses under these Regulations shall be given to the township clerk within thirty (30) days, and first applied to the cost of administering and enforcing these Regulations.

### 320 Validity

If any article, section, sentence, clause, provision, requirement, or portion of this Zoning Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other article, section, sentence, clause, provision, requirement, or portion of this Zoning Resolution which is not in itself invalid or unconstitutional.

## ARTICLE IV DEFINITIONS

### 401 Explanations

For the purposes of this resolution, certain terms and words are described as follows: The words "used for" include "designed for" and vice versa; words used in the present tense include the future and vice versa; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word residence; the word "lot" includes the word "plot" and "parcel"; and the word "shall" is mandatory and not directory.

402 Accessory Building: A detached structure used to store personal possessions or used for an activity conducted solely by the owner of property.

1. Accessory buildings on parcels of one acre or less shall not exceed 800sq. ft. in all districts. Accessory buildings on parcels more than one acre but less than five acres shall not exceed 1600 sq. ft. in all districts. Accessory buildings on parcels of five acres or greater shall not exceed 3200 sq. ft. in all districts.

2. The fee for obtaining a zoning certificate for accessory buildings that do not exceed 144 sq. ft. shall be waived.

3. Accessory buildings that do not exceed 144 sq. ft. may be placed on a permanent foundation or constructed on skids; all others shall be on a permanent foundation.

4. Accessory buildings shall not occupy more than ten percent of the required yard.

5. An accessory building shall not be used as a dwelling.

### 403 Accessory Use:

A use of land or of a structure or a portion thereof customarily incidental and subordinate to the principal use of land or buildings and located on the same lot with such principal use.

404 Agriculture:

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

405 Agricultural Support Businesses: Establishments and commercial operations created to support agricultural uses including, but not limited to fertilizer, seed and feed suppliers and tractor and farm equipment sales and service.

406 Bed and Breakfast:

An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee.

407 Board:

Shall mean the Green Township Zoning Board of Appeals.

408 Building:

A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate structure.

409 Building Height:

The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.

410 Campground:

A plot of ground upon which two or more campsites are located, established or maintained for the occupancy by camping units of the general public as temporary quarters for recreation, education or vacation purposes.

411 Commercial Butchering:

A facility established to slaughter livestock. Said facility may offer meat for wholesale or retail trade.

412 Commission: Shall mean the Green Township Zoning Commission.

413 Communications Facilities: The erection, construction, alteration or maintenance of facilities or structures used by radio or television stations. These include buildings and antennas.

414 Conditional Use:

A use which is subject to approval by the Green Township Board of Zoning Appeals. A conditional use may be granted by the Board when there is a specific provision for such exception made in this Resolution. A Conditional Use Permit shall be valid for one (1) year. A new application shall be required if additional time is required to complete construction or set up for the conditional use.

415 Custom Butchering:

A facility established to slaughter livestock owned by an individual. Said facility shall not offer meat for wholesale or retail trade. A facility of clearly limited nature for the convenience of individuals raising livestock for their own consumption.

416 Dwelling:

A building or portion thereof, designed exclusively for residential occupancy, including single family dwellings, two family dwellings, multi family dwellings, vacation and seasonal dwellings, and vehicles or residences designed to be moved or towed on wheels, skids, or rollers, but not including hotels, motels, boarding houses or rooming houses.

Dwellings must be set on a permanent foundation with footers below the frost line.

1. Permanently sited manufactured home means a manufactured home that meets all the following criteria:
  - (a) The structure is affixed to a permanent foundation and is connected to the appropriate facilities:
  - (b) The structure, excluding any additions, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 1000 square feet:
  - (c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering:
  - (d) The structure was manufactured after January 1, 1995:
  - (e) The structure is not located in a manufactured home park as defined by section 3733.01 of the Revised Code.

2. **Manufactured home:** means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

3. **Industrialized unit:** means a building unit or assembly of closed fabrication in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by this resolution or a mobile home as defined by section 4501.01 of the Revised Code.

4. **Three Family Dwelling:** A structure on a single lot of record containing 3 dwelling units, each of which is totally separated from the others by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to all dwelling units. Each unit shall contain a minimum of 1000 square feet of habitable floor area exclusive of porches or garages.

5. **Multi Family Dwelling:** A structure on a single lot of record containing more than 3 dwelling units, each of which is totally separated from the others by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to all dwelling units. Each unit shall contain a minimum of 1000 square feet of habitable floor area exclusive of porches or garages.

6. **Single Family Dwelling:** A dwelling which is designed for and occupied by not more than one family and containing a minimum of one thousand (1000) sq. ft. of habitable floor area exclusive of porches, basements, or garages.

7. **Two Family Dwelling:** A structure on a single lot of record containing a maximum of two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to both units. Each unit shall contain a minimum of one thousand (1000) sq. ft. of habitable floor area exclusive of porches, basements or garages.

#### 417 Family:

One or more persons occupying a single family dwelling as a single housekeeping unit under a common housekeeping management plan based on a single internally structured relationship providing organization and

stability.

418 Farm Dwelling: Dwelling occupied by the owner or tenant of the farm on which it is located.

419 Flood Protection Elevation:

The elevation to which uses regulated by this resolution are required to be elevated or flood proofed.

420 Front Yard:

A yard extending across the full width of the lot between the nearest front main building and the front lot line; the depth of the required front yard shall be measured horizontally from the nearest point of the front lot line.

421 General Manufacturing:

Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors. A manufacturing facility of limited nature employing no more than twelve (12) individuals in actual manufacturing tasks. All raw materials shall be stored in totally enclosed structures. Additional, support personnel may be employed at the same location in addition to those employed in actual manufacturing operations.

422 Home Occupation:

A home occupation is a business conducted in the dwelling or accessory building, of the occupant of the residence. Which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The home occupation shall not create undue amounts of traffic, noise or nuisances for neighboring property owners. Home occupations include, but are not limited to the following: real estate office, barber shop, beauty shop, doctor offices, leather shops, crafts, or repair shops for small appliances. Specifically excluded from the home occupation category are the following: heavy equipment and truck repair, except for a maximum of two (2) pieces of equipment or trucks owned and operated by the occupant as his primary occupation.

423 Institution:

A publicly owned and operated facility such as a public library, hospital.

424 Junk Yard:

An open area where waste scrap metal, paper, two (2) or more unlicensed motor vehicles or other motor vehicles or parts thereof, or similar materials are bought, sold, exchanged, stored, packed or handled, including building wrecking yards, and including uses taking place entirely within an enclosed building.

425 Local Business:

An enterprise engaged in retail trade of a clearly limited nature for the convenience of surrounding residents. These may include, but are not limited to, repair shops, cleaning establishments, drug stores, beauty or barber shops, hobby shops, and businesses for the sale of food and non-alcoholic beverages for consumption either on or off the immediate premises.

426 Lot:

A parcel of land of sufficient size to meet minimum zoning requirements and to provide such yards and other open spaces as herein required. Such lots shall have frontage on improved streets or roads and may include:

1. A single lot of record.
2. A portion of a lot of record.

3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or portions of lots of record.

A. Corner Lot: A lot located at the intersection of two (2) or more streets. A lot abutting on a current street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

B. Interior Lot: A lot other than a corner lot.

C. Reversed Corner Lot: A corner lot the side street line of which is substantially a continuation of the front line of the lot to its rear.

D. Through Lot: An interior lot having frontage on two or more streets but not qualifying as a corner lot.

427 Lot Area:

The total horizontal area within the lot lines of a piece of property.

428 Lot Coverage:

The percentage of enclosed ground floor area of all buildings to total lot area.

429 Lot Depth:

The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

430 Lot Frontage: The horizontal distance between the side lot lines measured at right angles to the lot depth at the centerline of the road. For lots located on curves or on cul-de-sacs, lot frontage shall be the length of the chord created by joining the points on the side lot lines marking the edge of the road. Lot Frontage shall be a minimum of 150 feet.

431 Lot Lines:

The lines bounding a lot as defined herein.

432 Lot Width:

The horizontal distance between the side lot lines measured at right angles to the lot depth at the building setback line.

433 Main Building:

A building in which is conducted the principal use of the lot on which it is located.

434 Nonconforming Building:

A building or a portion thereof lawfully existing at the time this resolution is adopted which was designed, erected or structurally altered for a use that does not conform to the use of the Regulations of the District in which it is now located.

435 Nonconforming Use

A use which lawfully occupied a building or land at the time of adoption of this Resolution and which does not conform with the Regulations of the District in which it is located.

436 Permanent Foundation

A permanent masonry, concrete, or a footing or foundation approved by the manufactured homes commission pursuant to Chapter 4781 of the Revised Code, to which a manufactured or mobile home may be affixed or any foundation as described in the most recent addition of The Ohio Basic Building Code.

437 Person:

An individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau or agency, or any other entity recognized by law as the subject of rights and duties.

438 Planned Unit Development:

A contiguous area of land in which a variety of housing types and clusters are accommodated in a preplanned environment under more flexible standards such as lot sizes and setbacks, than those that normally apply under these Regulations.

439 Professional Services:

The use of offices and related spaces for such services as, but not limited to, medical practitioners, veterinarians, lawyers, architects, dentists, engineers, etc.

440 Public Uses:

Public parks, schools and adjunctive administrative uses, cultural uses and service buildings devoted solely to the storage and maintenance of equipment and material.

441 Rear Yard

A yard extending across the full width of the lot between the nearest rear main building and the rear lot line.

442 Recreational Uses

1. Commercial Recreational Facilities: Recreational Facilities established for profit, such as but not limited to, commercial golf courses, swimming pools, ice skating and racing tracks.
2. Non-commercial Recreational Facilities: Private and semi-private recreational facilities which are not operated for commercial gain, such as but not limited to, country clubs, riding clubs, private golf courses, game preserves or community swimming pools. Non-commercial recreational facilities may be leased to outside groups or organizations provided the fees for such purpose is limited to incidental and custodial expenses.

443 Regional Flood:

Large floods which have previously or which may be expected to occur on a particular stream because of local physical characteristics.

444 Regional Flood Plain:

That land inundated by the 100-year flood (regional flood).

445 Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

446 Retail Services: Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels motels, personal services, motion pictures, and galleries.

447 Rezoning:

An amendment to, or a change in the Zoning Resolution, rezoning can take three (3) forms:

1. A comprehensive revision or modification of the zoning resolution text and map.
2. A change in the zone requirements.
3. A change in the zoning map.

448 Roadside Stands:

Small structures (maximum of one hundred (100) square feet) for the sale of agricultural and plant nursery products, a minimum of fifty (50) percent of the produce shall be raised on the premises. Parking off the highway must be provided. A minimum of a 25 foot set back from the right of way is required.

449 Semi-Public Uses:

Churches and other places of worship, Sunday Schools, Parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

450 Essential Services:

The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of gas-, electrical, water or communications, supply, distribution or service facilities, including poles, wires, mains, drains, pipes, signals or hydrants including any necessary structures or buildings reasonably required to assure the provision of adequate supplies of public utilities by the utility or branch of government.

451 Setback Line:

A line established by zoning, platting or other legal authority on a lot of specified distance and parallel to the lot line to restrict the intrusions of buildings onto a lot line and providing free movement of air and adequate amounts of light.

452 Side Yard:

A yard between a main building and the side lot lines extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line towards the nearest point of the main building.

453 Mini Storage Building: A permanent structure built to be rented in whole or in part to individuals for the storage of personal possessions. Only structures capable of being taxed as real property may be considered storage buildings. Excluded from this definition are small structures meant to store lawn and garden equipment or the possessions of the property owner.

454 Structure:

Anything constructed or erected with a fixed location on the ground. Among other things, structures include signs, towers, poles and similar constructions.

455 Structural Alterations:

Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

456 Variance:

A variance is a relaxation of requirements where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Resolution would result in unnecessary and undue hardship. An application for a variance shall be valid for one (1) year. If the work necessary to complete the activity described in the variance is not completed, a new application shall be filed.

457 Yard:

An open space at grade between a building and the adjoining lot line unoccupied and unobstructed by any portion of a structure from the ground upwards, except as otherwise provided herein.

458 Zoning District:

Shall mean the Zoning Districts and land uses therein as established by the Zoning Resolution of Green Township.

## ARTICLE V ESTABLISHMENT OF ZONING DISTRICTS

501 Classification and Purpose of Districts:

For the purposes of this Zoning Resolution the following districts are hereby established.

DISTRICT

PURPOSE

PRIME FARM (F-1)

To protect and preserve the prime agricultural lands in the township for



agricultural use. To prevent or minimize conflicts between common farm practices and non-farm uses.

**GENERAL FARM (F-2)** To protect and maintain the openness and rural character of the countryside. To provide areas for rural developments of various kinds where the Prime Farm District is not appropriate.

**RESIDENTIAL (R-1)** To provide areas for low density residential development in areas that can support such development without creating any serious health threat.

**RURAL CENTER (R-2)** To recognize and provide for small rural centers or "cross-roads communities" where limited mixed land uses exist and are not particularly harmful to each other. To provide for areas having convenience goods and services to residents of the surrounding area.

**COMMERCIAL (C);** To provide for the commercial needs of residents of the area as well as tourist or travelers to the extent of need and appropriateness.

**INDUSTRIAL (I);** To provide for agribusiness and desirable industrial development in appropriate locations. To protect surrounding areas and the Industrial District from environmental nuisances such as smoke, noise, pollution, etc.

#### 502 Location of Districts

1. The boundaries for the districts listed in this zoning Resolution are indicated on the Green Township Zoning map which is hereby adopted by reference. The boundaries shall be modified in accordance with Zoning map amendments which shall be adopted by reference.
2. Except where otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map and Zoning Boundaries shall be determined by scaling. Scaling disputes shall be determined by the Board of Zoning Appeals.
3. Where a district boundary divides a lot in single ownership existing at the time of enactment of this Zoning Resolution, the use authorized on, and the district requirements of, the least restrictive portion of the lot shall be construed as extending to the entire lot provided, that such extension shall not include any part of the lot which is more than fifty (50) feet from the district boundary line.

#### 503 Zoning Map

1. The Zoning map or any Zoning Map amendment shall be prepared by authority of the Green Township Zoning Commission. The Map or amendment shall be dated with the effective date of the resolution that adopts the map or amendment.
2. A certified print of the adopted Map or Map amendment shall be maintained in the offices of the Green Township Trustees, and the Green Township Zoning inspector.

#### 504 Use Regulations

1. The Permitted and Conditional Uses for each district are shown in the following tables. Uses given in the following categories shall be interpreted according to the definitions (when given) in this Zoning Resolution. Uses not specifically listed or not interpreted to be included in the categories shall not be permitted except by amendment or exception to this Zoning Resolution.
  1. The following uses are permitted in the indicated district only upon the application and approval of a valid zoning permit or upon the application and approval of a valid conditional use permit.

506 Prime Farm District (F-1)

1. Permitted Uses:

Agriculture  
Farm Dwellings  
Home occupations class I and II  
Essential Services  
Accessory Uses  
Permanently sited manufactured home used as farm dwellings

2. Conditional Uses:

Non farm Single Family Dwellings (for immediate family members only)  
Oil or Gas Wells  
Public Uses  
Semi-public Uses  
Commercial Butchering  
Custom Butchering

3. Minimum Lot Size: one (1) acre (43,560 sq. ft.)
4. Minimum Lot Width: one hundred and fifty (150) ft.
5. Minimum Front Yard Depth: One hundred (100) ft. from centerline of road.
6. Minimum Rear Yard Depth: Forty (40) ft.
7. Minimum Side Yard Setback: Fifteen (15) ft.
8. Minimum Sum of Both Side Yards: Forty (40) ft.
9. Maximum Building Height: Thirty five (35) ft.
10. Maximum Number of Stories: Two and one-half (2.5) stories
11. Maximum Percent of Lot Coverage: Fifteen (15) percent
12. Minimum Road Frontage: one hundred and fifty (150) ft., measured at the center line of road.

## 507 General Farm District (F-2)

### 1. Permitted Uses:

Agriculture  
Single Family Dwellings  
Home occupations class I and II  
Essential Services  
Accessory Uses  
Public Uses  
Semi-Public Uses  
Permanently sited manufactured homes

### 2. Conditional Uses:

Secondary single family dwellings (for hardship cases only)  
Two Family Dwellings  
Bed and Breakfasts  
Nursery and Nursing Homes  
Hospital  
Library  
Vacation or Seasonal Homes  
Campground  
Planned Unit Development  
Mortuaries  
Cemeteries  
Airport  
Animal Hospitals  
Non-Commercial Recreational Facilities  
Mineral Extraction, Storage, or Processing  
Public Service Facilities

3. Minimum Lot Size: one (1) acre (43,560 sq. ft.)
4. Minimum Lot Width: One hundred and fifty (150) ft.
5. Minimum Front Yard Depth: One hundred (100) ft. from centerline of road.
6. Minimum Rear Yard Depth: Forty (40) ft.
7. Minimum Side Yard Setback: Fifteen (15) ft.
8. Minimum Sum of Both Side Yards: Forty (40) ft.
9. Maximum Building Height: Thirty five (35) ft.
10. Maximum Number of Stories: Two and one-half (2.5) stories
11. Maximum Percent of Lot Coverage: Fifteen (15) percent
12. Minimum Road Frontage: one hundred and fifty (150) ft., measured at the center line of road.

## 508 Residential District (R-1)

### 1. Permitted Uses:

Agriculture  
Single Family Dwellings  
Home occupations class I  
Essential Services  
Accessory Uses  
Public Uses  
Permanently sited manufactured homes

### 2. Conditional Uses:

Planned Unit Development  
Two Family Dwellings  
Multi Family Dwellings  
Nursery  
Non-Commercial Recreational Facilities  
Semi-Public Uses

3. Minimum Lot Size: One-half (1/2) acre (21,780 sq. ft.)
4. Minimum Lot Width: Sixty (60) ft.
5. Minimum Front Yard Depth: Fifty (50) ft. from centerline of road.
6. Minimum Rear Yard Depth: Forty (40) ft.
7. Minimum Side Yard Setback: Fifteen (15) ft.
8. Minimum Sum of Both Side Yards: Thirty (30) ft.
9. Maximum Building Height: Thirty five (35) ft.
10. Maximum Number of Stories: Two and one-half (2.5) stories
11. Maximum Percent of Lot Coverage: Fifteen (15) percent
12. Minimum Road Frontage: Sixty (60) ft., measured at the center line of road.

509 Rural Center (R-2)

1. Permitted Uses:

Agriculture  
Single Family Dwellings  
Two Family Dwellings  
Home occupations class I and II  
Essential Services  
Accessory Uses  
Public Uses  
Professional Services  
Permanently sited manufactured homes

2. Conditional Uses:

Planned Unit Development  
Manufactured Dwellings Parks and Subdivisions  
Multi Family Dwellings  
Nursery or Nursing Homes  
Bed and Breakfasts  
Mortuaries  
Cemeteries  
Semi-Public Uses  
Neighborhood Commercial Uses  
Radio or Television Stations or Transmission Facilities  
Non-Commercial Recreational Facilities

3. Minimum Lot Size: One (1) acre (43,560 sq. ft.)

4. Minimum Lot Width: one hundred and fifty (150) ft.

5. Minimum Front Yard Depth: One hundred (100) ft. from centerline of road.

6. Minimum Rear Yard Depth: Forty (40) ft.

7. Minimum Side Yard Setback: Fifteen (15) ft.

8. Minimum Sum of Both Side Yards: Forty (40) ft.

9. Maximum Building Height: Thirty five (35) ft.

10. Maximum Number of Stories: Two and one-half (2.5) stories

11. Maximum Percent of Lot Coverage: Fifteen (15) percent

12. Minimum Road Frontage: one hundred and fifty (150) ft., measured at the center line of road.

## 510 Commercial District ©

### 1. Permitted Uses:

Agriculture  
Local Business  
Offices  
Banks  
Restaurants  
Essential Services  
Accessory Uses  
Public Uses  
Semi-Public uses  
Professional Services  
Hotels and Motels  
Trucking Terminal  
Commercial Recreational Facilities  
Non-Commercial Recreational Facilities

### 2. Conditional Uses:

Planned Unit Development (PUD)  
Single Family Dwellings  
Two Family Dwellings  
Multi-Family Dwellings  
Permanently sited manufactured homes  
Mixed Use Dwellings  
Nursery or Nursing Homes  
Bed and Breakfasts  
Mortuaries  
Service Stations  
Highway Commercial Uses  
Public Service Facilities  
Commercial Butchering  
Custom Butchering  
Mini Storage-For-Rent Buildings

3. Minimum Lot Size: One (1) acre (43,560 sq. ft.)
4. Minimum Lot Width: one hundred and fifty (150) ft.
5. Minimum Front Yard Depth: One hundred (100) ft. from centerline of road.
6. Minimum Rear Yard Depth: Forty (40) ft.
7. Minimum Side Yard Setback: Fifteen (15) ft.
8. Minimum Sum of Both Side Yards: Forty (40) ft.
9. Maximum Building Height: Thirty five (35) ft.
10. Maximum Number of Stories: Two and one-half (2.5) stories
11. Maximum Percent of Lot Coverage: Thirty (30) percent
12. Minimum Road Frontage: one hundred and fifty (150) ft., measured at the center line of road.

## 511 Industrial District (I)

1. Permitted Uses:

Agriculture  
General Manufacturing  
Manufacture, Sale or Storage of Building Materials  
Equipment Storage, Service or Sales  
Wholesale or Warehouse Facilities  
Food Processing  
Transport and Trucking Terminals  
Grain Elevators or Feed Mills  
Offices  
Restaurants  
Non-Commercial Recreational Facilities  
Commercial Recreational Facilities  
Essential Services  
Accessory Uses  
Service Stations  
Professional Services  
Trucking Terminals  
Hotels and Motels  
Mineral Extraction, Processing, and Storage

2. Conditional Uses

Airport  
Radio or Television Stations or Transmission Facilities  
Mini Storage-For-Rent Buildings  
Research and Testing Facilities  
Laboratories  
Adult Oriented Businesses

3. Minimum Lot Size: One (1) acre (43,560 sq. ft.)
4. Minimum Lot Width: Two hundred and fifty (250) ft.
5. Minimum Front Yard Depth: One hundred (100) ft.
6. Minimum Rear Yard Depth: Forty (40) ft.
7. Minimum Side Yard Setback: Fifteen (15) ft.
8. Minimum Sum of Both Side Yards: Forty (40) ft.
9. Maximum Building Height: Thirty five (35) ft.
10. Maximum Number of Stories: Two and one-half (2.5) stories
11. Maximum Percent of Lot Coverage: Thirty (30) percent
12. Minimum Road Frontage: one hundred and fifty (150) ft., measured at the center line of road.

## 601 Flood Hazard Areas

1. Structures and land uses located in the Regional Flood Plain shall be subject to the following requirements.
2. Construction of any permanent structure in a Flood Hazard Area is prohibited by this resolution
3. The Zoning Classification of the property shall apply to areas in the flood plain.
4. Only those uses listed for that Zoning District shall occur in Flood Hazard Area.
5. Permitted Uses:
  - A. Prime Farm District: Agriculture uses; all (except residences and related permanent structures) Residential uses; lawns, gardens and recreational areas.
  - B. General Farm District: Agriculture uses; all (except residences and related permanent structures) Residential uses; lawns, gardens and recreational areas.
  - C. Residential District: Agriculture uses; all (except residences and related permanent structures) Residential uses; lawns, gardens and recreational areas.
  - D. Rural Center District: Agriculture uses; all (except residences and related permanent structures) Residential uses; lawns, gardens and recreational areas, Commercial uses; such as loading, parking or storage areas for items not subject to flood damage or easily moved.
  - E. Commercial District: Agriculture uses; all (except residences and related permanent structures) Residential uses; lawns, gardens and recreational areas, Commercial uses; such as loading, parking or storage areas for items not subject to flood damage or easily moved.
  - F. Industrial District: Agriculture uses, all; Commercial uses; such as loading, parking or storage areas; Industrial uses, parking or loading areas, storage areas for items not subject to flood damage or easily moved.
6. Utility facilities such as dams, power plants, flowage areas, transmission lines, pipelines, water monitoring devices or dikes or earthen structures are also permitted.
7. Temporary structures located in the regional flood plain shall not be used for human habitation.
8. Hazardous or toxic substances shall not be stored in flood prone areas

## 602 CLASS I HOME OCCUPATION

1. Home Occupations shall occur only in the occupant's dwelling.
2. The Home Occupation shall occupy no more than 400 square feet.
3. The Home Occupation shall be a use clearly incidental to the use of the dwelling as a residence.
4. Only residents of the dwelling may be employed by the Home Occupation.

## 603 CLASS II HOME OCCUPATION

1. Home Occupations shall occur only in the occupant's dwelling or a single accessory building.
2. The Home Occupation shall occupy no more than a total of 2000 square feet.
3. When a portion of the dwelling of the occupant of the Home Occupation is used as part of the business, the activity shall be clearly incidental to the use of the dwelling as a residence.
4. A maximum of 1 non resident of the dwelling may be employed by the Home Occupation.
5. All work and related activities conducted in conjunction with the Home Occupations shall be conducted within the occupant's residence or within an accessory structure used by the Home Occupation.
6. NO outdoor storage of vehicles being repaired by the owner of the Home Occupation is permitted.



#### 604 Nonconforming Buildings and Uses

1. Any legal use of a structure or land lawfully existing at the effective date of this Zoning Resolution may be continued, even though such use does not conform to the provisions of this Zoning Resolution. This nonconforming lawful use of a structure may be extended throughout those existing parts of the structure which were arranged or designed for such use. No nonconforming structure shall be altered, except when authorized by the Board of Zoning Appeals in accordance with the provisions of this Zoning Resolution as hereinafter provided.
2. Whenever the lawful use of a structure or land becomes nonconforming through a change in the Zoning Resolution or in the district boundaries, such use may be continued subject to the same limitations and the same conditions set forth above.
3. A nonconforming lawful use which has been damaged by fire, explosion, act of God or of the public enemy may be reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within two (2) years of the date of such damage, provided that the new building, use, or structure shall not contain more than the original space of the replaced building, use or structure and shall conform to all building regulations of Ashland County and the State of Ohio.
4. If a nonconforming use is abandoned for two (2) years such use must conform with all provisions of the zoning district in which such use is located and all other provisions of this zoning Resolution.

#### 605 Public Nuisances and Hazards

1. No land, building or use shall be used or occupied so as to be a nuisance or hazard to adjoining property owners or adversely affect neighboring areas. All obnoxious or hazardous substances shall be stored, transported or used and disposed of in such a way so as to not be a hazard to adjoining property owners and uses. Adequate precautions shall be taken to insure the safety of adjoining property owners.
2. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
3. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
4. Noise shall be so controlled so that any sound above normal background levels shall be imperceptible at the property line of adjacent parcels, or at the edge of the road right-of-way. Occasional, non-regular bursts of noise exceeding normal background levels may be permitted if the outbursts do not create a nuisance or hazard. If such outburst or other noise is objectionable as determined by the Board of Zoning Appeals, such noise shall be muffled or otherwise controlled. Sirens and other related apparatus used solely for public purposes are exempt from this regulation.
5. No vibration shall be permitted which is discernible without instruments on any adjoining parcel.
6. No pollution of air by fly-ash, dust, vapors, odors, smoke, or other substances shall be permitted which are harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.
7. No direct or reflected glare shall be permitted which is visible from any property outside an Industrial District or from any street.
8. No erosion, either by wind or water, shall be permitted which will carry objectionable substances onto

neighboring properties.

9. No pollution of any stream, reservoir, aquifer, or other body of water within or surrounding Green Township shall be permitted which would create a serious health threat to the health, safety, or welfare of residents of the Township.

10. The Zoning inspector, or Board of Zoning Appeals, prior to approving a zoning permit, 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 tolerances. The Zoning Inspector shall investigate all nuisance violations or complaints and present his findings to the Zoning Commission for determination of any action to be taken.

11. Methods and procedures for the determination of the existence of any dangerous or objectionable elements which constitute a public nuisance may utilize any applicable and reliable measurement procedures or the assistance of reputable consultants, government organizations or other sources may be utilized.

#### 606 Campgrounds

1. Campgrounds shall comply with all applicable State of Ohio and local Health Department and Subdivision Regulation requirements relative to the location, layout, construction, drainage, sanitation, safety, and operation.

2. Construction activities, other than stakes used to layout right-of-ways or lots and work related to surveying the parcel, is prohibited prior to the issuance of a permit from the State Department of Health and the approval of the final plat by the Ashland County Planning Commission.

#### 607 Manufactured Dwellings, Parks and Subdivisions

1. Manufactured dwelling parks and subdivisions are permitted in those districts specified in Article V of this Zoning Resolution. All manufactured dwellings parks and subdivisions shall meet the following conditions and criteria:

A. The applicant presents plans, specifications, design criteria and other data for the proposed park or subdivision in a form suitable for making the determination herein required by the Board of Zoning Appeals and all other pertinent information they may require in each individual application.

B. Such plans, at a scale approved by the Board of Zoning Appeals shall show the location and dimensions of streets and other roadways and lots.

C. All manufactured dwellings parks and subdivisions shall meet current state or local regulations governing their placement and occupancy.

2. Standards for manufactured dwellings parks and subdivisions

A. Size of site: Minimum of ten acres.

B. Density: Maximum of four (4) manufactured dwelling per gross acre.

C. Minimum Number of Sites: A Minimum of twenty-five (25) at first occupancy.

D. Width: Minimum width of the development shall be three hundred (300) feet.

E. Depth: Maximum depth of the development shall not exceed five (5) times the width.

F. Buffering: The outer boundaries of the park shall contain a buffer zone composed of a green strip of not less than fifty (50) feet in the front and twenty-five (25) feet on both sides and to the rear.

G. Access: Shall be provided into the park or subdivision with a minimum right of way sixty (60) feet in width with a minimum of thirty feet to be a paved roadway.

H. Roads: Marginal access roads may be required if deemed necessary by the Board of Zoning Appeals. These streets shall have a minimum right of way of sixty (60) feet and a pavement width of thirty (30) feet.

I. Walkways: Shall be provided with a minimum width of three (3) feet and shall be paved.

J. Recreation and Open Space: A maximum of seven (7%) per cent of the gross land area of the development shall be reserved for recreation and open space uses, excluding any yard requirements.

### 3. Standards for lots

A. Lots shall follow the minimum standards required in the current Subdivision Regulations for Ashland County.

B. Setbacks: Required side yards shall be the same normally required for the district in which the park is located.

C. Parking: A minimum of four hundred (400) square feet of off street parking per space or lot, for two (2) cars shall be provided and paved.

D. Walkways: Each lot or space shall have a paved walkway of a minimum of three (3) feet in width leading to the main entrance from the walkway along the right of way.

E. Foundations: All manufactured dwellings shall be placed on foundations with footers located below the frost line and mounted on solid walls running the circumference of the dwelling.

G. Lot Numbering: Each manufactured dwelling space or lot shall be numbered for identification purposes.

H. Tie-Downs: Each manufactured dwelling shall employ the use of tie downs to support it in high winds. Tie down anchors are to be furnished at the time of construction which are acceptable to the Board of Zoning Appeals.

I. All manufactured dwelling size standards will comply with the minimum living space standards contained in Article IV of this Zoning Resolution.

4. All manufactured dwellings shall be taxed as real property.

### 608 Temporary Structures

Temporary Structures may be permitted during construction or reconstruction of a residence and shall be inspected by the Board of Zoning Appeals.

### 609 Deteriorated or Abandoned Structures

1. Deteriorated or abandoned structures such as:

- A. Dwellings
- B. Sheds
- C. Oil storage tanks
- D. Other structures

in a condition which creates potential health hazards or nuisances shall be demolished and removed.

2. Any of the above structures, destroyed by fire or other causes, must be demolished and the debris removed before a building permit shall be issued, or within one year.

### 610 Junk

Junk such as:

- A. Abandoned vehicles

- B. Parts of abandoned vehicles
- C. Household appliances
- D. Miscellaneous personal possessions
- E. Other similar articles

that are not in operating condition or licensed as required by State Law or are creating a health or safety hazard or nuisances shall be removed from the view of the public right-of-way.

#### 611 Mineral Extraction, Storage and Processing

1. Mineral extraction and related activities shall occur where permitted by these regulations and only after a valid Zoning Certificate has been obtained.
2. The operator of any facility used for mineral extraction shall submit to the Zoning Inspector a map showing the areas to be mined and identifying adjacent property owners, roads, natural features and any additional information deemed necessary by the Inspector.
3. Operators of all mineral extraction facilities shall comply totally with Section 1514 and other relevant sections of the Ohio Revised Code and all related, applicable regulations and requirements of the Ohio Department of Natural Resources, Division of Reclamation.
4. These Regulations do not apply to oil or gas wells.
5. New zoning permits are required for any amendment to an Ohio Department of Natural Resources, Division of Reclamation plan.
6. Mineral extraction, Storage and Processing shall include the commercial extraction of water.

#### 612 Yard Requirements

1. Interior lots having frontage on two streets shall only be required to provide the required front yard on one street.
2. In the case of corner lots used for residential purposes, the required front yard shall be provided for along the right of way that the residence fronts on.
3. In situations where 40% or more of the frontage on the same side of a street between 2 intersecting streets is developed with new structures, new buildings shall be erected no closer or farther from the right-of-way than the average distance as established by existing buildings.

#### 613 Planned Unit Developments

1. All planned unit developments shall be subjected to the following rules, regulations, criteria and standards.
2. The requirements required to obtain a Conditional Use Permit shall be followed.
3. Planned Unit Developments shall only be permitted in Districts identified for such uses in this Zoning Resolution.
4. All applicable State and Local Regulations shall be followed during the planning, design, construction and occupation of a Planned Unit Development.

5. The Board of Zoning Appeals shall consider the following points when making their decision:

A. Different types of living environments are available by offering a variety of housing and building types and by permitting an increased density of housing units per acre through a reduction in lot dimensions, yard dimensions, setbacks, and area requirements.

B. A well thought out pattern of open space and recreation areas convenient to accessory uses and dwellings is included.

C. A development pattern that preserves the natural topography, geological features and vegetation without disrupting natural drainage features.

D. That a more efficient use of land is achieved resulting in savings through shorter streets and utility lines.

E. A development pattern consistent with the land use, density, transportation facilities and community facilities objectives.

F. That the Planned Unit Development does not adversely affect the neighboring land uses.

#### 614 Signs

1. All signs located in Green Township shall follow the requirements of these Regulations.

2. The following signs shall be permitted in any District. No permit shall be required:

A. Real Estate rental or sale signs of less than six (6) square feet per side.

B. Signs advertising Home Occupations of not more than six (6) square feet per side.

C. Signs listing the name and address of occupants of a structure not exceeding four (4) square feet per side.

D. Signs or bulletin boards related to places of worship, public buildings or social clubs or societies not exceeding forty (40) square feet.

E. Entrance, exit or directional signs.

F. Temporary signs advertising special events or the construction of buildings shall be removed upon completion of the advertised activity.

G. Signs erected by governmental agencies

H. Signs advertising roadside stands not exceeding six (6) square feet.

3. Zoning Certificates shall be required for the following types of signs:

A. outdoor advertising signs not located on the premises of the establishment advertised.

B. Signs shall be set back from the edge of the right-of-way as required by the following table:

Size	Setback
------	---------

Less than or equal to 10 sq. ft.	10 feet
----------------------------------	---------

11 to 30 square feet	20 feet
----------------------	---------

31 to 50 square feet	30 feet
----------------------	---------

51 square feet or greater	50 feet
---------------------------	---------

C. Signs shall be separated from each other a minimum of ten (10) times the average size of the signs; signs shall be not less than one hundred (100) feet apart.

D. Signs shall not be located less than one hundred (100) feet to a residential structure.

E. No sign shall be greater than one hundred (100) square feet in total surface per side.

F. Signs on the premises of commercial or industrial uses; the edge of such signs shall not be closer than fifteen (15) feet to the right-of-way.

4. The following types of signs are prohibited:

A. Signs attached to or painted on trees, rocks or natural features.

B. Flashing or illuminated signs that distract drivers.

C. Signs that resemble devices erected under governmental authority.

D. Signs located in dedicated rights-of-way.

E. Signs deemed to be unsafe or a public hazard.

## 615 Conditional Uses

1. Under special conditions, land uses other than those specifically permitted by this Zoning Resolution may occur in a District. A list of these uses is located in Article V of this Zoning Resolution. A special permit must be obtained from the Board of Zoning Appeals before the development of any land use identified in this resolution as a "Conditional Use".

2. All proposed "Conditional Uses" are subject to the following general standards:

A. The uses will be harmonious with and in accordance with the general objectives, or with any specific objectives of the Township's zoning Resolution.

B. All structures and uses will be designated, constructed operated and maintained so as to be harmonious, safe and appropriate in appearance and use 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 proposed use will not be hazardous or disturbing to existing or future neighboring uses.

D. The proposed use will be served adequately by essential public services (fire, police, highways, sewers, water, and schools) or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

E. That the proposed use will not create excessive additional public costs or responsibilities for services or facilities and will not be detrimental to the community.

F. The proposed uses will not involve activities, processes, materials or equipment detrimental to persons, property or the general welfare of the community because of excessive noise, smoke, odors, traffic, glare or fumes.

G. Adequate access to the use shall be provided that does not interfere with surrounding uses or disrupt current traffic patterns.

H. The proposed use will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.

3. When making its review of the proposed use the Board of Zoning Appeals shall review the proposal on the basis of the above factors and any other criteria deemed pertinent by them. Such review shall follow the requirements established in Article VII of this Zoning Resolution.

A. A Conditional Use permit shall be valid for one (1) year. If additional time is required to complete construction or set up of the conditional use, a new application shall be filed.

## ARTICLE VII PROCEDURES

### 701 Changes and Amendments

All provisions of current State Laws pertaining to Township Zoning shall be complied with. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Trustees may, by Resolution and after a report submitted by the Zoning Commission subject to the procedures outlined in this section, and/or according to current State Law, amend, supplement or change these Regulations, district boundaries or the classification of property, now or hereafter established by this Resolution.

1. Amendments or supplements to the Zoning Resolution may be initiated as follows:

- A. By motion of the Township Zoning Commission;
- B. By passage of a Resolution therefore by the Board of Township Trustees, and a certification of the same by the Commission;
- C. By the filing of an application by 1 or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission.

2. Applications initiated by private owners or lessees for any change of district boundaries, change in the list of permitted or conditional uses or reclassification of districts as shown on the Zoning Maps shall be filed with the Zoning Commission on forms approved by the Commission and accompanied by all data and information required by the Commission.

3. Within 5 days after the adoption of the motion, or the certification of the Resolution, or the filing of the application, the Zoning Commission shall transmit a copy of the motion, Resolution or application, together with text map, to the Regional Planning Commission.

4. The Regional Planning Commission shall hold a public hearing on the proposal and shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and shall submit the recommendation to the Commission.

5. Upon the adoption of the motion, or the certification of the Resolution, or the filing of the application, the Township Zoning Commission shall set a date for the public hearing not less than 20 nor more than 40 days from the date of the certification of the Resolution, or the adoption of the motion, or the date of the filing of the application.

6. Notice of such hearing shall be given as follows:

- A. A notice shall be published in 1 or more news papers of general circulation in the township at least 15 days before the date of such hearing.
- B. If the proposed amendment or supplement intends to rezone or redistrict 10 or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission, by first class mail, at least 20 days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure to deliver such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall include the following:
  - a. The time, date and place of the public hearing.
  - b. The name of the Zoning Commission that will be conducting the public hearing.
  - c. A statement indicating that the Motion, Resolution, or Application is an amendment to the Zoning Resolution.
  - d. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current Tax List.
  - e. The present zoning classification of property named in the proposed Amendment and the proposed zoning classification of such property.
  - f. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least 15 days prior to the public hearing.
  - g. The name of the person responsible for giving notice of the public hearing (mailed or published). This will usually be the Chairman or Secretary of the Zoning Commission or the Clerk.
  - h. Any other information requested by the Zoning Commission.
- i. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action. In the case where more than 10 parcels of land as shown on the Auditor's current Tax List are proposed for rezoning OR when the proposed amendment involves any change to the text of the Zoning Resolution, Items a, b, c, f, g, h, and i above must be included in the notices.

7. The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official action, all of which shall be filed in the Commission Office and shall be a public record.

8. The Commission shall study the proposed changes in the terms of public necessity, convenience, general welfare and good zoning practice. When studying the proposed changes, the Commission shall consider the following points:

- A. Would the proposed development be contrary to the recommendations of the Ashland County Comprehensive Plan?
- B. Is the proposed development (amendment) contrary to the established land use pattern?
- C. Would the amendment create an isolated, unrelated district?
- D. Would the amendment alter adversely the population density pattern?
- E. Will the proposed development increase the load on public facilities beyond reasonable limits? (water, streets, schools, etc.) ?
- F. Are the present development boundaries logically drawn in relation to existing conditions?
- G. Will the amendment adversely influence living conditions in the surrounding area?
- H. Will the amendment seriously affect the natural character of the land to the point of creating potential hazards?
- I. Have the basic land use conditions changed?
- J. Will approval be a deterrent to the improvement or development of adjacent property in accordance with existing plans and regulations?
- K. Will the proposal constitute a grant of special privilege to an individual which will not be granted to others at the expense of the general welfare?
- L. Are there reasons why the property cannot be used as it is presently planned or zoned?



- M. Is the change out of scale with the area's needs? The neighborhood's needs? The Township's needs? The region's needs?
- N. Are there alternative undeveloped sites for the proposed use(s)?

The Commission shall, within 30 days after the public hearing, recommend the approval, or denial of the proposed amendment or supplement or the approval or some modification of the proposal, and submit such recommendation together with such application or resolution, the text and map as well as the recommendation of the Regional Planning Commission to the Board of Township Trustees.

9. The Board of Township Trustees, upon receipt of the recommendation from the Township Zoning Commission, shall set a time for the public hearing on the proposed amendment or supplement not more than 30 days from the date of the receipt of the recommendation from the Commission.

10. Notice of such public hearing shall be given by the Board of Township Trustees by 1 publication in 1 or more newspapers of general circulation in the Township, at least 15 days before the date of such hearing. Said Notice shall contain the information listed in Items 6.B.a. through 6.B.h. of this Section.

11. Within 20 days after the public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Commission, or adopt some modification of the proposal. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees shall be required to override the recommendation of the Commission.

12. The amendment or supplement adopted by the Board of Township Trustees shall become effective 30 days after the date of adoption unless a petition is presented to the Board signed by qualified voters equal to at least 8% of all of the voters who cast ballots for governor in the last gubernatorial election, requesting that the Board submit the amendment or supplement to a vote of local voters for approval or rejection at the next primary or general election.

13. No amendment or supplement for which the referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately. Aggrieved parties may appeal decisions to the Court of Common Pleas.

14. Fees as established by the Board of Trustees shall be paid upon the filing of any request for an amendment. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Permits required for the development proposed in the amendment.

#### 702 Appeals

1. Appeals to the Board of Zoning Appeals may be made by:

- A. Any person affected by a decision of any officer of the Township.

2. The appeal shall be made within 20 days after the decision by filing with the Board, a notice of such appeal specifying the grounds on forms approved by the Board.

3. The Zoning Inspector or administrative officer shall submit to the Board all records related to the situation which is being appealed.

4. When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Board shall set a reasonable time for the public hearing.

5. Notice of the public hearing shall be provided in the following ways:

- A. The Board shall give at least 15 days written notice to all parties of interest and to any person, firm, or corporation owning premises located within 500 feet of the land that is the subject of the appeal.

- B. In addition, the Board shall inform the general public of the public hearing by placing 1 notice of the hearing in 1 or more newspapers of general circulation in the Township at least 15 days before the date of said hearing.

- C. The notice shall contain the following information:

- a. The time, date and place of the public hearing.

- b. The name of the Board of Zoning Appeals that will be conducting the public hearing.

- c. A statement indicating that the application is an appeal.
- d. A list of the addresses of all properties related to the appeal and of the names of owners

of

- these properties, as they appear on the County Auditor's current Tax List.
- e. The time and place where the appeal application will be available for examination for a period of at least 15 days prior to the public hearing.
- f. The name of the person responsible for giving notice of the public hearing (mailed or published). This will usually be the Chairman or Secretary of the Board of Zoning Appeals.
- g. Any other information requested by the Board of Zoning Appeals.

6. At the hearing, any person may appear in person or by attorney. The Board may recess such hearings as necessary, and if the time and place of the continued hearing be publicly announced at the time of recess, no further notice shall be required. The Board must decide the appeal within a reasonable time after its public hearing.

7. The Secretary of the Board of Zoning Appeals shall promptly notify the applicant in writing the decision of the Board.

8. The refusal of an applicant's request by the Board of Zoning Appeals can only be appealed to the Court of Common Pleas of Ashland County.

9. Fees as established by the Board of Trustees shall be paid upon the filing of any request for an appeal. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Permits required for development that has been appealed.

#### 703 Variances

1. All applications for variances shall be made to the Board of Zoning Appeals in writing and on forms prescribed.

2. When a notice of variance has been filed in proper form with the Board of Zoning Appeals, the Board shall fix a reasonable time for the public hearing.

3. Notice of the public hearing shall be made in the following ways:

- A. Give at least 10 days' written notice to the parties in interest and to any person, firm, or corporation owning premises located within 500 feet of the land that is the subject of the variance.
- B. In addition, the Board shall inform the public of the hearing by placing 1 notice in 1 or more newspapers of general circulation in the Township at least 10 days before the date of the hearing.
- C. The notice shall contain the following information:
  - a. The time, date and place of the public hearing.
  - b. The name of the Board of Zoning Appeals that will be conducting the public hearing.
  - c. A statement indicating that the application is a variance
  - d. A list of the addresses of all properties related to the variance and of the names of owners of these properties, as they appear on the County Auditor's current Tax List.
  - e. The time and place where the variance application will be available for examination for a period of at least 10 days prior to the public hearing.
  - f. The name of the person responsible for giving notice of the public hearing (mailed or published). This will usually be the Chairman or Secretary of the Board of Zoning Appeals.
  - g. Any other information requested by the Board of Zoning Appeals.

4. At the hearing, any person may appear in person or by attorney. The Board may recess the hearing as necessary, and if the time and place of the continued hearing be publicly announced at the time of recess, no further notice shall be required.

5. The Board of Zoning Appeals is authorized to approve a variance where, by reason of:

- A. Exceptional narrowness

- B. Shallowness or shape
- C. Exceptional topographic conditions
- D. Other extraordinary situations or conditions of a lot

the strict application of the terms of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship upon the owner. They may authorize a variance from such strict application to relieve such difficulties or hardships, providing such relief may be granted without substantially impairing the intent of this Resolution.

6. A variance shall not be granted unless the Board finds that all of the following conditions exist:

- A. The strict application of the provisions of the Resolution would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and the intent of this Resolution.
- B. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
- C. The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought, and will not materially impair the purpose of this Resolution. In granting a variance the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public health and safety and to further the purpose and intent of this Zoning Resolution.
- D. These conditions shall be made a part of and be attached to the Zoning Permit which is required for a variance.

7. The Board must decide the variance within a reasonable time after its public hearing.

7 The Secretary of the Board of Zoning Appeals shall promptly notify the applicant in writing the decision of the Board.

8 Fees as established by the Board of Trustees shall be paid upon the filing of any request for a variance. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Permits required for a variance.

#### 704 Conditional Uses

1. Under special conditions, land uses other than those specifically permitted by this Zoning Resolution may occur in a District. A list of these uses is located in Article V of this Zoning Resolution.

2. A special permit must be obtained from the Board of Zoning Appeals before the development of any land use identified in this Resolution as a "Conditional Use".

3. All proposed "Conditional Uses" are subject to the following general standards:

- A. The uses will be harmonious with and in accordance with the general objectives, or with any specific objectives of the Township's Zoning Resolution.
- B. All structures and uses will be designated, constructed, operated and maintained so as to be harmonious, safe and appropriate in appearance and use 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 proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- D. The proposed use will be served adequately by essential public services (fire, police, highways, sewers, water, schools) or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- E. That the proposed use will not create excessive additional public costs or responsibilities for services or facilities and will not be detrimental to the community.
- F. The proposed uses will not involve activities, processes, materials or equipment detrimental to persons, property or the general welfare of the community because of excessive noise, smoke, odors, traffic, glare or fumes.
- G. Adequate access to the use shall be provided that does not interfere with surrounding uses or disrupt current traffic patterns.

H. the proposed use will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.

3. All applications for Conditional Uses shall be made to the Board of Zoning Appeals in writing and on forms prescribed.

4. When a notice of a conditional use has been filed in proper form with the Board of Zoning Appeals, the Board shall set a reasonable time for the public hearing.

5. Notice of the public hearing shall be made in the following ways:

A. Give at least 10 days' written notice to the parties in interest and to any person, firm, or corporation owning premises located within 500 feet of the land that is the subject of the application for the conditional use.

B. The Board shall inform the public of the hearing by placing 1 notice of the hearing in 1 or more newspapers of general circulation in the Township at least 10 days before the date of said hearing.

C. The notice shall contain the following information:

a. The time, date and place of the public hearing.

b. The name of the Board of Zoning Appeals that will be conducting the public hearing.

c. A statement indicating that the application is a Conditional Use.

d. A list of the addresses of all properties related to the Conditional Use and of the names

of

owners of these properties, as they appear on the County Auditor's current Tax

List.

e. The time and place where the Conditional Use application will be available for examination for a period of at least 10 days prior to the public hearing.

f. The name of the person responsible for giving notice of the public hearing (mailed or published). This will usually be the Chairman or Secretary of the Board of Zoning Appeals.

g. Any other information requested by the Board of Zoning Appeals.

6. At the hearing, any person may appear in person or by attorney. The Board may recess the hearings as necessary, and if the time and place of the continued hearing be publicly announced at the time of recess, no further notice shall be required.

7. Conditional Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Districts. Since this is the case, the Board may approve an application for a Conditional Use only when the following conditions are met:

A. The Conditional Use is specifically listed or interpreted as listed in the District in question.

B. The Conditional Use is in general accord with the Ashland County Comprehensive Plan.

C. The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area.

8. When making its review of the proposed use the Board of Zoning Appeals shall review the proposal on the basis of factors 3.A through 3.H (listed above) and any other criteria deemed pertinent by them.

9. In granting a Conditional Use the Board may impose such conditions as it may deem necessary to protect the public health, safety, morals and to further the purpose and intent of this Resolution.

10. The Secretary of the Board of Zoning Appeals shall notify the applicant in writing the decision of the Board.

11. Fees as established by the Board of Trustees shall be paid upon the filing of any request for a conditional use. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Permits required for a conditional use.