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ARTICLE 1

TITLES, AUTHORIZATION, PURPOSE, AND ENACTMENT CLAUSE

101 LONG TITLE

A resolution providing for the zoning of the unincorporated area of Eden Township, Seneca County, Ohio by regulating the size, location, height, and use of buildings and structures, the area and dimensions of the unincorporated area of the Township into zones or districts of such number, size and shape as are deemed best suited to carry out said purposes and prescribing penalties and preceding for the administration and enforcement of this Resolution.

WHEREAS the Board of Trustees of Eden Township, Seneca County, Ohio deems it in the best interest of the public health, safety, morals, comfort and general welfare of said Township and it's residents to establish this general plan of zoning for the unincorporated areas of said Township.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Eden Township, Seneca County, Ohio

102 SHORT TITLE

This resolution shall be known as the Zoning Resolution of Eden Township, Seneca County, Ohio
Terminology - Defined in Article 12

103 AUTHORIZATION

This Resolution is authorized by Chapter 519 of the Revised Code of the State of Ohio.

104 PURPOSE

For the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property values; to secure the most appropriate use of land, and to facilitate adequate but economical provisions for public improvements, the Board of Trustees of this Township find it necessary and advisable to regulate the location, height, bulk, number of stories, and size of the buildings and other structures, including tents, cabins, trailer coaches and the use of land for trade, industry, residence, recreation or other purposes, and for such purposes have divided the unincorporated area of the Township into districts or zones as shown on the official Zoning Map of Eden Township, Seneca County, Ohio.

105 EFFECTIVE DATE

This revised resolution shall take effect and be in force and any amendments thereto shall take effect as prescribed by Chapter 519 of the Ohio Revised Code.

106 VALIDITY

If an article, section, subsection, paragraph, sentence, or phrase of this resolution is for any reason held to be invalid by a Court of Competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution.

ARTICLE 2

INTERPRETATION

201 INTERPRETATION AND APPLICATION

In interpretation and application, the provisions of the Resolution shall be held to be the minimum requirements adopted for the promotion of public safety, morals, comfort, and general welfare.

Whenever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standard shall govern.

202 VALIDITY AND SEPARABILITY

It is hereby declared to be the legislative intent that, if any provisions of this Resolution, or the application thereof to any zoning lot, building or other structure, or tract to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situations the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective to the zoning lot, building or other structure or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of such provision to other persons or situations shall not be affected.

ARTICLE 3

GENERAL REGULATIONS

301 PURPOSE

General regulations apply to all districts. Where requirements of a general regulation and a district regulation differ, the more restrictive requirements regarding the use of the property shall prevail.

301.01 Zoning Permit

A Zoning Permit must be obtained before excavation for foundation or basement, erection of any structure requiring space on ground, or change of use of land or space, as stated in any zoning district except as provided in Section 302.

302 PERMITTED USES

Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings incident to the use for agricultural purposes of the land on which buildings shall be located.

No buildings shall be created, converted, enlarged, reconstructed on structurally altered, nor shall any building or land be used, designed, or arranged for any purpose other than that specifically permitted in the district in which the building or land is located. The Board of Zoning Appeals may issue Conditional Zoning Certificates for any of the conditionally permitted uses listed under the conditionally permitted use section of any district.

303 PROHIBITED USES

303.01 Inoperable Vehicle

No inoperable, unlicensed automotive vehicle, with or without parts removed, shall be permitted to stand neglected and/or allowed to deteriorate on any premises in any district, (except as provided in the Industrial District), provided that nothing herein shall prevent the parking or storage of such vehicles in a fully enclosed garage or similar permanent structure.

A vehicle shall be deemed junk or inoperable whenever any two or more of the following occur for a period of two weeks prior to the filing of a cease and desist order;

- a. The vehicle is without a valid, current registration and/or license plate
- b. The vehicle is apparently inoperable;
- c. The vehicle is without fully inflated tires under it;
- d. The vehicle has a missing or shattered window shield;

- e. The vehicle has an extensively damaged or missing door, motor, transmission, or other similar major part.

303.02 Prohibited Use

The following uses shall not be allowed in any zoning district:

1. Coaches, bus bodies, vans, street cars, or railroad cars used for dwelling. Any of the aforementioned presently used for dwelling purposes shall be considered a non-conforming use. Should they become unoccupied or abandoned for a period of thirty (30) days or more, they must be torn down or otherwise removed from the premises.
2. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except as resulted from normal domestic use of the premises, unless such dumping is done at a place otherwise permitted by the this Zoning Resolution and/or other applicable law.

304 GENERAL LOT AREA REGULATIONS

No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated. Excessive lot depth in relation to width should be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum.

304.01 Lot Area Exception for Existing Certain Sub-Standard Lots

Any lot or parcel of land under one ownership and of record at the time of adoption of this Resolution and where no adjoining land was under the same ownership on said date, may be used as a building site even when of less area or width than that required by the regulations for the district in which located. No building or addition to a building shall be constructed within ten (10) feet of any side property line or original plot or within thirty (30) feet of the front property line.

305 GENERAL YARD REQUIREMENTS

Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this resolution.

305.01 Yard for Single Building

No yard or other open space around one building shall be considered as a yard or open space for any other building. No required yard or other required open space on adjoining lot shall be considered as providing the yard or open space on the lot whereon a building is to be erected or established.

305.02 Yard Measurements

- A. The minimum front yard depth shall be measured on the perpendicular from the setback line. Streets having no established right-of-way shall have such right-of-way established by classifying the streets according to classifications in the subdivision regulations, or if such subdivision regulations do not exist, by assuming the street has a sixty (60) foot right-of-way, with the center of the traveled portion of the street being the center of the right-of-way. All front and side streets yards shall be measured from the right-of-way lines so established.
- B. The minimum side yard width and rear yard depth shall be measured on the perpendicular from the lot lines to nearest point of any structure.
- C. Corner or double frontage lots shall comply with the minimum front yard depths on both streets.

305.03 Clear View of Intersecting Streets

In all zones which require a front yard, no obstruction in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines or the projected point of intersection of the street property lines and a line connecting points twenty-five (25) feet from the intersection of the street property lines or the projected point.

305.04 Yard Exception - Fence, Hedges, and Walls

In all districts, except industrial, fences and walls may be constructed to a maximum height of six (6) feet in any side and rear yard or along any line where an existing non-conforming house has been or may be extended. A fence or wall of a height of no more than three (3) feet shall be constructed in any yard abutting a street. Fences or walls required to surround and enclose public utility installations are not limited as to height in any district.

305.05 Yard Exceptions - One Story Garages or Accessory Buildings

In residential districts one story detached garages or other accessory buildings may be located ten (10) feet from side and rear property lines when located in back of the principal building.

305.06 Sale, Lease, or Use of Required Yard Space

No space needed to meet the width, yard area, coverage, parking or other requirements of the Resolution for a lot or building may be sold, leased, or used from such a lot or building unless other space is available to comply with said requirements.

305.07 Yard Exception - Swimming Pools

Swimming pools may be located ten (10) feet from side and rear property lines when located in back of the principal building and must maintain the front yard setback of thirty (30) feet in any yard abutting a street on a corner or double frontage lot.

305.08 Yard Exception - Ponds

Ponds may be located ten (10) feet from side and rear property lines and thirty (30) feet from any street right of way line.

305.09 Yard Exception - Uncovered Porches & Decks, Canopies, Balconies, Carports, Covered Patios, and Similar Architectural Projections

Open structures such as uncovered porches and decks, canopies, balconies, carports, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached, and shall not project into the required minimum front or rear yard by more than ten (10) feet or into a required side yard by more than five (5) feet.

306 HEIGHT EXCEPTIONS

No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit here-in-after established for the district in which the structure is located, except that; (1) roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, sky lights, towers, steeples, stage lofts, and screened chimneys, smoke stacks, water tanks, or similar structures may be erected to exceed by not more than fifteen (15) feet the height limits of the district in which it is located; provided that such structure in and of itself shall not have a total area greater than twenty (20) percent of the roof area of the building and shall not be used for any residential purposes; (2): radio, television and wireless aerials, or masts and flagpoles may be erected to any heights.

307 BUILDING REGULATIONS

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to: (1) exceed the maximum height: (2) accommodate a prohibited use or house a greater number of families: (3) occupy a greater percentage of side yards, that are specified herein for the district in which such building is located.

307.01 Principal Building

No more than one principal building shall be permitted on any one lot unless otherwise specifically stated in this Resolution.

307.02 Accessory Building

An accessory building may be erected detached from the principal building, or it may be erected as an internal building, or it may be connected to the principal building by a breezeway or similar structure. Accessory buildings shall not occupy more than thirty-five (35) percent of a required yard. Accessory buildings shall be at least ten (10) feet from all lot lines of adjoining lots or street right-of-way lines.

The front setback line of all accessory structures shall not be nearer the front lot line than is allowable for the primary structure.

307.03 Building Under Construction Prior to the Resolution

Nothing in this Resolution shall be deemed to require any change in the plans, construction, or designated uses of any building upon which actual construction was lawfully begun prior to the adoption of the Resolution and provided further that such building shall be completed within two (2) years from the date of passage of this Resolution.

307.04 Town House, Multifamily, and Commercial Development

When more than one (1) town house, multi-family, commercial, or industrial building is located on one lot, the buildings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements.

307.05 Building Permit or Zoning Certificates

No building permit or zoning certificate shall be issued without evidence that the Health Department has approved the proposed sanitary sewage disposal and water facilities for the use for which the building permit or zoning certificate has been requested.

307.06 Minimum Living Floor Area Per Family

In any rural or urban residential district, the minimum floor area for living purposes per family shall not be less than one thousand (1000) square feet. The calculation of floor area shall include only those areas used for living purposes; garages, carports, patios, and other such areas shall be excluded from calculation.

307.07 Street Width

No principal building shall be erected on a lot which does not abut on at least one street. All private streets constructed after adoption of this Resolution shall have minimum right-of-way of sixty (60) feet.

308 USES NOT SPECIFICALLY CONTROLLED BY DISTRICT REGULATIONS

308.01 Official Notices Exempt

This Resolution shall not apply to signs established, by any court or public body, exclusively for legal or official notice, directional warning, public information, or other legal purposes.

308.02 Temporary Buildings

Temporary buildings used for purposes incidental to construction work shall be permitted provided such buildings or uses shall not be for permanent structures or uses. The initial period of allowance for such temporary buildings or use shall be six (6) months. An additional extension of six months may be granted upon application to the Zoning Commission. A zoning permit shall be required for temporary buildings. Temporary buildings do not have to meet the minimum square footage requirements as described in Section 307.06

308.03 Surface of Parking Lots

Off-street parking used for buildings shall be surfaced and maintained with a durable and dustless surface consisting of an EPA approved product, asphalt or concrete, and shall be so graded and drained as to dispose of all surface water. In no case shall drainage be permitted across sidewalks. Surfacing and drainage shall be subject to approval by the Zoning Inspector.

309 ANNEXATION

All property annexed by a municipality shall be regulated by the zoning regulations which govern the property prior to annexation, until the legislative authority of said municipal corporation shall officially adopt zoning regulations for such territory.

310 ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the public health , safety, morals, convenience, comfort, prosperity, and general welfare of the community, the following districts are hereby established: Agricultural District, Suburban Residential District, Multi-Family Residential District, Commercial District, Industrial District, and Commercial Recreation District.

311 ZONING DISTRICTS MAP

The districts established in Section 310 are bounded and defined as shown on a map entitled Zoning Districts Map of Eden Township, Seneca County, Ohio, and said map with all the notations, references, and other pertinent material shown thereon is hereby declared as part of this Resolution.

312 INTERPRETATION OF DISTRICT BOUNDARIES

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

Where districts boundaries are indicated as approximately following the center lines or right-of way- lines of streets, the center lines or right-of-way of highways, such lines shall be construed to be such district boundaries.

Where district boundaries are indicated as approximately following lot lines, these lot lines shall be construed to be said boundaries.

Where district boundaries are indicated as approximately parallel to the center lines or right-of-way lines of streets, the center lines or right-of-way alley lines, or the center lines

or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said Zoning Districts Map.

313 DRAINAGE PLANS

Plans for adequate drainage outlets will be a part of the development plans for mobile home parks, vacation trailer grounds, industrial, and commercial developments. The drainage plans shall be reviewed and approved by the Seneca County Soil and Water Conservation District prior to a zoning certificate being issued by the Township Zoning Inspector.

In addition, in all zoning districts, the construction of all structures and improvements shall occur in a manner so as to preserve and, if necessary, reroute all lawful existing surface drainage facilities and subsurface drains.

ARTICLE 4 DISTRICT REGULATIONS

401 AGRICULTURAL DISTRICT

401.01 Purpose

The purpose of this district is to accommodate single family and two-family residential development in areas not served by central sanitary sewer facilities and where the underground water supply or the soil conditions for septic tanks are inadequate to accommodate a higher density.

401.02 Uses

A. Permitted Uses

1. Single-Family Dwellings
2. Two-Family Dwellings
3. Accessory buildings incidental to the principal use

B. Conditionally Permitted Uses

1. Private or governmentally owned and/or operated park, playground, or golf course subject to Article 7, Section 703.02, Subsections 102, 103, 104, 105, 106, 107, and 115.

2. Cemetery subject to Article 7, Section 703.02, Subsections 102 and 104.
3. Churches and other buildings for the purposes of religious worship subject to Article 7, Section 703.02, Subsections 102 and 104.
4. Public Utility (excluding landfills and corporate farms of any type) or governmentally owned and/or operated buildings or facilities subject to Article 7, Sections 703.02, Subsections 102, 109, 110, and 112.
5. Strip mining, solid removal, and gravel extraction operations subject to Article 7, Sections 703.02, Subsections 110, 111, 113, 114, and 115.
6. Oil and gas drilling and operations necessary for their extraction and skimming subject to Article 7, Section 704.02, Subsections 112, 113, 114, and 115.
7. Home occupations subject to Article 7, Section 703.02, Subsection 116.
8. Mobile home parks subject to Article 4, Section 407.
9. Single family dwellings existing prior to the adoption of this Resolution may be converted to two-family dwellings, which shall contain a minimum of 800 square feet of living space per family, without changing the existing foundation.

401.03 Lot Requirements per Dwelling Unit

- A. Minimum Lot Area - One and a half (1 1/2) acre , for a single family dwelling. Two (2) acres for two family dwelling.
- B. Minimum Lot Width at Frontyard Setback Line - 100 feet.
- C. Minimum Lot Frontage at Street Right-of-Way line - 30 feet.
- D. Buffers and Screen Planting - All trees, shrubs, or perennial plants planted or on any lot or parcel of land are to be so placed such that, at maturity, the drip line falls within the property lines of the plantings.

401.04 Yard Requirements

- A. Minimum Front Yard Depth - 30 feet from street right-of-way line.
- B. The minimum rear yard depth shall be 50 feet.
- C. The minimum side yard width, on each side 10 feet.

401.05 Building Height - 35 feet.

402 SUBURBAN RESIDENTIAL DISTRICT

402.01 Purpose

The purpose of this district is to accommodate areas served by central sewage disposal facilities.

402.02 Uses

A. Permitted Uses

1. Single family dwelling
2. Two-family dwelling
3. Accessory buildings incidental to the principal use.

B. Conditionally Permitted Uses

1. Private or governmentally owned and/or operated park, playground, or golf course subject to Article 7, Section 704.02, Subsections 102, 103, 104, 105, 106, 107, and 115.
2. Churches and other building for the purpose of religious worship and cemeteries subject to Article 7, section 703.02, Subsections 102 and 104.
3. Public utility, (excluding landfills and corporate farms of any type) parochial schools, or governmentally owned and/or operated buildings or facilities subject to Article 7, Section 703.02, Subsections 102, 109, 110, and 112.
4. Single family dwellings existing prior to the adoption of this Resolution may be converted to two-family dwellings, which shall contain a minimum of 800 square feet of living space per family, without changing the existing foundations.
5. Home occupation subject to Article 7, Section 703.02, Subsection 116.

402.03 Requirements

Lot Requirements Per Dwelling Unit

- | | |
|--|------------------------------|
| A. Minimum Lot Area | One and a half (1 1/2) acres |
| B. Minimum Lot Width at front Yard Setback Line | Sixty (60) feet |
| C. Minimum Lot Width at Street Right-of-Way Line | Thirty-five (35) ft. |

402.04 Yard Requirements

- | | |
|---|------------------|
| A. Minimum Front Yard Depth | Thirty (30) feet |
| B. Minimum Rear Yard Depth | Fifty (50) feet |
| C. Minimum Side Yard Width on each side | Ten (10) Feet |
| D. Buffers and Screen Planting – All trees, shrubs, or perennial plants planted or on any lot or parcel or land are to be so placed such that, at maturity, the drip line falls within the property lines of these plantings. | |

402.05 Maximum Building Height

Thirty-five (35) feet

403 MULTI-FAMILY RESIDENTIAL DISTRICT

403.01 Purposes

The purpose of this district is to permit the development of multi-family

dwelling, and planned neighborhoods having a variety of dwellings types. Public or community water supply and sewage disposal facilities are required in high density development of this type.

403.02 Uses

A. Permitted Uses

1. Multi-family dwellings of three(3) or more dwellings units. An open space rectangular recreation area shall be provided within the boundaries of the multi-family complex or immediately adjacent thereto. The size of this recreation area shall be at least one-half acre for the first three dwelling units, plus 1/20 of an acre for each additional dwelling unit in access of three units.
2. Accessory building incidental to the principal use which do not include any activity conducted as a business.
3. Single family dwelling subject to Article 4, Subsection 402.03, 403.04, and 402.05.
4. Two-family subject to Article 4, Subsection 402.02, B-4

B. Conditionally Permitted Uses

1. Private or governmentally owned and/or operated park, playground, or golf subject to Article 7, Section 703.02, Subsections 102, 103, 104, 105, 106, 107, and 115.
2. Cemetery subject to Article 7, Section 703.02, subsections 102 and 104.
3. Church and other buildings for the purpose of religious worship subject to Article 7, Sections 102 and 104.
4. Public utility, (excluding landfills and corporate farms of any type) parochial schools or governmentally owned and/or operated building or facility subject to Article 7, Section 703.02, Subsection 102,109, 110, and 112.
5. Home occupations subject to Article 7, Section 703.02 Subsection 116.
6. Hospital, sanitarium, convalescent home, nursing home, child day care center, and home for the aged subject to Article 7, Section 703.02, Subsection 101, 102, 103, 104, 106, 108.

403.03 Lot Requirements for Multi-Family Dwelling

- | | |
|---|---|
| A. Minimum Lot Area | 2 acres for the first time three unit dwelling. Three thousand (3,000)sq.ft additional area for each dwelling unit over three units. |
| B. Minimum Lot width at the Front Setback | Two-hundred (200) feet |
| C. Minimum Lot Frontage | Thirty-five (35) feet |
| D. Buffers and Screen Plantings | – All trees, shrubs, or perennial plants planted or any lot or parcel of land are to be so placed such that, at maturity, the drip line falls within the property lines of these plantings. |

404 COMMERCIAL DISTRICT

404.01 Purpose

The purpose of this district is to encourage integrated groupings of retail stores and personal and professional services.

404.02 Uses

A. Permitted Uses

A. Establishments engaged in:

- a. Apparel
- b. Office supply, art goods and books
- c. Beverages
- d. Drugs
- e. Food
- f. Hardware
- g. Sporting Goods, toys, and similar specialty stores
- h. Appliances
- i. Variety and department stores
- j. Drive-in restaurants
- k. Motels and other commercial overnight accommodations
- l. Clubs with or without entertainment
- m. Vehicle or implement sales
- n. Automobile gasoline or service station
- o. Mobile home or trailer sales and service
- p. Automobile wash
- q. Bowling lanes, skating rinks, miniature golf
- r. Theatres, drive-in and indoor
- s. Lumber, coal, builders, supply yards, and stores
- t. Veterinary hospitals and/or kennels
- u. Hospitals, sanitariums, convalescent homes, nursing homes, daycare centers, homes for the aged.
- v. Similar main uses
- w. Accessory buildings or structures incidental to the principal use.

B. Conditionally Permitted Uses

1. Church and other buildings for the purpose of religious worship subject to Article 7, Section 703.02, Subsections 102 and 104.
2. Public utility, (excluding landfills of any type) parochial schools, or governmentally owned and/or operated buildings or facility subject to Article 7, Section 703.02, Subsections 110 and 112.
3. Gasoline station, subject to Article 7, Section 703.02, Subsection 117.
4. Mobile home park, subject to Article 4, Section 407.

404.03 Lot Requirements

- | | |
|---|-----------------------|
| A. Minimum lot area | One and a half acre |
| B. Minimum lot width at front yard set-back line | Two hundred (200) ft. |
| C. Minimum lot frontage at street right-of-way line | One hundred (100) ft. |

404.04 Yard Requirements

- | | |
|---|--|
| A. Minimum front yard depth | Fifty (50) feet from the street
Right-of-way line |
| B. Minimum rear yard depth | Twenty (20) feet |
| C. Minimum Side yard width on each side | Ten (10) feet |
| D. Side yards and rear yards adjacent to residential districts shall meet the side and rear yard requirements of the adjacent residential district. | |

Buffers and Screen Planting – All trees, shrubs, or perennial plants planted on any lot or parcel of land are to be so placed such that, at maturity, the drip line falls within the property lines of the plantings.

- | | |
|---------------------------------------|----------------------|
| <u>404.05 Maximum Building Height</u> | Thirty-five (35) ft. |
|---------------------------------------|----------------------|

404.06 Supplementary Regulations

The grouping together of commercial uses into a commercial center is encouraged. In order to minimize traffic congestion, control drive-way approaches to public streets, provide for fire protection, and protect the surrounding residential area from adverse activities, a site plan showing the site layout, including the locations and dimensions of vehicular and pedestrian entrances, exits, driveways, walkways, and the vehicular circulation patterns to and from the site, store locations and dimensions, off-street parking spaces, landscaped yard, and the location, type and lighting of signs shall be submitted to, and approved by the Regional Planning Commission, before a zoning

certificate is issued by the Zoning Inspector.

The approval of the site plan shall be required whenever two or more commercial uses are to be placed upon a parcel of land under the same ownership, or where two or more commercial structures are anticipated to be built by using common wall construction.

405 INDUSTRIAL DISTRICT

405.01 Purpose

The purpose of the industrial district is to provide for (1) certain non-retail commercial uses (2) warehousing and storage (3) manufacturing, assembling, and fabricating activities.

405.02 Uses

A. Permitted Uses

1. Uses permitted in the commercial district
2. Warehousing, wholesale establishments and trucking facility.
3. Administrative offices

B. Conditionally Permitted Uses

1. All conditional uses permitted in the General Commercial District are pursuant to Section 404.02 (B).
2. Manufacturing, processing, cleaning, servicing, testing, or repairs of material, goods or products which will not be materially injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, water pollution, or other particular matter, toxic and noxious material, odors, fire or explosive hazards or glare or heat.

In the interest of the community and other industries within the Industrial District, the Board of Zoning Appeals may, in regard to an industrial operation whose effects on adjacent premises are not readily known, seek expert advice on what conditions should be imposed on the particular industrial operations to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be born by the applicant.

405.03 Lot Requirements

- | | |
|---|------------------------|
| A. Minimum Lot Area | 1 1/2 acre |
| B. Minimum lot width at front yard setback line | Two hundred (200) feet |
| C. Minimum lot frontage | One hundred (100) feet |

405.04 Requirements

- | | |
|---|---|
| A. Minimum front yard depth | Fifty (50) feet from the street right-of-way |
| B. Minimum rear yard depth | Twenty (20) feet, except where adjacent to Residential districts when they shall be one Hundred (100) feet and may be used for Parking. |
| C. Buffers and Screen Planting – All trees, shrubs, or perennial plants planted or on any lot or parcel of land are to be so placed such that, at maturity, the drip line falls within the property lines of the plantings. | |
- Twenty (20) feet, except where adjacent to residential districts when they shall be one hundred (100) feet and may be used for parking.

406 COMMERCIAL RECREATION AREAS

406.01 Purpose

The purpose of this district is to provide for commercially operated outdoor recreation area. Conditional use permits for commercial recreation facilities may be granted by the Board of Appeals in any zoning district.

406.02 Conditionally Permitted Uses

- Vacation Farms
- Ranches
- Archery
- Riding Stables and bridle paths
- Shooting preserves
- Fishing Ponds
- Picnic Areas
- Golf Courses (excluding miniature)
- Golf Driving Ranges
- Swimming Areas
- Vacation Camp Grounds and Camping Trailer Parks

Similar Uses and Accessory Uses

Go-Carts, cars, motorcycles, snow mobiles, and Commercial Race Tracks: Shall be permitted in the recreational business and conservation Districts only when all of following criteria: (1) The site shall be no less than 50 acres in size, (2) No parking, racing, or other activities shall take place any closer than 500 feet from any street right-of-way line, (3) The use shall be located abutting to and having access to a state highway (4) Hours of operation shall be limited from 12:00 noon to 11:00 p.m., (5) One traffic officer or guard shall be employed during, one hour before, and one hour after, for each 500 people, (6) a gross capacity of 100 persons per acre and, (7) The owner or lessee of such shall be required to install a sound buffer twelve feet in height or other material suitable for keeping sound to less than 50 decibels at the property line. The township shall have the authority, at any time, to measure sound levels at the property and if excessive, to revoke the conditional use permit.

406.03 Requirements

All conditionally permitted uses shall be subject to Article 7 Sections 701, 702, 703, 703.1, and 703.2, Subsections 102, 103, 104, 105, 106, 108, and 109.

Vacation Campgrounds and camping trailer parks shall also meet the conditions of Subsection 119.

407 MOBILE HOME DISTRICT

407.01 Purpose: The purpose of the Mobile Home Park District is to provide sites for mobile homes at appropriate locations in relation to existing and potential development of the surroundings, other land uses, and community facilities. By realizing the special requirements the mobile home and specifying the provisions under which mobile home parks may be established, this district is intended to provide a proper setting for such uses in relationship to other land uses.

407.02 Permitted Principal Uses: The following uses may be permitted provided all the requirements of the Mobile Home Park District are met:

- A. Mobile homes.
- B. Essential services
- C. Public parks, playgrounds, and other public recreation facilities including, but not limited to, community swimming pools, golf courses, (excluding driving ranges and miniature golf), game courts, ball fields, and country clubs.

407.03 Accessory Uses:

- A. Those uses required for the direct servicing and well being of mobile home park residents, and for the management and maintenance of the mobile home park

including, but not limited to, offices, storage facilities, laundry facilities, and recreation areas.

- B. Structural additions to mobile homes which include awnings, cabanas, carports, Florida rooms, porches, ramadas, storage cabinets, and similar accessory structures. All such additions shall be considered as part of the mobile home for the purpose of determining compliance with the minimum design standards of this Section.

407.04 Conditional Uses: The following uses shall be permitted only in accordance with Article 11, Section 1106.

407.05 General Provisions: The design, location, and operation of all mobile home parks shall be in accordance with the following provisions:

- A. It shall be unlawful for any person, firm, and/or corporation to open, operate, or administer any mobile home park within Eden Township unless a valid license is obtained from the proper health authorities in the name of such person, firm, or corporation for the specific mobile home park.
- B. Any mobile home not located within a licensed mobile home park and not used for agricultural tenants on or after the effective date of this Resolution is privileged to remain at its present location, but may not be relocated within the Township except by meeting the requirements of this Section.
- C. No existing mobile home park may be expanded or altered without first obtaining the licenses required in this Section, meeting the requirements of this Section, and obtaining a Mobile Home Park Permit.
- D. At least forty percent (40%) of the mobile home park lots shall be completed and ready for occupancy before the owner may initiate rental of any space within the development. Such completion shall include installation of roadways, sidewalks, lighting, public utilities, and service management buildings.
- E. Every mobile home dwelling shall have a total ground floor area of not less than seven hundred twenty (720) square feet, measured from the outside of exterior walls, including utility rooms, but excluding open porches, breezeways, and garages.
- F. Conditions of soil, ground water level, drainage, topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influences. No portion subject to predictable sudden flooding or

erosion shall be used for any purpose which would expose persons or property to hazards.

- G. Mobile home parks shall have vehicular approaches to the property which shall be so designed as not to create an interference with or hazard to traffic on surrounding public streets or roads.
- H. Development of a mobile home park shall not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.
- I. Mobile home parks shall meet those requirements of the Ohio Revised Code and Sanitary Codes of the regulations of the Seneca County Health Department which are more restrictive than the requirements of this Resolution.
- J. Mobile home parks shall be served adequately by essential public facilities and services such as water supply, wastewater disposal, highways, streets, police and fire protection, drainage, refuse disposal, and schools. Persons or agencies responsible for the establishment of Mobile Home Parks shall be able to adequately provide any such services.

407.06 Specific Minimum Design Standards: All mobile home parks created, altered, or expanded after the effective date of this Resolution shall meet the following minimum design standards:

- A. Every mobile home park shall not contain less than ten (10) acres of land and a minimum of twenty (20) lots.
- B. The maximum density shall be regulated by separation requirements, maximum lot coverage, and recreation area requirements, as set forth in this Resolution. However, in no instance shall the gross density of mobile homes exceed eight (8) per acre.
- C. All mobile home parks shall have a frontage of not less than two hundred fifty (250) feet along a public thoroughfare.
- D. Every mobile home hereafter placed in a mobile home park shall be on a lot having an area equal to or greater than four thousand (4,000) square feet.
- E. Each mobile home dwelling, including accessory buildings, garages, and covered porches, shall not cover more than fifty (50%) percent of each mobile home park lot.
- F. The maximum height of any service building, laundry or other accessory building shall not exceed thirty-five (35) feet.
- G. The following minimum yard requirements shall be required for every lot within the mobile home park:
 - 1. Front Yard: No mobile home or projection thereof shall be placed closer than fifteen (15) feet from a front lot line.

2. Side Yard: No mobile home or projection thereof shall be placed closer than ten (10) feet from any side lot line.
 3. Rear Yard: No mobile home or projection thereof shall be placed closer than fifteen (15) feet from a rear lot line, nor closer than twenty-five (25) feet from any perimeter property line.
- H. All mobile home lots shall be at least fifty (50) feet in width.
 - I. No mobile home lot shall front upon a major public thoroughfare, including but not limited to roads maintained by the State of Ohio or Seneca County.
 - J. Each mobile home shall be skirted, entirely enclosing the bottom section, within sixty (60) days after its placement.
 - K. All corners of each mobile home lot shall be marked by an iron pin. The location of lot lines on the ground shall correspond to those shown on the approved application plan.
 - L. There shall be a minimum clearance of twenty (20) feet between individual mobile homes.
 - M. Each mobile home within the mobile home lot shall be secured in the following manner:
 1. All mobile homes must have a permanent slab foundation- The minimum size of the slab shall be a rectangle measured at the furthest points of each side of the mobile home. The slab shall be concrete, six (6) inches thick, laid upon a base of two (2) inches of #67 crushed stone or the equivalent.
 2. All mobile homes must be anchored down to the permanent foundation slab as defined above according to the manufactures strictest specifications and or applicable state or federal law.
 - N. Each mobile home lot shall be provided with a paved patio area at least one hundred (100) square feet in area. The patio should be located on the entrance side of the mobile home.
 - O. Each mobile home park shall provide a buffer area of at least forty (40) feet between the right-of-way line of adjacent public roads and highways and any portion of a mobile home lot. The buffer area shall be clear of obstruction with the exception of approved trees and landscaping materials. No mobile home lot shall extend into any required buffer strip.
 - P. On each mobile home lot at least one (1) deciduous hardwood tree a minimum of one and one-half (1 ½) inch caliper shall be planted in the front yard.
 - Q. No less than ten percent (10%) of the gross site area of the mobile home park shall be devoted to a recreation and open space site, generally provided in a central location. This figure shall be in addition to any other open areas required by yard requirements or other sections of this Resolution.
 - R. The recreation area may include space for community buildings, indoor and outdoor recreation facilities such as swimming pools, hobby and repair shops, and service buildings.
 - S. Walkways not less than three (3) feet in width shall be provided from the mobile home lots to service buildings in order to facilitate safe and convenient pedestrian traffic throughout the park.
 - T. All streets within the Mobile Home Park shall meet the following requirements at a minimum:

1. All mobile home lots shall abut upon an interior hard paved surface street which shall have unobstructed access to a public street.
 2. All drives shall be protected at the edges by curb and gutter, or other suitable edging approved prior to the approval of the Mobile Home Park District, where necessary for the stabilization of the pavement, and for adequate drainage.
 3. Pavements of interior streets and drives shall be in accordance with the following minimum specifications:
 - a. Collector streets with guest parking shall not be less than thirty-six (36) feet wide.
 - b. Collector streets without parking shall not be less than twenty-four (24) feet wide.
 - c. Local streets without parking shall not be less than twenty (20) feet wide.
 - d. Local streets with guest parking on one side shall not be less than twenty-seven (27) feet wide.
 4. One way streets shall not be permitted in any mobile home park.
- U. No mobile home park shall be placed in any mobile home park, nor any mobile home within any mobile home park be occupied unless adequately maintained parking spaces are provided in accordance with the following provisions:
1. Two (2) parking spaces shall be provided for each mobile home lot.
 2. Each mobile home lot shall be provided with a paved driveway to accommodate off-street parking for two (2) vehicles.
 3. Auxiliary paved parking areas of parking along streets shall be provided and maintained within each mobile home park for the use of guests. The number of spaces required in such areas shall be equal to one (1) space for every five(5) mobile home lots. The location and layout of guest parking areas shall be subject to approval prior to approval of the Mobile Home Park District.
- V. Signs shall be permitted only in accordance with the provisions of Article 6, unless otherwise approved by the Board of Zoning Appeals.
- W. The following facilities shall be provided within each mobile home park and available to residents:
1. Management and maintenance offices, including storage facilities for grounds-keeping equipment.
 2. Coin-operated laundry and drying facilities in a permanent structure which shall be accessible to all residents of the mobile home park.
 3. Safe usable recreation areas as required in this Section.
 4. A conveniently located public telephone available for use of residents of the mobile home park at all times, day and night.
- X. The following utilities shall be provided within each mobile home park in accordance with the following specifications:
1. Water Supply: Within each mobile home park a water supply and distribution system shall be installed in conformance with the requirements of the appropriate agencies. Each mobile home lot shall be connected to this system.

2. Wastewater Disposal: Within each mobile home park a wastewater collection system shall be installed which shall be connected with a municipal sewer where available. Where a municipal sewer system is not available, a central treatment plant may be located, constructed, and maintained in accordance with the regulations of the Ohio Environmental Protection Agency and any appropriate local authorities. Each mobile home and mobile home lot shall be connected to this system.
3. Storm Drainage: All areas of a mobile home park shall be graded in a manner to insure there will be no poorly drained areas. Grading shall not obstruct the natural drainage of surrounding properties, and all drainage systems shall be subject to approval by the County Engineer.
4. Garbage and Refuse Storage: The storage and collection of garbage and refuse within each mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers. Stands in which the garbage containers can be placed shall also be provided and so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. These containers shall be located no more than two hundred (200) feet from each lot unless otherwise approved prior to the approval of the Mobile Home Park District. Collection shall be provided at least once a week.
5. Liquefied Petroleum Gas or Fuel: When liquefied petroleum gas is used, the containers for such gas shall be the liquefied petroleum gas container approved by the Interstate Commerce Commission for its intended purpose and shall be integrally attached to the mobile home in a manner as approved by the appropriate authority.
6. Fuel Oil Supply: Fuel oil supply systems shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel oil storage containers, barrels, tanks, or cylinders and piping to the mobile homes shall be securely fastened in place and protected against physical damage.
7. Electrical System: Each mobile home shall be provided with suitable electrical equipment in accordance with the National Electrical Code.
8. Underground Utilities: Within each mobile home park, all utility lines including those for electricity and telephone service shall be located underground.
9. Lighting: All interior streets and walkways shall be lighted in a manner approved prior to the approval of the Mobile Home Park District.
10. Fire Protection: Within each mobile home park there shall be provided a fire protection system approved by the appropriate agencies and the local fire authority. The fire protection system shall be in accordance with standards of the National Board of Fire Underwriters.
11. Supplementary Conditions and Safeguards: Any appropriate additional conditions and safeguards may be prescribed prior to the approval of a Mobile Home Park District in order to insure the proper development of

such a mobile home park. Violation of such conditions and safeguards, when made a part of the approval of the Mobile Home Park District, shall be deemed a violation of this Resolution and punishable under Article 10, Section 1002.

407.07 Application for District Change: An application for a Mobile Home Park District shall follow the procedures in Article 9, Section 901:

- A. A vicinity map at a scale approved by the Zoning Commission including property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require.
- B. Proposed topography for the site including final pad elevations showing contour levels at intervals approved by the County Engineer.
- C. Proposed location, site size and total number of mobile home sites.
- D. Proposed location and width of vehicular and pedestrian circulation systems.
- E. Proposed size and location of parking areas.
- F. Proposed side, location, and use of non-residential portions of the tract, including recreation areas and usable open spaces.
- G. Proposed provisions for fire protection, water supply, sanitary sewage disposal, and surface drainage facilities, including engineering feasibility studies or other evidence or reasonableness.
- H. Proposed provisions for refuse disposal.
- I. Proposed accessory buildings and uses within the tract.
- J. Proposed location or street lighting system.
- K. Proposed buffer areas and/or screening.
- L. Deed restrictions, covenants, easements, encumbrances, or other devices to be used to control use, development, and maintenance of the land.
- M. A fee as established by the Township Trustees.

ARTICLE 5

PARKING AND LOADING REGULATIONS

501 OFF STREET PARKING AND LOADING REGULATIONS

In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for use of occupants, employees and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Resolution shall be provided and maintained as herein prescribed,

- A. Whenever a use requiring off-street parking is increased by the increase of floor area of a structure, additional parking spaces shall be provided in the amounts hereafter

specified, if the existing parking space does not meet the minimum area to serve the increased floor area.

B. Off-street parking facilities for one and two-family dwellings shall be located on the same lot or plot of ground as the building served. Off-street parking for commercial or industrial uses shall be on the site or within three hundred feet of the site or building being served. An industry, which employs one hundred or more employees, may supply off-street parking at a distance greater than three hundred feet from such industry upon approval of the Township Board of Zoning Appeals.

C. The off-street parking requirements for uses not specifically mentioned herein, shall be determined according to the following requirements, and shall be reserved for such use.

D. Parking lots or areas adjacent to public streets shall have driveways or openings not to exceed twenty-five (25) feet in width at the curb line. All such lots or areas shall have a protective wall or bumper block at least five (5) feet from any sidewalk line and said lots shall be so designed that all vehicles leaving the facility will be traveling forward at a 90 degree angle to approaching traffic.

E. Detailed plans shall be submitted for approval of all cuts or driveway opening in commercial and manufacturing districts before a building permit may be obtained therefore.

F. Entrances, exits, or driveways or maneuvering areas, shall not be computed as any part of a required parking lot or area.

G. Off-street parking and loading regulations for commercial and industrial districts are as follows:

1. Any vehicle parking space in a commercial or manufacturing district used for parking shall be used for parking only.
2. No building or structure of any kind shall be erected in any off-street parking space except a parking garage containing parking spaces equal to the requirements of this section or a booth for the parking lot attendant or guard.
3. The vehicle parking space on any lot, as set forth and designated in this Resolution, may be deemed to be the required open space on such lot.
4. All parking spaces, drives, and isles shall be surfaced with a bituminous or other dust-free surface and maintained in a condition conducive to public use.

501.01 Required Space

1. Airport or Heliport, one (1) per two (2) employees, one (1) for permanent aircraft, and for transient aircraft.

2. Dwelling Units:

Single family and two-family dwelling units

Two (2) parking spaces for each unit.

Multi-family dwelling units -

Two (2) parking spaces for each unit.

3. Rooming houses, lodging houses, boarding houses-one (1) parking space for each guest plus two (2) spaces for the permanent occupant.

4. Hotels, motels, tourist homes, or cabins - One (1) parking space for each sleeping room.
5. Mobile court - Two (2)-parking spaces adjacent to each mobile home site (lot).
6. Business and professional offices and banks - one (1) parking space for each one hundred fifty (150) square feet of floor area, excluding basement and hallways.
7. Office building - One (1) parking space for each two hundred (200) square feet of floor area, excluding basement and hallways.
8. Medical and dental offices and clinics - Five (5) parking spaces for each physician or dentist plus one (1) for each employee.
9. Funeral homes and mortuaries - Twenty-five (25) parking spaces minimum.
10. Retail stores, super markets, etc, - One (1) parking space for each one hundred (100) square feet of floor area.
11. Furniture and appliance stores, builders supply stores, showroom of plumbers, decorators, electricians, or similar trades, shoe repair, and other similar uses - One (1) parking space for each eight hundred (800) square feet of floor area.
12. Motor vehicles sales and service - One (1) parking space for each four hundred (400) sq. feet of floor area of sales room and one (1) additional parking space for each auto service stall in the service room.
13. Auto service station - Eight (8)-parking spaces.
14. Beauty parlors and barbershops - Two (2)-parking spaces for each beauty or barber shop chairs.
15. Laundromats - One (1) parking space for each two- (2) washing machines.
16. Restaurants - One (1) parking space per three (3) seats of seating capacity.
17. Theatres - One parking space for each four seats.
18. Dance halls, skating rinks, private clubs, and other assembly halls without fixed seats - One (1) parking space per one hundred (100) square feet of floor area.
19. Bowling alleys - four (4)-parking spaces for each lane, plus one (1) for each two (2) employees.
20. Wholesale establishments - One (1) parking space for each employee.

21. Industrial establishments - one (1) parking space for each employee.
22. Auditorium, stadium, and similar uses - One (1) parking space for each four (4) seats based on maximum seating capacity.
23. Churches - One (1) parking space for each four (4) seats in principal auditorium based on maximum seating capacity.
24. Clubs, lodges, and fraternity houses - One (1) parking space per two hundred (200) square feet of floor space or one (1) parking space per four (4) seating spaces in the assembly room, whichever is greater.
25. Golf clubs, swimming clubs, and similar uses - One (1) parking space for each five (5) members.
26. Libraries and museums - One (1) parking space for each five hundred (500) square feet of floor area.
27. Hospitals - One (1) parking space for each two (2) beds.
28. Sanitariums, children's homes, convalescent homes, one (1) parking space for each six (6) beds, plus one (1) per two (2) employees.
29. Elementary and Junior high schools - One (1) parking space for each teacher, employee, or administrator.
30. Senior High schools - One (1) parking space for each teacher, employee, or administrator, and one (1) for each ten (10) students.
31. Colleges and universities, or technical training center - One (1) parking space for each 1.5 students and one (1) for each teacher, employee or administrator present during daytime operations.
32. In all commercial districts a minimum area of two hundred (200) square feet per car shall be used in computing the area to be used for parking, excluding driveways.

502 REQUIRED OFF-STREET LOADING SPACE

On the same premises with every building structure, or part thereof, erected and occupied for manufacturing storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of Vehicles or material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of streets or

alleys. Such space, unless otherwise adequately provided for, shall include ten (10) foot by twenty-five (25) foot loading space, with fourteen (14) foot height clearance for every ten thousand (10,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor area or land for the above mentioned purposes.

ARTICLE 6

SIGN REGULATIONS

601 PURPOSE

The limits of sign regulations is to control the location and size of signs used for outdoor advertising within the limits established in the Ohio Revised Code, Section 519.20. Outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade, or land used for agricultural purposes.

601.01 Signs

In any district, except as prescribed, the provisions of this subsection shall be applied to effect the safety of motorist and pedestrians and to facilitate traffic movement:

- a. No signs shall be erected or maintained at any location, where, by reason of its position, working, illumination, size, shape or color, it may obstruct, impair, obscure, or interfere with the view of, or be confused with any authorized traffic control signal, sign, or device.
- b. No sign shall contain or make use of any phrase, symbol, shape, form, or character in such a manner as to interfere with, mislead, or confuse moving traffic.
- c. No part of any free-standing sign shall be erected to a height greater than that specified for accessory structures in the district in which the sign is located.
- d. The area of a sign shall be determined by the smallest circle, triangle or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message or symbol.
- e. No free-standing sign shall be erected or maintained within 10 feet of any side lot line.

602 SIGNS ON LAND USED FOR AGRICULTURAL PURPOSES OR ON LANDS IN A COMMERCIAL OR INDUSTRIAL DISTRICT

Signs on land used for agricultural purposes, in a Commercial District or Industrial District shall be considered a business or trade use and be required to maintain

the same set-back, side yard, rear yard, and height requirements as commercial uses and structures in a Commercial District. These requirements are set forth in Article 4, Section 404 Subsections 404.04 and 404.05, and Section 405, Subsections 405.04 and 405.05.

Exceptions to this are:

- A. One non-illuminated sign advertising the sale, or lease of the property or building, not exceeding eight (8) square feet in area on any lot.
- B. Signs incidental to the legal process and necessary to the public safety and welfare.
- C. One non-illuminated accessory sign with a surface area not exceeding twenty-four (24) square feet which denotes the name of occupant and/or home occupation on each lot on which the dwelling unit is located.
- D. One sign with a surface area not exceeding twelve (12) square feet, which identifies the use of the premises for each of the following types of conditionally permitted uses in the Commercial and Residential Districts.
 1. Cemetery
 2. Church and other places of religious worship
 3. Private or governmentally owned and/or operated park, playground, golf course, and riding academy.
 4. Institutions for medical care, hospital, clinic convalescent home, sanitarium, home for the aged, nursing home, and philanthropic institution and child care center.
 5. One non-illuminated temporary real estate advertising sign and the development of the premises upon which it stands or the opening of a new subdivision development where such sign is located at least twenty-five (25) feet from the street right-of-way line.
 6. A directional sign which is not to exceed 12 square feet in area, which directs a person to a use or business, may be located on one or more different roads from upon which the business or use is located. This sign shall be located on private property.

603 LAND IN A RESIDENTIAL DISTRICT, AND NOT USED FOR AGRICULTURAL PURPOSES

Only the following types, sizes and locations of signs shall be permitted in Residential Districts not used for Agricultural purposes.

- A. One non-illuminated sign advertising the sale, or lease of the property or building, not exceeding eight (8) square feet in any area on any lot.
- B. Signs incidental to the legal process and necessary to the public safety and

welfare.

C. One non-illuminated accessory sign with a surface area not exceeding twenty-four (24) square feet which gives the name of the occupant or home occupation of the property upon which the sign is on.

D. One sign with a surface area not exceeding twelve (12) square feet, which identifies the use of the premises for each of the following types of conditionally permitted uses in the Residential Districts:

1. Cemetery
2. Church and other places of religious worship
3. Private or governmentally owned and/or operated park, playground, golf course, and riding academy.
4. Institutions for medical care, hospital clinic, convalescent home, sanitarium, home for the aged, nursing home, and philanthropic institution child care center.
5. Governmentally owned and/operated building or facility.

E. One non-illuminating temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision development where such signs are located. Real estate signs shall have a surface area not exceeding fifty (50) square feet and such signs shall be located at least twenty five (25) feet from the street right-of-way line.

604 INDUSTRIAL DISTRICTS

Only the following types, sizes, and location of signs shall be permitted in industrial Districts.

- A. Any sign permitted in a commercial district.

605 SUPPLEMENTARY REGULATIONS

All signs and billboards are subject to the following regulations:

A. No sign or billboard shall be erected closer than fifty (50) feet to any roadway intersection, with the exception of those signs incidental to the legal process and necessary to the public welfare, or those business signs attached to a building or structure.

B. All signs and billboards erected within two hundred (200) feet of any intersection must be erected so as not to obstruct traffic sight lines at street intersections or railroad grade crossings.

C. No sign or billboard shall be located in or projecting over a public right-of-way.

D. Any sign or billboard illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) shall not duplicate or be similar to traffic control signals.

E. Sign or billboards visible from a street or highway shall not resemble highway traffic control or directional signs.

ARTICLE 7

CONDITIONAL ZONING CERTIFICATES

701 PURPOSE

Until recent years the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied, and are dependent upon the functional characteristics of the use, competitive situations, and the availability of land. Certain kinds of uses need to be reasonably controlled by specific requirements that provide practical latitude for the investor, but at the same time, maintain adequate provision for the security of the health, safety, convenience, comfort, prosperity, or general welfare of the community's inhabitants.

In order to accomplish such dual objective, provision is made in this Resolution for a more detailed consideration of each conditionally permitted use as it relates to location, design, size, method of operation, and intensity of land use, which, in turn, effects the volume of traffic generated and traffic movements, the concentration of population, and the kinds of public facilities and services it requires. Land and structures possessing these particularly unique characteristics are designated as Conditional uses, with condition and safeguards attached as may be deemed necessary for the protection of the public welfare.

702 PROCEDURES FOR MAKING APPLICATION FOR A CONDITIONAL USE CERTIFICATE

702.01 Application Submitted to the Board of Zoning Appeals

An application shall be submitted to the Board of Zoning Appeals and it shall contain the following data:

1. The form supplied by the Secretary of the Board of Zoning Appeals, completed by the applicant.
2. A site plan, plot plan, or development plan of the entire property being

considered, drawn to a reasonable scale, and showing the location of all abutting streets, all existing and proposed structures, and the types of buildings and the uses proposed

3. The fee for a Conditional Zoning Certificate shall be established by the Board of Trustees. The Board of Zoning Appeals may refer the application to a qualified consultant when it deems expert advice necessary, and the applicant shall pay the cost of said expert advice.

4. All uses which will have sanitary facilities or a well shall attach, to the application, evidence that appropriate permits have been, or will be, issued by the Seneca County Health Department.

702.02 Review by the Board of Zoning Appeals

The board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this Resolution. Such review shall be completed and made public within forty-five (45) days of the first regular monthly meeting of the Board of Zoning Appeals following the submission of such application. If the application is submitted at a regular monthly meeting of the Board of Zoning Appeals, the forty-five (45) day period shall begin with the date of submittal.

702.03 Hearing

After adequate review and study of any application, the Board of Zoning Appeals may hold a public hearing upon every application after at least one (1) publication in a newspaper of general circulation in Seneca County, Ohio at least ten (10) days prior to the date of the hearing. Such notices shall indicate the place, time, and subject of the hearing,

702.04 Re-application

An application for a Conditional Zoning Certificate which has been denied, wholly or in part by the Board of Zoning Appeals, shall not be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Board of Zoning Appeals.

702.05 Issuance and Revocation of Conditional Zoning Certificate

Only at the conclusion of hearing procedures relative to a particular application, may the Board of Zoning Appeals issue a Conditional Zoning Certificate. The breach of any safeguard, condition, or requirement of the Conditional Zoning Certificate, shall automatically constitute a violation of this Zoning Resolution. Such a violation shall be punishable as specified in Section 10 in addition to any other remedies permitted by law.

703 STANDARDS AND REQUIREMENTS FOR CONDITIONAL USES

The Board of Zoning Appeals shall establish beyond reasonable doubt that both the general standards and the specific requirements pertinent to each conditional use indicated herein shall be satisfied by the establishment and operation of the proposed conditional use. The Board of Zoning Appeals may also impose such additional conditions and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this resolution will be observed.

703.01 General Requirements

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use of the proposed location:

- A. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan;
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such a use will not change the essential character of the same area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
- E. Will be served adequately by essential public facilities and services;
- F. Will be in compliance with applicable subdivision regulations, the Board of Health standards, and Building Codes.
- G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

The Board of Zoning Appeals shall require, as conditions of approval, any other requirements, including guaranties that any conditions will be fulfilled, that it deems necessary to fulfill the purposes and intent of this Resolution.

703.02 Specific Requirements

101 Sanitariums, convalescent homes, nursing homes, and homes for the aged shall have a net residential density which shall not exceed three (3) times the number of district lot sizes on the same size parcel of land.

102 All structures, except minor structures such as utility poles and meters, shall be located at least fifty (50) feet from all property lines.

103 Loud speakers which cause a hazard or annoyance shall not be permitted.

104 All points of entrance or exit shall be located no closer than one hundred (100) feet from the intersection of two roadways.

105 There shall be no more than one directional identifying sign oriented to each abutting road identifying the activity.

106 No lighting shall constitute a nuisance and shall not impair safe movement of traffic on any street or highway.

107 Temporary structures shall not be continued as permanent structures. The period of continuance shall be set by the Planning Committee.

108 The use shall not require costly or uneconomic extensions or utility services at the expense of the community.

109 Site locations that offer natural or manmade buffers that lessen the effect of the intrusion or the use should be selected.

110 A fence eight (8) feet in height shall enclose the operation where there is a safety hazard.

111 Plans shall be submitted indicating the proposed stages of operation and the future uses or rehabilitation to be carried out on the site. A bond or bonds may be required to be posted guaranteeing that the above plans will be carried out.

112 All facilities and equipment such as derricks, pumps, tanks, etc., shall be enclosed or fenced off where their operation creates a potential safety hazard.

113 All areas shall be rehabilitated progressively, within 6 months after permit is issued, as they are worked out and left in a condition entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

114 Routes for truck movement shall be established and followed in such a way that traffic and other hazards and damage to other properties shall be minimized.

115 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual, or to the community in general; a bond may be required to insure that this provision will be met.

116 Subject to the following conditions:

A. The use shall be secondary in importance to the use of the dwelling for dwelling purposes.

B. The use shall be conducted by the occupants and/or one employee who does not reside on the premises.

C. The use shall be carried on entirely within the dwelling or in an accessory building which does not exceed six hundred (600) square feet in area.

D. The home occupation shall not occupy more than thirty (30) percent of the floor area of the dwelling.

E. The use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.

F. No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way or adjacent property.

G. For purposes of identification of a home occupation, there shall be no more than one (1) non-illuminated sign not to exceed two (2) square feet in area.

H. The proposed use shall not generate noise, odor, dust, smoke, electromagnetic interference, or vehicular or pedestrian traffic in an amount which would tend to depreciate the residential character of the neighborhood in which the proposed use is

located.

117 The use shall not be permitted under the following conditions:

A. The use shall be for the purposes of servicing motor vehicles under one and one-half (1 1/2) tons rated capacity including the dispensing of fuel and lubricants, cooling system and ignition service, sale and installation of batteries, lamps, fan belts, spark plugs, tires, and accessories not requiring a change in the chassis, body or engine or the vehicle.

B. All activities, except those required to be performed at the fuel pumps, and car washing shall be carried on inside a building; if work is performed on a vehicle such vehicle shall be entirely within a building.

C. No more than two (2) driveway approaches shall be permitted directly from any major thoroughfare no more than two (2) driveway approaches from any minor street, each of which shall not exceed thirty (30) feet in width at the property line.

D. If the property fronts on two or more streets, the driveways shall be located as far from the street intersection as practicable.

E. At least a six (6) inch pedestrian safety curb shall be installed along all street lines except at driveway approaches.

118 The use shall be permitted under the following conditions:

A. All sanitary landfill sites shall be subject to approval by the County Health Dept.

B. A topographic map showing the design of the sanitary landfill site at a scale of not over 200 feet to the inch and with five foot intervals shall be submitted with the applications.

C. The applicant shall submit information describing the geological characteristics of the site.

D. The site shall be limited to areas where water pollution will not occur. The Board of Zoning Appeals may impose any conditions it deems necessary to prevent water pollution.

E. The site shall be accessible from at least two directions.

F. The site shall be so located as to minimize the effect of winds carrying objectionable odors to urbanized or urbanizing area.

G. The sanitary landfill site shall be designated by a qualified expert and submitted to the County Health Department for approval.

H. The landfill site shall have shelter for all landfill equipment.

I. The site shall have a shelter and sanitary facilities for all employees of the landfill.

J. The site shall set up a fire control program.

K. An attendant shall be on duty, during the time the landfill is open, to supervise the unloading of refuse.

L. Blowing paper shall be controlled by providing a portable fence near the working area. The personnel shall police the area regularly.

M. Sewage solids or liquids and other hazardous material shall not be disposed of on the site. There shall be no open storage or burning of garbage.

N. No bulky items such as; car bodies, refrigerators, and large tires shall be disposed on the site except by landfill.

O. There shall be no open storage or burning of garbage.

P. Refuse shall be spread and compacted in shallow layer not exceeding a depth of two (2) feet of compacted materials

Q. A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.

R. In all but the final layer of a landfill, a layer, of suitable material compacted to a minimum depth of one (1) foot shall be placed daily on all surfaces of the fill except those where operations will continue on the following work day.

S. A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one (1) week following the placement of refuse within that portion.

T. Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner.

U. Suitable measures shall be taken whenever dust is a problem.

V. The entire site, including the fill surface shall be graded and provided with drainage facilities to minimize run-off onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.

W. An inspection of the entire site shall be made by a representative of the County Health Department before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as complete. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the year following completion of the fill.

119 The use shall be permitted under the following conditions:

A. The minimum size of the area shall be forty (40) acres.

B. All State and Local Health Department regulations shall be complied with.

C. The maximum period of occupancy for any trailer or other camping facility shall not exceed ninety (90) days in any calendar year. There shall not be any permanent occupancy on the area other than for the owner, operator, and caretakers in the area.

D. No campsites shall be closer than two hundred (200) feet to any adjacent property.

E. A store will be permitted to sell supplies to the camp area occupants. The store shall not be closer than twenty (20) feet to any adjacent property or street right-of-way.

F. The number of campsites available shall not exceed three (3) campsites or camping trailers for each acre of ground contained in the area.

G. Sign regulation - See article 5, Section 602, D,3.

ARTICLE 8

NON-CONFORMING USES

801 PURPOSE

The purpose of this section is to (1) define the legal status of building and land uses which do not conform to this Resolution and (2) to provide either for the conversion of non-conforming uses into conforming uses as soon as reasonably possible or for the eventual and equitable elimination.

802 REGULATIONS

The lawful use of any building or land existing prior to the enactment of this Resolution may be continued, although such use does not conform with the provisions of this Resolution; however, to achieve the purpose of this section the following regulations shall apply:

802.01 Alterations

A building or structure containing a non-conforming use may be layered, improved, or reconstructed provided such work is not to an extent exceeding in aggregate cost the assessed value of the building or structure, unless the building or structure is changed to a conforming use.

802.02 Extension

A non-conforming use shall not be extended, but the extension of a lawful use to any portion of a building or structure which existed prior to the enactment of this Resolution shall not be deemed the extension of such non-conforming use.

802.03 Restoration

Whenever a building, the use of which does not conform to the provision of this resolution, is damaged by fire, explosion, or act of God to the extent of sixty (60) percent or more of its assessed value, it may be restored on its original site with no variance required if restoration is started within a period of one hundred eighty (180) days and the exterior structure is completed within eighteen months after which it must conform with the district regulation in which it is located.

802.04 Displacement

No non-conforming use shall displace a conforming use.

802.05 Change in Use

A non-conforming use may be changed to another non-conforming use

provided that the Board of Zoning Appeals determines that the proposed non-conforming use is in the same Zoning District Uses as the prior non-conforming use or in the uses listed as permitted in a more restricted Zoning District.

802.06 Discontinuation and Abandonment

Whenever a non-conforming use has been discontinued for a period of two (2) years or more, such discontinuation shall be considered legal abandonment of the non-conforming use. At the end of that two (2) year period, the non-conforming use shall not be reestablished, and any further use shall be in conformity with the provisions of this Resolution.

802.07 A Change of Zoning Districts

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any non-conforming use existing therein.

802.08 Construction Approval Prior to Resolution

Nothing in this resolution shall prohibit the completion of the construction and use of non-conforming building for which a zoning certificate has been issued prior to the effective date of this Resolution, provided that construction commences within ninety (90) days after the issuance of such certificate; that construction is carried on diligently and without interruption; and that the entire building shall have been completed within two (2) years after the issuance of said zoning certificate.

802.09 Non-Conforming Conditional Uses

Uses existing prior to the enactment of this Resolution which are listed as conditional uses in the district in which they are located shall be considered as non-conforming uses until a conditional zoning certificate has been applied for and issued for said use.

802.10 Non-Conforming Use

Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

ARTICLE 9

EDEN TOWNSHIP ZONING COMMISSION

900 CREATION OF THE ZONING COMMISSION

There shall be created and maintained a Zoning Commission in accordance with the Ohio Revised Code (ORC) and shall consist of five (5) members who shall be residents of the area covered by this resolution. The Board of Township Trustees shall appoint the members to the board of Zoning Commission pursuant to the Ohio Revised Code (ORC), appointing the members for five-year terms, staggering the terms to allow for new membership, but insuring that there are always experienced zoning commission members. In order to reflect the agricultural base of Eden Township, at least two of the five members of the Commission should be farmers or engage in agriculturally related occupations.

900.01 Organization and Procedures of the Zoning Commission

The Zoning Commission shall organize and adopt rules for its own government and shall elect at its annual meeting a chairperson and a vice chairperson from its membership and shall appoint a recording secretary. The commission shall meet at the call of the chairperson or two (2) other members, and at such other regular times as it may, by resolution, determine.

900.02 Quorum

A quorum shall consist of three (3) members of the Board of Zoning Commission.

900.03 Voting

The concurring vote of at least three (3) members of the Zoning Commission shall be required for action on all matters.

900.04 Meetings

All meetings and hearings of the Zoning Commission shall be open to the public. The Zoning Commission shall keep minutes of its meetings and maintain a record of all its actions. When a public hearing is required for action by the Zoning Commission in the amendment process, the procedure noted in Section 901 of the Resolution shall apply.

900.05 Powers and Duties

Major responsibilities of the Zoning Commission are to propose amendments to the zoning text, districts and map as the need arises; and to advise the Township Trustees in a formal recommendation of what action to take. When a public hearing is required for action by the Zoning Commission in the amendment process, the procedure noted in Article 901 shall apply.

ARTICLE 9

AMENDMENTS

901 PROCEDURE FOR AMENDMENTS

Amendments or supplements to zoning resolution; procedure; referendum. Amendments or supplements to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution therefor by the board of township trustees, or by one or more of the owners or lessees of property within the area proposed to be amended or supplemented. The Board of Township Trustees shall, upon the passage of such resolution, certify it to the township zoning commission.

Upon the adoption of such motion, or the certificate of such resolution, or the filing of such application, the township zoning commission shall set a date for public hearing thereon, which date shall not be less than twenty, nor more than forty, days from the date of the certification of such resolution, or the date of adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in Eden Township at least fifteen days before the date of such hearing.

If the proposed amendment or supplement intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the zoning commission by first class mail, at least twenty 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 addressees of such owner appearing on the County auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement, and a statement that after the conclusion of such hearing the matter will be referred for further determination to the county or regional planning commission and to the board of township trustees, as the case may be.

Within five days after the adoption of such motion or the certification of such resolution or the filing of such application, the township zoning commission shall transmit a copy thereof, together with text and map pertaining thereto, to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the township zoning commission. Such recommendation shall be considered at the public hearing held by the township zoning commission on such proposed amendment or supplement.

The township zoning commission shall, within thirty days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and submit such recommendation, together with such application or resolution, the text and map pertaining thereto, and the recommendation of the county or regional planning commission thereon, to the board of township trustees.

The board of township trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty days from the date of the receipt of such recommendation from the township zoning commission. Notice of such public hearing shall be given by the Board in one or more newspapers of general circulation in Eden Township, at least fifteen days before the date of the hearing.

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

Within twenty days after such public hearing the board shall either adopt or deny the recommendation of the zoning commission, or adopt some modification thereof. In the event the board denies or modifies the recommendation of the township zoning commission, the unanimous vote of the board shall be required.

Such amendment or supplement adopted by the board shall become effective thirty days after the date of such adoption of the amendment or supplement unless, within that thirty day period, there is presented to the board of township trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the board of township trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement, for which such referendum vote has been requested, shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of election that the amendment has been approved by the voters it shall take immediate effect.

ARTICLE 10
ENFORCEMENT

1001 ADMINISTRATION

The provisions of this Resolution shall be administered by the Zoning Inspector.

1001.01 Zoning Inspector

A Zoning Inspector shall be employed to enforce this Zoning Resolution. The terms of employment, rate of compensation, and other such conditions shall be set by the Township Trustees. For the purposes of effecting this Resolution, the Zoning Inspector shall have the powers defined by applicable law.

1001.02 Submission of Application for Zoning Certificate

All applications for Zoning Certificates shall be submitted to the Zoning Inspector, who may issue Zoning Certificates when all applicable provisions of this Resolution have been met.

1001.03 Zoning Certificates Required

Before constructing, changing the use of, or altering any building, including accessory buildings, or changing the use of any premises, application shall be made to the Zoning inspector for a Zoning Certificate. The applications shall include the following information:

- A. A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.
- B. The location, dimension, height and bulk of structures to be erected.
- C. The intended use of any structures and/or property.
- D. The proposed number of sleeping rooms, dwelling units, occupants, employees, and any other uses.
- E. The yard, open area, and parking space dimensions.
- F. Any other pertinent data as may be necessary to determining and providing for the enforcement of this Resolution.
- G. The location of any surface drainage facilities on the property as well as any subsurface drainage lines and the plans for any rerouting of these facilities or lines as may be required by the proposed construction in order to prevent their blockage.
- H. All uses which will have sanitary facilities or a well shall attach to the application, evidence that appropriate permits have been or will be issued by the Seneca County Health Department.

Within ten (10) days after the receipt of application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this

Resolution and the application is accompanied by the proper fee as established by the Board of Trustees.

The Zoning Certificate shall become void at the expiration of one (1) year after date of issuance. If construction is not completed or use changed within one (1) year of date of permit, a new application and permit are required.

If the application is for a conditional zoning certificate, the application procedure defined in Section 702-A will be followed in lieu of the above regulations.

1001.04 Schedule of Fees

The Board of Township Trustees shall establish a schedule of fees, charges and expenses, and a collection procedure for permits, appeals, requests for zoning amendments, conditional use permits, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the office at the Township Hall., and may be altered or amended only by the Board of Township Trustees.

Until all fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

1002 VIOLATIONS

1002.01 Inspection and Correction and Violations

It shall be the duty of the Zoning Inspector to see that any building erected, altered, moved, razed, or converted or any use of land or premises carried on in violation of any provision of this Resolution is inspected, and the Zoning Inspector shall declare each violation a nuisance and, in writing, order corrections of all conditions which are found to be in violation of this Resolution. Any building or land use considered a possible violation of the provisions of this Resolution which are observed by any official or citizen shall be reported to the Zoning Inspector.

1002.02 Correction Period

With the exception of the failure to obtain a zoning certificate as provided in 1001.03 (for which no corrective period is allowed or permitted), all violations shall be corrected within a period established by the Zoning Inspector or appropriate Township Board after the written order is issued or for a longer period of time as indicated by the zoning inspector in the written order. Any violation not corrected within the specified period of time shall be prosecuted.

1002.03 Penalties

Any person, firm, corporation, or entity violating any provisions of this Zoning Resolution, or supplements, or amendments thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined no more than one hundred (100) dollars. Each day's continuation of a violation of this Resolution shall be deemed a separate offense.

1002.04 Land or Building in Violation

In case any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Section 519.01, to 519.99, inclusive, of the Revised Code, or of any regulation or provision adopted by the Board of Township Trustees under such section, such board, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who may be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent such unlawful location, erection, construction, enlargement or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any action brought under this section.

ARTICLE 11

BOARD OF ZONING APPEALS

1101 AUTHORITY

A Board of Zoning Appeals is hereby created and shall be all the powers and duties prescribed by law and this Resolution.

1102 COMPOSITION, APPOINTMENT, AND ORGANIZATION

The Board shall consist of five (5) members. Each member shall be appointed for a period of five (5) years and terms shall be so arranged that the terms of one (1) member shall expire each year. Each member shall serve until their successor is appointed and qualified. The board shall consist of at least two (2) members that are employed as farmers, or in a farm-related profession. The Board of Zoning Appeals shall elect a chairman from its membership and shall appoint a Recording Secretary, and shall prescribe rules for the conduct, of its affairs. Members of the Board of Appeals may be removed by the Eden Township Trustees for non-performance of duty, misconduct in office or other cause, after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the members so charged at least ten (10) days prior to the hearing, either personally or by registered mail or by leaving same at his

usual place of residence. The member shall be given an opportunity to be heard and answer such charges. In the event a vacancy occurs such vacancy shall be filled by appointment for the balance of the unexpired term.

1103 QUORUM

The Board of Zoning Appeals shall require a quorum of three members at all its meetings, and a concurring vote of three members shall be necessary to effect an order.

1104 MEETINGS

The Board of Zoning Appeals shall meet at the call of its chairman, two (2) other members, and at such other regular times as it may, by resolution, determined. All meetings of the Board shall be open to the public.

1105 POWERS AND DUTIES

To hear and decide appeals where it is alleged there is error in any order requirement, decision, or determination of this Resolution.

To authorize upon appeal, in specific cases, variances from the specific requirements of this Resolution as will not be contrary to public interest where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardships, so that the spirit of the Resolution shall be observed and substantial justice done.

To grant conditional zoning certificates for the use of land, buildings, or other structures as specifically provided for elsewhere in this Resolution.

1106 APPEALS

Appeals to the Board of Zoning Appeals may be taken by any person, firm, or corporation, or by any officer, board or department deeming himself or itself to be adversely affected by the decision of the Zoning Inspector. The applicant shall post security for the cost of all action required for the hearing of the appeal.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector determines, after the notice of the appeal has been filed, that by reason of facts stated in the Certificate, a stay would, in his opinion, cause, imminent peril to life or property. In such cases, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction.

Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination as in its opinion ought to be done, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken, and it may issue, or direct the issuance of, a permit or certificate. The Board of Zoning Appeals shall decide all such appeals within thirty (30)

days after final hearing thereon.

1106.01 Procedure

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Resolution. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on forms prescribed by the Board. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board of Zoning Appeals shall be by Resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals by case number, under the heading of interpretation of Variance, together with all documents pertaining thereto. In the event that the Board of Zoning Appeals finds it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fees may be charged to applicant in order to cover all expenses of such expert testimony.

1106.02 Notice of Hearings

When notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the request appeal upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail, addressed to the parties making the request for appeal, and notice by one publication in one or more newspapers of general circulation in Eden Township, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment role. The Board of Appeals may recess such hearing from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

1106.03 Fees

Any request for an interpretation, variance, or appeal to the Board of Zoning Appeals shall be accompanied by a fee as established by the Board of Trustees. If the appeal is made to correct an administrative error, and if an error was found to exist by the Board of Appeals, the fee shall be returned to the applicant.

ARTICLE 12

CONSTRUCTION OF LANGUAGE DEFINITIONS

1201 CONSTRUCTION OF LANGUAGE: For the purpose of this Resolution, certain terms or words shall be interpreted as follows:

Words used in the singular shall include the plural, and the plural the singular;

Words used in the present tense shall include the future tense;

The word "shall" is mandatory and not discretionary;

The word "may" is permissive;

The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for ;"

The words "person" or "citizens" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; and

The word "dwelling" includes the word "residence."

1202 DEFINITIONS: All words used in this Resolution shall have their customary meanings as defined in Websters New World Dictionary, except those specifically defined in this Section.

Accessory Use or Structure : A use or structure incidental and subordinate to the principal use of structure on the lot and serving a purpose customarily incidental and subordinate to the use of the principal building.

Agribusiness: Manufacturing, warehousing, storage, and related industrial and commercial activities that provide services for or are dependent upon agricultural activities found within the Agricultural District, and are not necessarily suited to locations within an established community. Agribusinesses include, but are not limited to the following uses: fertilizer production, sales, storage, and blending; sales and servicing of farm implements and related equipment; preparations and sale of feeds for animals and fowl; seed sales; poultry hatching services; corn shelling, hay baling, and threshing services; grain elevators and bulk storage of feed grains; horticultural services; veterinary services; agricultural produce milling and processing; feed lots; livestock auctions; and retail nurseries.

Agriculture: The use of tract of land for farming, dairy, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided however, that:

- a. The operation or any such accessory use defined above shall be secondary to that of normal activities;
- b. The above uses shall not include the feeding or garbage or offal to swine or other animals;
- c. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district;
- d. The above uses shall not include the operation or maintenance of a feed lot or a commercial stockyard.

Airport - Commercial: Any runway, landing strip, or other facility designed or used by any person for the landing and take-off of aircraft by the public for commercial purposes, and may also include services such as fuel sales, storage, repair services, and aircraft sales.

Airport - Private: Any runway, landing strip, or other facility designed or used by any person for the landing, take-off, and storage of aircraft on his own property principally for his own use.

Alley : Is any public space of thoroughfare other than street, road, crosswalk, or easement.

Alterations: Any change in the nature of the use of land and/or buildings; and includes any change in supporting member, beams, bearing walls, column or girders which would prolong the life of the building or use, but not including normal maintenance and repair, or the movement of a building or structure from one location to another.

Apartment House : Is a multi-family dwelling for three or more families, living independently of each other, with cooking and toilet facilities in each dwelling unit.

Arterial Highway : A thoroughfare designated as such by the map enclosed, as part of these regulations.

Auto Graveyard : Synonymous to Junk Yard.

Auto Service Station: A building, lot, or both, having pumps and underground storage tanks at which fuels, oils, or accessories for the use of motor vehicles are dispensed, sold, or offered for retail sale, and where mechanical repair service may be incidental to the dispensing of such items. The storage of junk or inoperable vehicles shall not be included in this definition.

Automobile Sales or Rental: A building, lot, or both used for display, sale, or rental of new or used motor vehicles in operable condition and where repair service is incidental.

Automobile Wrecking: Is the dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

Barn: An accessory structure upon a lot customarily used for the housing of livestock and for the storage of crops and/or machinery used in bona-fide agricultural activities as previously defined in this Section.

Basement: Floor space in a building partially or wholly underground, but not having more than one-half (1/2) of its clear floor to ceiling height below the average grade of the adjoining ground. A basement shall be counted as a story if it does not meet the definition above or is subdivided and used for dwelling or business purposes by other than a janitor employed on the premises. When a basement's floor is less than 1/2 the height of storage, it will be rated as the first story or ground floor.

Beginning of Construction: The beginning of construction is the incorporation of labor and material within the walls of a building or buildings; the incorporation of labor and materials at the site, lot, or parcel where a building is to be constructed; and for the incorporation of labor and material where land is to be used for purposes other than construction of a building.

Billboard: See Sign.

Block: A tract of land bounded by streets, a combination of streets, railroad right-of-way, unsubdivided acreage, river or live stream, or any other barrier to the continuity of development, including corporation lines.

Board of Zoning Appeals: The Board of Zoning Appeals of Eden Township, Seneca County, Ohio.

Boarding House: Any building, originally designed for and used as a single-family dwelling or part thereof, where rooms for lodging, with or without meals, are provided for compensation for five (5) or less persons who are not members of the keeper's family. A boarding house which is operated for more than five (5) persons shall be deemed to be a motel or hotel as defined in this Section.

Buffer Area: That portion of a lot set aside for open space and visual screening purposes, pursuant to applicable provisions of this Resolution, to separate or screen different use districts and/or uses on one property from uses on another property.

Building – Any structure having a roof supported by poles, columns, or by walls which is designed for the shelter, support, or enclosure of persons, animals, chattels, carport, or property of any kind.

Building Area - The horizontally projected area of the buildings on a lot, excluding terraces, unenclosed porches, other open areas, and architectural appurtenances that project no more than two feet.

Building Height: The vertical distance from the average elevation of the finished grade at the front of the building to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between the eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof.

Building Line : Is a line defining the minimum front, side, and rear yard requirements.

Building, Principal: Is the building housing the principal activity performed on any lot.

Business : The use of lands or buildings for the purpose of purchase, sale or exchange of goods and services; for the purpose of maintaining offices, recreational, or amusement enterprises for profit.

Car Port : Is a covered automobile parking space not completely enclosed by walls or doors. For the purposes of this Resolution, a carport shall be subject to all regulations prescribed in this Resolution for a private garage.

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

Centralized Sewer System : Is where individual lots are connected to a common distribution system whether publicly or privately owned and operated.

Centralized Water System : Is where individual lots are connected to a common distribution system whether publicly or privately owned and operated.

Clinic, or Medical Center : A place used for the care, diagnosis, and treatment of sick, ailing, infirm, and injured persons, and those who are in need of medical or surgical attention, but limited to out-patients only.

Club: A premises owned or operated by a person, or persons for a civic, social, cultural, religious, literary, political, recreational, or like activity, but not primarily for profit or to render a service which is customarily carried on as a business.

Commercial Recreational Facilities, Indoors: Any commercial activity conducted primarily indoors which is related to the recreation field, such as bowling alleys, skating rinks, indoor tennis courts, indoor motion picture theaters, and similar activities.

Commercial Recreational Facilities, Outdoors: Any commercial activity conducted primarily outside of a building which is related to the recreational field, such as drive-in theaters, community swimming pools, miniature golf, driving ranges, skiing facilities, country clubs, and similar activities.

Community-Based Residential Social Service Facilities: Facilities providing resident services for the care and/or rehabilitation of groups of individuals who require protective supervision within a residential environment, including the following five (5) types of facilities:

- a. Foster Homes: A private residence providing resident services and protective supervision for the care and/or rehabilitation of one (1) or more children, adolescent, or adult within a home environment, all under the regulation of the appropriate social service agency having authority under law to license the operation.
- b. Family Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All family care homes shall possess a license from the appropriate state or local agencies having authority under law to license operation.
- c. Group Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for more than eight (8) but not more than sixteen (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment or services. All group homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.
- d. Home for Adjustment: A residential facility operated by a court, a social service agency, or private citizens which provide therapy, counseling, and a residential environment for eight (8) or less adolescents or adults for the following purposes: 1) to assist them in recuperating from the effects of drugs and/or alcohol; 2) to assist them in adjusting to living with handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or 3) to provide housing

and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution. The residents of any home for adjustment shall be limited to those individuals who will not pose a threat to life or property within the community, as determined by the responsible court or social service agency. All homes for adjustment shall possess a license from the appropriate court, or state or local agency having authority under law to license operation.

e. Institution: A facility such as a hospital, a nursing home, rest home, or a correctional facility. An institution shall also be defined as any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home or a group care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment. All institutions shall possess a license from the appropriate state or local agency having authority under law to license the operation and may be operated by private citizens, a social service agency, or a governmental authority.

Common Areas: As used herein, parcels of land, together with improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.

Conditional Use: A use permitted within a district other than a permitted principal use, requiring a conditional use permit and approval of the Board of Zoning Appeals. These uses are permitted only after applicant has followed the procedures outlined in Article 11.

Conditional Use Permit: A permit issued by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in a particular zoning district. These permits are issued only after the applicant has followed procedures as stated in Article 11 of this Resolution. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and conditions exactly or reapplies for a permit before deviating from that plan.

Convalescent, Nursing, or Rest Home : Is any dwelling with sleeping rooms where person are housed or lodged and furnished with meals and nursing care for hire.

Court: An open space which may or may not have direct street access and which is bounded on two or more sides by a single building or a group of related buildings. A court is not a yard.

Corner Lot : See Lot Types.

Density : A unit of measurement designating the number of dwelling units per acre of land as follows:

- a. Gross Density : The number of dwelling units per acre of the total land to be developed.
- b. Net Density : The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses and excludes such areas as street right-of-way, parks, and other similar uses.

Detached Building : A building that has no structural connection with another building.

District: A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply uniformly under the provisions of this Resolution.

Drive-In: A business or other establishment so developed that its retail or service character is dependent on providing a driveway approach and/or waiting spaces for motor vehicles so as to serve patrons while in motor vehicles.

Dwelling Unit: One or more rooms designed for or used as a unit to provide complete housekeeping facilities for one (1) individual family with sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities. This definition shall include "modular homes" as defined in this Resolution.

Dwelling, Single-Family: A building consisting of one single dwelling unit on an individual lot, separated from other dwelling units by an open space.

Dwelling, Two-Family: A building consisting of two dwelling units, including condominiums, which may be either attached side-by-side or one above the other. Each unit shall have a separate entrance.

Dwelling, Mutli-Family: A building consisting of three or more dwelling units, including condominiums, townhouses, quadruplexes and garden apartments with varying arrangements of entrances and party walls.

Easement : Authorization by a property owner for use by another for a specific purpose, of any designated part of his property.

Essential Service: The erection, construction, reconstruction, change, alteration, maintenance, removal or use of any underground or overhead equipment including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, signals, hydrants, or other similar accessories by any public utility or governmental agency for the purpose of furnishing adequate supply, transmission, distribution, collection, or disposal of gas, electric, water, steam, or communication service to the public in order to maintain the public health, safety, and welfare, but not including buildings.

Excavation: The act of digging, hollowing out, or any other breaking of ground resulting in a total quantity of more than ten (10) cubic yards of material or a vertical depth of more than two (2) feet. Common household gardening and ground care, or plowing or ground for agricultural purposes, shall be excepted from this definition.

Family : An individual; two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit, or a group of individuals,

who need not be related, living together as a single housekeeping unit in a dwelling unit, provided that a ratio of two persons or less per bedroom within the dwelling be maintained.

Farm: All of the contiguous neighboring or associated land operated as a single unit by the owner-operator himself, his family, or hired employees on which bonafide agriculture is conducted as the primary use.

Feed Lot: Land used for the confining and commercial feeding of livestock for mass production and marketing and not necessarily connected with any general farming upon the same lot. All feed lots shall obtain appropriate permits for waste treatment and disposal from the Ohio Environmental Protection Agency prior to issuance of a Zoning Permit.

Fence: Any free-standing structure, other than part of a building, which encloses or partially encloses any premises and is of sufficient strength and dimensions to prevent straying from within or intrusion from without. Live vegetation shall not be included in this definition.

Fill: Soil, rock, earth, sand, gravel, or any other material exceeding a total of one hundred (100) cubic yards and more than four (4) feet in vertical height at its deepest point which may be deposited or placed onto or into the ground.

Floor Area: The sum of the gross horizontal area of all floors measured from the interior faces of the exterior walls.

Garage, Private: A detached accessory building or a portion of a main building, whether or not enclosed, intended for the parking or storage of automobiles, recreational vehicles, or boats of the occupants of the premises.

Garage, Public: A principal or accessory building other than a private garage, intended for the parking or storage of automobiles, recreational vehicles, boats, or other vehicles.

Glare: Excessive bright illumination.

Grade, Finished: Is the complete surface of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Greenbelt: An open landscaped area free of buildings and structures and maintained with permanent plant materials to provide a screen abutting properties.

Home Occupation : An occupation conducted by a person on the same premises as his principal place of residence and is clearly subordinate and incidental to its use for residential purposes.

Hospital or Sanitarium - is an establishment which provides accommodations, facilities

and services over a continuous period of twenty four hours or more, for observation, diagnosis and care of, two or more individuals suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical, or surgical services.

Hotel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or lodging house.

Industrial Park - is a tract of land subdivided and developed according to a comprehensive plan for the use of a community of industries and containing at least one street, designed solely to provide access to industrial establishments located upon it.

Junk or Inoperable Vehicle: A vehicle shall be deemed junk or an inoperable vehicle whenever any two or more of the following occur for a period of two weeks prior to the filing of a cease and desist order:

- a. The vehicle is without a valid, current registration and/or license plate;
- b. The vehicle is apparently inoperable;
- c. The vehicle is without fully inflated tires and/or has any type of support under it;
- d. The vehicle has an extensively damaged or missing door, motor, transmission, or other similar major part.

Kennel: A place where more than four (4) dogs or other small animals, four months of age or older are bred, boarded, trained, or sold.

Kitchen: Is any room and/or other space used or intended or designed to be used for cooking or for preparation of food for one family.

Living Space: Is that area within a structure intended, designed, erected, or used for human occupancy, but excluding any cellar or basement areas or accessory use areas.

Loading Space: Is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lodging or Rooming House - is a building where lodging not available to transient only provided for compensation to not less than three (3) and no more than (30) lodgers other than member of the proprietor's family.

Lot: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory building and uses, including such open spaces as are required under the provisions of this Resolution. Every lot shall have the minimum required frontage upon a public street, or officially approved place, by Seneca County Engineer and or The Eden Township Trustees.

- a. Corner Lot: A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, and in either case forming an interior angle of one

hundred thirty-five (135) degrees or less measured at the center line of the road or the interior right-of-way as applicable

- b. Interior Lot: A lot, other than a corner lot, with only one frontage on a public street.
- c. Double Frontage Lot: A Lot having frontage on two (2) non-intersecting streets or two (2) approximately perpendicular portions of the same street.

Lot Coverage: That percentage of the lot area which, when viewed directly from above, would be covered by the principal and accessory structure or structures, or any part thereof, excluding projecting roof eaves of less than twenty-four (24) inches.

Lot Lines: Lines bounding the lot.

- a. Front Lot Line: A lot line which either falls along a street right-of-way line or falls approximately along the center of a road, frontage the boundary of a lot. On a corner, lot lines along both streets shall be considered front lot lines.
- b. Lot Line: A lot line which is neither a front lot line nor a rear lot line.
- c. Rear Lot Line: The lot line that is most distant from, and most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, lying wholly within the lot, parallel to, and a maximum distance from the front lot line. In the case of a corner lot, the rear lot line shall be the lot opposite the shortest front line.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Recorder of Seneca County; or a parcel of land, the deed or land contact to which was of record as of the effective date of this Resolution or any appropriate amendment thereto.

Major Thoroughfare: A thoroughfare designed as a major thoroughfare on the land use and/or thoroughfare plan duly adopted by the Board of Seneca County Commissioners or a Regional Planning commission.

Manufacturing, Heavy: Fabrication, altering, converting, assembling, storing, testing, and similar industrial uses which are generally major operations, extensive in character and requiring large sites, large open storage and service areas, extensive accessory facilities, and ready access to regional transportation. Heavy manufacturing uses may normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, industrial traffic and water pollution.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations and normally do not require large sites. Such uses are normally relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, vibration, odor, water pollution, glare, air pollution, dust. Light manufacturing uses normally operate and store material within enclosed structures, and generate little industrial traffic or other nuisances.

Minimum Building Set-back-Line: A line back of and parallel to, the street right-of-way line as required by the minimum front yard depth in the district in which it is located. Where the right-of-way line is not established the road right of way.

Mobile Home: A manufactured relocatable residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation and the design and construction of which meets the standards and specifications of the United States Department of Housing and Urban Development. A mobile home is not included within the definition of "Modular Home" and the removal of running gear shall not exempt a mobile home from this definition.

Mobile Home Park: Any lot upon which two or more mobile homes are located for residential use, either free of charge or for revenue purposes. A mobile home park shall include any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of such park.

Modular Home: A factory-fabricated transportable building consisting of two or more units designed to be assembled into a permanent structure at a building site on a permanent foundation and used for residential purposes by one family, and is built to meet the standards and specifications of the Industrial Unit Standards of the Ohio Building Code.

Motel: Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by automobile tourist or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges, and tourist cabins.

Non-Conforming Use: A building, structure, or use of land lawfully existing at the time of enactment of this Resolution, or any amendment or supplement thereto, and which does not conform to the regulation other than height, area, and yard requirements for the district in which it is situated.

Open Space: An area of land which is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation.

Parking: The temporary holding of a vehicle for a period longer than required to load or unload person or goods.

Patio: A courtyard or inner area open to the sky, adjacent to the house or patio.

Person: Also a corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit.

Place: An open occupied space other than a street or alley permanently reserved as a principal means of access to abutting property.

Pond: A still body of water, smaller than a lake, often of artificial construction.

Porch: A roofed or unroofed open structure projecting from the front, side, or rear wall

of a building, and having no enclosed feature of glass, wood, or other material more than thirty-six inches above the floor thereof, except wire screening and the necessary columns to support the roof.

Private School : A school other than a public school.

Professional Office: An office used by members and the necessary personnel of a recognized profession such as architects, dentists, engineers, lawyers, physicians, surgeons, realty agents, insurance agents, and brokers.

Public Utility: Any person, firm, governmental agency or board fully authorized to furnish and furnishing under municipal regulations, to the public, electricity, gas, steam, telephone, telegraph, transportation, or water, or any other similar public utilities.

Public Overnight Camp: An area of land used or designed to be used to accommodate two or more tents, travel trailers or other camping outfits for longer than seventy-two hours per camping party per two week period, but not including mobile homes.

Recreational Vehicle: Any motor vehicle, or any other vehicle less than thirty-five (35) feet in length, designed or intended to be used primarily for short term dwelling or sleeping purposes away from the place of residence of the occupants; and not constituting the principal place of residence of the occupants.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside such a building.

Right-of-way : A strip of land purchased or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space of loose chairs.

Screening: Structures, fences, or vegetation maintained for the purpose of concealing the area behind such structures or vegetation from view.

Setback Line: A line parallel to a lot line, street, or right-of-way line at any story level of a building which defines the limits of a yard and represents the distance which all or any part of a building or structure is to be set back from said lot line, street, or right-of-way line.

Sign: Shall mean any word or words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, by which anything is known; and which is affixed to, or painted, or represented directly or indirectly upon a building, structure or place of land and directs attention to an object, place, activity, person, institutions, organization, or business. The word sign shall include also bill-board, signboard and display.

Stable: Any building, structure, or portion thereof which is used for the shelter or care of horses, or other similar animals either permanently or transiently. Also any premises for riding horses for hire.

Stand - is a structure for the display and sale of products with no space for customers within the structure itself.

Story: The part of a building, except a mezzaine, included between the surface of one floor and the surface of the next floor above; or if there is not a floor above, then the ceiling next above. The floor of a story may have split levels provided that there not be more than four (4) feet difference in elevation between the different levels of the floor. A basement shall not be counted as a story.

Story, Half: An uppermost story lying under a gambrel, hip, gable, or shed roof if used, in whole or part, for dwelling or habitable purposes.

Street or Road Line: A lot line separating a lot from an adjacent street.

Street, Public: A public thoroughfare which has been dedicated or deeded to the public for public use and accepted by the County Commission or Township Trustees, and which affords principal means of access to abutting property.

Structure: Anything constructed or erected which requires location on or in the ground, including signs and billboards, but not including fences or walls used as fences.

Structural Alterations: Any change in the supporting members of any building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

Tanks, Storage: In reference to petroleum or chemical products, a closed vessel for the storage of liquid hydrocarbon substances at atmospheric pressure.

Temporary Use or Structure: A transient, non-permanent use or structure permitted to exist for a designed period of time during periods of construction of the principal use or structure, or for special events, A temporary structure shall not be intended to be permanently affixed to the ground.

Thoroughfare, Street, or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for access to a property by

vehicular traffic and designated as follows:

- a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting another street.
- b. Arterial Street: A general term denoting a highway primarily for traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
- c. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end permanently terminating a vehicular turn around.
- e. Dead-End Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the near future.
- f. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
- g. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred and eighty (180) degrees system of turns are not more than one-thousand (1,000) feet from said arterial or collector street are not normally more than six hundred (600) feet from each other.
- h. Marginal Access Street: A local or collector street, parallel to and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

Tourist Camp : Any lot, piece or parcel of ground where two or more camp cottages, tents, camping, or travel trailer, house trailers or mobile homes used as living or sleeping quarters are or may be located, said camp being operated for or without compensation.

Tourist Home: A dwelling in which over-night accommodations are provided or offered for transient guests for compensation.

Travel Trailer: A vehicle or other portable structure that is designated or used as a temporary dwelling.

Travel Trailer Park: Area of land on which two or more travel trailers are regularly accommodated with or without charge, including any buildings, structures, or fixtures or equipment that is used or intended to be used in connection with providing such accommodations.

Use: The purpose, or activity, for which land or a building or structure is arranged, designed or intended, or for which it is occupied or may be occupied or maintained.

Use, Principal Permitted : A use which is permitted outright in a district for which a zoning certificate may be issued by the Zoning Official in accordance with the provisions of this Resolution.

Use, Seasonal : The occupation of any building, or structure, or activity for a period not to exceed more than six months of any one calendar year.

Width, Side Yard: The perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on said lot.

Yard: An open or unoccupied space other than a court on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except by trees or shrubbery or as otherwise provided herein. The minimum depth of a yard shall be determined by the setback lines as defined in this Resolution. No part of a yard provided for any building or structure shall be included as part of any yard required for any other building or structure unless specifically permitted herein.

- a. Front Yard: An open space extending the full width of the lot between a building or structure and the front lot line of a street unoccupied and unobstructed from the ground upward except as hereinafter specified. Minimum depth shall be measured from the front lot line, existing right-of-way line, or proposed right-of-way line, except as otherwise specified by this ordinance.
- b. Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot line unoccupied and unobstructed from the ground upward except as hereinafter specified.
- c. Rear Yard: An open space extending the full width of the lot between a building or structure and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

Zones or Districts: Refers to a section of this Resolution from which uniform regulations governing the use, height, area, size, and intensity of use of building and land, and open spaces about buildings, are herein established.

ARTICLE 13

WIND TURBINES

1300 PURPOSE

The purpose of this section is to establish general guidelines for the location of wind turbine generators and anemometer towers and individual wind turbine systems to protect the public health, safety, comfort and general welfare of the residents of Eden Township, and to protect the scenic beauty of the area from unnecessary and unreasonable visual interference and noise. This section seeks to:

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

1300.01 Permits

A Conditional Use Permit shall be required before construction of an individual wind turbine system. The following items and or information shall be provided when applying for the permit:

1. Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine.
2. Only freestanding towers will be permitted (no guy wires).
3. An engineering report that shows:
 - a. The total size and height of the unit.
 - b. The total size and depth of the unit's concrete mounting pad.
 - c. An average decibel rating for that particular model.
 - d. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices and lightning protection .
 - e. Data specifying the kilowatt size and generating capacity of the particular unit.
4. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring properties.
5. Evidence of a "clear fall zone" with the manufacturer's recommendations must be attached to the engineering report.
6. Color of the unit as well as the location and size of the manufacturer's identifying logo shall be included in the plan.
7. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled and removed shall be required as part of the permit.
8. The small wind turbine wire shall be placed underground to any structures.
9. The applicant shall notify the Zoning Inspector if operations of the wind turbine cease and it shall be removed within one hundred-eighty (180) days of ceasing operations.

10. No grid-interconnected wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install a grid-connected customer-owned generator. Off-grid systems shall be exempt from requirement.

1300.02 Height and Acreage

The maximum height of any turbine shall be 100 feet, which includes the tower and the maximum vertical height of the turbine's blades. Maximum height shall be calculated by measuring the length of a prop at a maximum vertical rotation to the base of the tower. A wind turbine shall be located on a minimum of one (1) acre.

1300.03 Setbacks

A free-standing wind turbine system erected on a parcel of land must establish a "clear fall zone" from all neighboring property lines and structures, as well as any structures on the parcel intended for the turbine. A wind turbine must be erected and placed in such a manner that if it were to fall, the entire system would be contained solely on the property where the turbine was installed, and would not strike any structures including the primary dwelling and any accessory buildings or uses. Wind turbines shall be set back a distance equal to 1.5 times the overall blade tip height of the wind turbine from the nearest existing residential or commercial structure and one hundred (100) feet from the nearest property line and private or public way.

1300.04 Decibel Levels

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

1300.05 Lighting

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

1300.06 Aesthetics

The wind energy system, including the prop blades, turbine, cowling and tower shall be painted or coated non-reflective, either white, gray or sky blue. Logos or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the turbine. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility with a 24-hour emergency contact phone number and warning of any danger.

1300.07 Unauthorized Access

Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access.

1300.08 Shadow Flicker

Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

1300.09 Ice Throw

The applicant must show through engineering data that the setbacks and or composition of the rotors will be sufficient enough to prevent damages from ice throw.