

**SPENCER TOWNSHIP**

**ZONING RESOLUTION**

**AS RECOMMENDED  
BY THE  
ZONING COMMISSION  
ON  
February 28, 2023**

**ADOPTED  
BY THE  
BOARD OF TRUSTEES  
ON  
April 18, 2023**

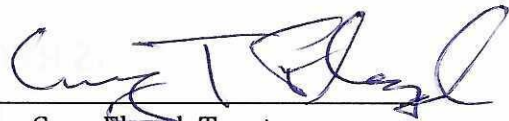
**AMENDED JULY 15, 2025**

CERTIFICATION

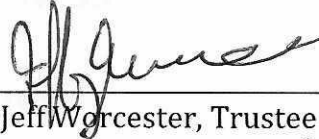
The undersigned hereby certify this to be a true and correct copy of the Spencer Township Zoning Resolution as adopted effective May 18, 2023 and amended effective on the following dates:

August 15, 2025

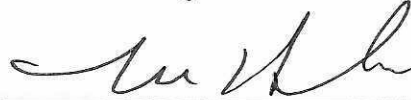
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Gary Flegel, Trustee



Jeff Worcester, Trustee



Mark Hopkins, Trustee



Tim Clifford, Fiscal Officer

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**ARTICLE 1****GENERAL PROVISIONS**

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Section 102	AUTHORIZATION	Section 108	ESTABLISHMENT OF
Section 103	PURPOSE		DISTRICTS
Section 104	VALIDITY AND	Section 109	OFFICIAL ZONING MAP
	SEPARABILITY	Section 110	INTERPRETATION OF
Section 105	REPEALER		DISTRICT BOUNDARIES
Section 106	EFFECTIVE DATE		

**SECTION 101 TITLE**

This Zoning Resolution shall be known as the Spencer Township Zoning Resolution.

**SECTION 102 AUTHORIZATION**

The authority for establishing "The Spencer Township Zoning Resolution" is derived from Chapter 519.00 inclusive of the Ohio Revised Code.

**SECTION 103 PURPOSE**

In order to promote and protect the health, safety, and general welfare of the residents of the unincorporated area of Spencer Township, Medina County, Ohio; to preserve the rural character of the Township; to control populations density; to protect and preserve property values; and to insure orderly growth and development in said Township, the Board of Township Trustees has found it necessary and advisable to adopt a plan of zoning which will regulate the location, height, bulk, number of stories, and size of buildings and other structures; percentages of lot areas which may be occupied; building setback lines; size of yards and other open spaces; use of buildings and other structures; uses of the land for trade, industry, residence, recreation, or other purposes, and for such purposes to divide the unincorporated area of Spencer Township into districts and to provide for the administration and enforcement of such regulations.

**SECTION 104 VALIDITY AND SEPARABILITY**

It is hereby declared to be the legislative intent that, if any provision(s) of the Zoning Resolution, or the application thereof to any zoning lot, building, or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effectiveness of such

decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building, or other structure, or tract of land immediately involved in the controversy. All other provisions of this Zoning Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

**SECTION 105 REPEALER**

All existing Zoning Resolutions of Spencer Township, Medina County, Ohio, inconsistent herewith, are hereby repealed.

**SECTION 106 EFFECTIVE DATE**

This Zoning Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

**SECTION 107 INTERPRETATION**

In interpreting and applying the provisions of this Zoning Resolution, they shall be held to be the minimum requirements for the promotion of public health, safety, morals, comfort and general welfare. Whenever the requirements of this Zoning Resolution are at variance with the requirements of any lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standards shall govern.

**SECTION 108 ESTABLISHMENT OF DISTRICTS**

For the purposes set forth in this Zoning Resolution, the land area within the unincorporated area of Spencer Township is hereby divided into the following districts:

- R-1 Low Density Residential District
- C-R Limited Commercial and Residential District

Only those uses specifically identified as being either a permitted principal use, a conditionally permitted use, or an accessory use in a particular zoning district may be permitted in that zoning district. Any use not specifically listed as a permitted, conditional, or accessory use in a zoning district shall be considered a prohibited use in the zoning district.

**SECTION 109 OFFICIAL ZONING MAP**

The zoning districts and their boundary lines are indicated upon the map entitled, "Zoning Map - Spencer Township." Said map is made part of this Zoning Resolution. The said Official Zoning Map, once signed by two or more trustees and dated, together with all notations and references thereon are hereby declared a part of this Zoning Resolution. The original map shall be maintained in the administrative offices of Spencer Township, and

shall show thereon all amendments or changes made hereafter. The Zoning Inspector shall be responsible for adding amendments and changes adopted by the Township Trustees to the Official Zoning Map.

#### **SECTION 110            INTERPRETATION OF DISTRICT BOUNDARIES**

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

- A.     Where district boundary line is shown to approximately follow a lot line; such lot line shall be construed to be the boundary line.
- B.     Where a district boundary line is shown as approximately parallel to the right-of-way line of a street or highway, the district boundary line shall be construed as being parallel thereto and at a distance therefrom as indicated on the Official Zoning map.
- C.     Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the high-water line.
- D.     Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of the railroad line.
- E.     Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such location, and all areas within that location shall thenceforth be subject to all regulations appropriate to the respective extended district.
- F.     If no measurement is given, dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

## ARTICLE 2

### APPLICATION OF REGULATIONS

Section 201	COMPLIANCE REQUIRED	Section 207	ACCESSORY USES,
Section 202	REQUIRED YARDS TO BE		BUILDINGS, AND
	MAINTAINED		STRUCTURES
Section 203	EFFECT OF REZONING	Section 208	NUISANCES PROHIBITED
Section 204	AGRICULTURAL USES	Section 209	PONDS AND LAKES
Section 205	FRONTAGE REQUIRED	Section 210	MEDICAL MARIJUANA
Section 206	ONE DWELLING PER LOT		

#### SECTION 201 COMPLIANCE REQUIRED

Buildings or land shall hereafter be used or occupied only in conformance with the provision of this Zoning Resolution. Any building or structure or part thereof erected, moved, altered, restored or reconstructed shall hereafter be established and used only in conformance with the regulations herein specified for the district in which it is located.

#### SECTION 202 REQUIRED YARDS TO BE MAINTAINED

- A. Any building hereafter erected, used, occupied, altered, restored or reconstructed shall comply with this Zoning Resolution in regard to the use, area of lot occupied, and the size of front, rear and side yards.
- B. Every new lot shall comply with the minimum required dimensions for lot area, frontage, and lot width for the district in which it is located. No yard or lot existing at time of passage of this Zoning Resolution shall be reduced in dimension or area below the minimum requirements set forth herein.
- C. Any part of a yard or other open space required around any building or use for the purpose of complying with the provision of this Resolution shall not be included as a part of a yard or other open space similarly required for another building or use.

#### SECTION 203 EFFECT OF REZONING

Whenever a boundary line of a district is changed by Amendment of this Zoning Resolution so as to transfer an area from one district to another district of a different classification, the regulations for the district to which said area is transferred shall apply to all buildings, structures, and uses in the area so transferred except for prior legal nonconforming uses, structures, and lots as provided in this Zoning Resolution.

#### SECTION 204 AGRICULTURAL USES

- A. To the extent exempted under Ohio Revised Code, nothing contained in this Resolution shall prohibit the use of any land for agricultural purpose or the construction or use of buildings or structures incidental to the use of

agricultural purposes on the land upon which said buildings or structures are located.

- B. No Zoning Certificate shall be required for such agricultural use, building or structure, provided that a certificate of agricultural use has been executed and filed with the Zoning Inspector. No agricultural building shall be used or occupied by a use other than an agricultural use without first obtaining a Zoning Certificate pursuant to this Resolution.
- C. The principal residential dwelling and any accessory buildings used in connection with the principal dwelling shall conform to the regulations contained in this Resolution.

#### **SECTION 205 FRONTAGE REQUIRED**

Every lot shall have frontage upon a public road, or upon a private road approved for frontage, conforming to the requirements of this Zoning Resolution.

#### **SECTION 206 ONE DWELLING PER LOT**

Not more than one dwelling unit shall be permitted on any individual lot.

#### **SECTION 207 ACCESSORY USES, BUILDINGS, AND STRUCTURES**

No accessory use, building, or structure shall be permitted on a lot or parcel until such time as the principal use, to which the use, building, or structure is accessory, has been established. Accessory uses, buildings, and structures shall comply with the specific requirements of the zoning district in which the property is located.

#### **SECTION 208 NUISANCES PROHIBITED**

It shall be unlawful to use land and/or buildings in any district for any use which creates a nuisance or which is noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame, vibration, insects or vermin.

#### **SECTION 209 PONDS AND LAKES**

- A. Private ponds or lakes containing over one and one-half feet of water depth shall be considered as structures for the purpose of Zoning Certificates. Each pond shall be constructed such that its surface area and all embankments associated with the pond shall be located at least twenty-five (25) feet from all property lines and at least eighty (80) feet from the centerline of any street.
- B. Ponds or lakes shall meet standards and specifications of the Medina County Soil and Water Conservation District and Chapter 1521 of the Ohio Revised Code. Lakes or ponds used for domestic water supply shall also meet the requirements of Chapter 2 of the Medina County Sanitary Code.
- C. Upon making application for a Zoning Certificate, the applicant is required to submit to the Zoning Inspector, a copy of the proposed pond and/or lake plans which have been reviewed and stamped by the Medina County Soil and Water Conservation District or the Medina County Engineer, and in the cases

of lakes/ponds used for domestic water supply, by the Medina County Health Department.

- D. 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. The Zoning Inspector may inspect ponds and lakes during construction to ensure compliance.
- E. If the pond or lake is feasible for use as a dry hydrant and the owner agrees to use and purchase, the dry hydrant will be maintained by the Spencer Community Fire Department.

## **SECTION 210      MEDICAL MARIJUANA**

Pursuant to Section 3796.29 of the Ohio Revised Code, the cultivation, processing, and retail dispensing of medical marijuana is prohibited within Spencer Township.



**ARTICLE 3****ADMINISTRATIVE POWERS AND DUTIES**

Section 301 ZONING INSPECTOR  
Section 302 POWERS AND DUTIES OF  
THE ZONING INSPECTOR  
Section 303 ESTABLISHMENT AND  
PROCEEDINGS OF THE  
ZONING COMMISSION  
Section 304 POWERS AND DUTIES OF  
THE ZONING COMMISSION

Section 305 ESTABLISHMENT AND  
PROCEEDINGS OF THE  
BOARD OF ZONING  
APPEALS  
Section 306 POWERS AND DUTIES OF  
THE BOARD OF ZONING  
APPEALS

**SECTION 301 ZONING INSPECTOR**

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution and perform such other duties as may be delegated by the Board of Trustees. The Zoning Inspector may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his/her duties, shall give bond as specified in Section 519.161 of the Ohio Revised Code.

**SECTION 302 POWERS AND DUTIES OF THE ZONING INSPECTOR**

For the purpose of this Resolution, the Zoning Inspector shall have the following duties and powers:

- A. Accept and review applications for all required permits and certificates as set forth in this Zoning Resolution.
- B. Issue zoning certificates and certificates of zoning compliance as provided by this Zoning Resolution and keep a record of the same with a notation of any special conditions involved.
- C. Deny the issuance of a zoning certificate in those cases where one (1) or more applicable provisions of this resolution are not complied within the application thereto.
- D. Maintain in current status the Zoning Resolution and Official Zoning Map, which shall be filed with the Medina County Recorder and kept on permanent display in the Township.
- E. Maintain permanent and current records required by this Resolution including but not limited to zoning certificates, certificates of zoning compliance, inspection documents, and records of all variances, amendments, conditional uses, and similar uses.
- F. Respond to questions concerning applications for amendments to the Zoning Resolution and the Official Zoning Map.



- G. Conduct inspections of buildings and uses of land and to enter onto private property for the purpose of determining compliance with this Resolution.
- H. Determine the existence of any violations of this Resolution and cause such notifications or citations to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- I. Enforce all provisions of this Resolution uniformly throughout the Township.

### **SECTION 303            ESTABLISHMENT AND PROCEEDINGS OF THE ZONING COMMISSION**

In accordance with Section 519.04 of the Ohio Revised Code, the Zoning Commission of Spencer Township is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.

- A. Composition and Appointment.
  - 1. The Zoning Commission shall be composed of five (5) regular members who shall reside in the unincorporated area of the Township and who shall be appointed by the Board of Township Trustees.
  - 2. Terms of regular members shall be for five (5) years and shall be so arranged that the term of one member expires each year. Each member shall serve until his/her successor is appointed and qualified. The term of the alternate member shall be as established by the Board of Township Trustees.
  - 3. Members of the Commission may be removed from office by the Board of Township Trustees for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code.
  - 4. The Board of Township Trustees shall fill vacancies, and such appointments shall serve for the unexpired term of the member affected.
  - 5. The Board of Township Trustees may appoint an individual to serve as recording secretary for the Zoning Commission.
- B. Quorum.

Three (3) members of the Commission shall constitute a quorum at all meetings. A positive vote of three (3) members shall be necessary to affect an order, take action, make decisions, or act on any authorization.
- C. Meetings.
  - 1. The Zoning Commission shall elect a chair and vice chair from its membership and shall adopt rules necessary to the conduct of its affairs in keeping with this Resolution.
  - 2. Meetings shall be held at the call of the chair and at such other times as the commission may determine.
  - 3. The commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Trustees.
  - 4. All meetings of the Zoning Commission shall be open to the public.

**SECTION 304            POWERS AND DUTIES OF THE ZONING COMMISSION**

For the purposes of this Resolution, the Zoning Commission shall have the following powers and duties:

- A. To review all proposed amendments to this Zoning Resolution and the Official Zoning Map and to submit a recommendation to the Board of Township Trustees.
- B. To review all development plans / site plans required by this Resolution and submit a recommendation to the Zoning Inspector for permitted uses and to the Board of Zoning Appeals for conditional uses.
- C. To initiate proposed amendments to the Zoning Resolution and the Official Zoning Map.
- D. To transmit all proposed amendments to the Medina County Planning Commission for their recommendation and to consider the Medina County Planning Commission's recommendations at a public hearing. The recommendations of the County Planning Commission shall be advisory only and the Zoning Commission shall not be bound by such recommendations.
- E. Make recommendations to the Township Trustees on all matters concerning planning, zoning and development in the Township.

**SECTION 305            ESTABLISHMENT AND PROCEEDINGS OF THE BOARD OF ZONING APPEALS**

In accordance with Section 519.13 of the Ohio Revised Code, the Board of Zoning Appeals of Spencer Township is hereby created and shall have all the powers and duties by law and by this resolution.

- A. Composition and Appointment.
  - 1. The Board of Zoning Appeals shall be composed of five (5) regular members who shall reside in the unincorporated area of the Township and who shall be appointed by the Board of Township Trustees.
  - 2. Terms of regular members shall be for five (5) years and shall be so arranged that the term of one member shall expire each year. Each member shall serve until his/her successor is appointed and qualified. The term of the alternate member shall be as established by the Board of Township Trustees.
  - 3. Members of the Board of Zoning Appeals may be removed from office by the Board of Township Trustees for the same causes and in the same manner as provided in Section 519.13 of the Ohio Revised Code.
  - 4. The Board of Township Trustees shall fill vacancies, and such appointments shall serve for the unexpired term of the member affected.
  - 5. The Board of Township Trustees may appoint an individual to serve as recording secretary for the Board of Zoning Appeals.

- B. Quorum.  
Three (3) members of the Board shall constitute a quorum at all meetings. A positive vote of three (3) members shall be necessary to affect an order, take action, make decisions, or act on any authorization.
- C. Meetings.
  - 1. The Board of Zoning Appeals shall elect a chair and vice chair from its membership and shall adopt rules necessary to the conduct of its affairs in keeping with this Resolution.
  - 2. Meetings shall be held at the call of the chair and at such other times as the Board may determine.
  - 3. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Trustees.
  - 4. The chair, or in his/her absence, the acting chair, may administer oaths and compel the attendance of witnesses.
  - 5. All meetings of the Board of Zoning Appeals shall be open to the public. The Board may deliberate a pending matter in private, but all actions shall be taken in open session.
  - 6. The Board may compel the attendance of witnesses.

### **SECTION 306            POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS**

For the purpose of this Resolution, the Board of Zoning Appeals shall have the following duties and powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Township Zoning Inspector. In exercising this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination, and to that end shall have all powers of the officer from whom the appeal is taken.
- B. To authorize such variances from the terms of this Resolution as will not be contrary to public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship or practical difficulty, and so that the spirit of this Resolution shall be observed and substantial justice done.
- C. To grant conditional use permits as specified in this Resolution and such additional safeguards as will uphold the intent of this Resolution.
- D. To make a determination that a proposed use that is not listed or provided for in this Resolution is a similar use by virtue of being substantially similar to a principal or conditional use that is listed and provided for in this Resolution.
- E. To revoke an authorized variance or conditional use permit granted if any conditions of the variance or permit are violated.

- F. To resolve any disputes with respect to the precise location of a zoning district boundary.
- G. To resolve any disputes with respect to the precise meaning of any words, terms, or provisions of the Zoning Resolution.
- H. Such other powers as may be established by this Zoning Resolution and the Ohio Revised Code.

**ARTICLE 4****ADMINISTRATION AND ENFORCEMENT**

Section 401 ZONING CERTIFICATE  
REQUIRED

Section 402 ZONING CERTIFICATE  
APPLICATION  
REQUIREMENTS

Section 403 REVIEW FOR  
COMPLETENESS

Section 404 ACTION ON APPLICATION  
FOR ZONING CERTIFICATE

Section 405 APPROVAL AND  
COMPLIANCE

Section 406 DENIAL OF ZONING  
CERTIFICATE

Section 407 EXPIRATION OF ZONING  
CERTIFICATE

Section 408 REVOCATION OF  
CERTIFICATES

Section 409 CERTIFICATE OF ZONING  
COMPLIANCE

Section 410 SCHEDULE OF FEES

Section 411 ENFORCEMENT

Section 412 VIOLATIONS

Section 413 PENALTIES

**SECTION 401 ZONING CERTIFICATE REQUIRED**

No land shall be disturbed or altered, no building or structure shall be erected, constructed, enlarged, structurally altered, or moved in whole or in part, and no use shall be established or changed, or re-established within Spencer Township prior to the issuance of a Zoning Certificate in conformance with the provisions of this Article. A zoning certificate shall be issued only when the plans for the proposed use, building or structure fully comply with the regulations set forth in this Zoning Resolution, unless a variance has been approved by the Board of Zoning Appeals.

**SECTION 402 ZONING CERTIFICATE APPLICATION REQUIREMENTS**

All applications for Zoning Certificates shall be submitted to the Zoning Inspector on forms provided, shall be signed by the land owner or his duly authorized and documented agent, and shall be accompanied by the following information as determined to be necessary by the Zoning Inspector:

- A. Two (2) copies of a site development plan as required by Article 12 hereof;
- B. Written evidence from the appropriate public agency that the subject site has approval for an on-site sewage disposal system capable of meeting the needs of the proposed use;
- C. Written evidence from from the Medina County Health Department that the site has an approved on-site water system capable of meeting the demands of the proposed use if the site is not served by the Rural Lorain County Water Authority;
- D. Written evidence of approval from the appropriate public agency that the subject site has an approved access to an improved public right-of-way;

- E. Permit and review fees in such amounts as may be established by the Board of Township Trustees; and
- F. Such additional information as the Zoning Inspector may require in order to determine compliance with this Zoning Resolution.

#### **SECTION 403 REVIEW FOR COMPLETENESS**

The Zoning Inspector shall review each application for completeness, accuracy, and compliance with this Zoning Resolution. Within five (5) business days of the submission date, the Zoning Inspector shall determine whether an application is complete. If the application is determined to be insufficient the Zoning Inspector shall notify the applicant of the nature of the deficiency. If the application is determined to be complete, the Zoning Inspector shall officially accept the application and commence the review process.

#### **SECTION 404 ACTION ON APPLICATION FOR ZONING PERMIT**

No Zoning Certificate shall be issued that requires a Conditional Zoning Certificate until the Board of Zoning Appeals grants such approval. The Zoning Inspector may forward a copy of any zoning certificate application to the Medina County Engineer's Office for review and comment. Applications which do not require a Conditional Zoning Certificate shall be reviewed for conformance by the Zoning Inspector and shall be approved, denied, or approved with modifications and/or conditions as noted within fifteen (15) days of formal acceptance. In conducting his/her review of an application, the Zoning Inspector may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this Resolution. The cost of any consultant's review shall be borne by the applicant, as set forth in the schedule of fees.

#### **SECTION 405 APPROVAL AND COMPLIANCE**

When an application has been approved, the Zoning Inspector shall issue a Zoning Certificate to the applicant. All work performed and uses established shall be pursuant to and in conformance with said Zoning Certificate and this Zoning Resolution. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector after the Zoning Inspector signs, dates and notes the copy as approved. One (1) copy of the plans, similarly marked, shall be retained by the Zoning Inspector.

#### **SECTION 406 DENIAL OF ZONING CERTIFICATE**

A Zoning Certificate shall not be issued where the structure or use, as proposed, would violate one or more provisions of this Resolution. In such case, the Zoning Inspector shall state on the application the reason for the denial, including the regulation(s) which would be violated by the proposed use, and shall transmit one (1) copy thereof to the applicant along with one (1) copy of the site development plan, signed, dated and noted as disapproved.



**SECTION 407 EXPIRATION OF ZONING CERTIFICATE**

Zoning Certificates shall become null and void one (1) year from the date of issuance unless construction has commenced and/or the use has been established. All construction work shall be completed within two (2) years from the date of issuance of the Zoning Certificate unless a greater time period was established by the Board of Zoning Appeals as part of a Conditional Zoning Certificate approval or unless such time period shall be extended by the Board of Zoning Appeals for sufficient cause.

**SECTION 408 REVOCATION OF CERTIFICATES**

A Zoning Certificate may be revoked by the Zoning Inspector where it is determined that any of the following conditions exist:

- A. It has been issued in error or has been issued based on materially false information or misrepresentations.
- B. Construction of the use has not commenced within one (1) year of zoning permit issuance, unless an extension of time has been granted pursuant to the provisions of this Zoning Resolution.
- C. Construction has not been completed within two (2) years of issuance of the Zoning Certificate and a new permit, renewal, or extension has not been obtained.
- D. The work or use is not being conducted in accordance with the approved Zoning Certificate and site development plan.

Written notice of revocation and the reasons therefore shall be signed and dated by the Zoning Inspector and sent to the applicant by certified mail (return receipt requested) and notice shall be posted in a conspicuous place on the property. The applicant shall be notified of the right to appeal within twenty (20) days after the revocation is issued. The notice of revocation shall contain a statement that all work and/or operation of the use shall cease pending determination of an appeal or approval of an extension or new permit.

**SECTION 409 CERTIFICATE OF ZONING COMPLIANCE**

No vacant land and no building erected, added to or altered shall be occupied or used in whole or in part nor shall any owner or tenant or any land or building hereafter change the use classification or enlarge the use classification in any building or on any premises without obtaining a certificate of zoning compliance from the Zoning Inspector. The Zoning Inspector shall issue a certificate of zoning compliance when the following have occurred:

- A. The Zoning Inspector has determined that all the provisions of the Zoning Resolution have been satisfied.
- B. In cases when, because of weather conditions or other factors beyond the control of the zoning permit recipient, it would be unreasonable to require the zoning permit recipient to complete all of the improvements prior to commencing the intended use of the property or occupying any building, the Zoning Inspector may issue a temporary certificate of zoning compliance for a period not to exceed six (6) months. The temporary certificate of compliance shall set forth the time for completing the pavement

requirement, after which the temporary certificate of compliance will be void. Once the Zoning Inspector has determined that all required improvements have been satisfactorily completed, a certificate of compliance shall be issued.

- C. The property owner has submitted the following:
1. Evidence from the Building Inspector indicating compliance with the Medina County Building Code; and
  2. Evidence from the Medina County Health Department indicating compliance with all the requirements of said Department.

#### **SECTION 410 SCHEDULE OF FEES**

The Township Board of Trustees shall by resolution establish a schedule of fees for zoning certificates, certificates of zoning compliance, development plan reviews, conditional use permits, similar use determinations, appeals, variances, amendments, and other procedures and services pertaining to the administration and enforcement of the Zoning Resolution. The schedule of fees shall be available from the Zoning Inspector's Office and may be altered or amended only by the Trustees. Changes, amendments, additions, deletions or other modifications to the fee schedule shall become effective immediately upon adoption by the Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure. Fees shall be nonrefundable.

#### **SECTION 411 ENFORCEMENT**

When the Zoning Inspector becomes aware of any violation of this Zoning Resolution or any provision, regulation, requirement, condition, or stipulation adopted or applied pursuant to the provisions of this Zoning Resolution, the Zoning Inspector may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

#### **SECTION 412 VIOLATIONS**

- A. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution or any amendment to this Zoning Resolution.
- B. No person shall commence work or establish a use requiring a zoning certificate or approval without first obtaining such certificate or approval, nor shall any person vary from the terms or conditions of a zoning certificate issued or of other authorized approval, nor shall any person fail to comply with any corrective or abatement order issued by the Zoning Inspector.
- C. All violations shall be corrected within a reasonable time limit set by the Zoning Inspector.



**SECTION 413          PENALTIES**

- A. Violations of this Zoning Resolution or failure to comply with any requirements, including violations of conditions and safeguards established in various sections of this Zoning Resolution, shall constitute a misdemeanor. Any person who violates this Zoning Resolution or fails to comply with any of its requirements shall upon conviction therefore be fined for such misdemeanor of the third degree as provided by law and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, or any architect, builder, contractor, agent, or other person who commits, participates in, assists, or maintains such violation may each be found guilty of a separate offense and suffer penalties herein provided.
- B. 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 without a zoning certificate in violation of this Zoning Resolution, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector, or any adjacent property owner who would 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, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, change, maintenance, or use.

**ARTICLE 5****CONDITIONAL ZONING CERTIFICATES**

Section 501	PURPOSE	Section 507	SIMILAR USES
Section 502	APPLICATION	Section 508	GENERAL PROVISIONS
Section 503	NOTICE AND HEARING		GOVERNING ALL
Section 504	BASIS OF DETERMINATION		CONDITIONALLY
Section 505	GENERAL STANDARDS FOR		PERMITTED USES
	ALL CONDITIONALLY	Section 509	VIOLATIONS AND
	PERMITTED USES		REVOCATION
Section 506	SPECIFIC STANDARDS FOR	Section 510	APPEALS
	CERTAIN CONDITIONALLY	Section 511	REAPPLICATION
	PERMITTED USES		

**SECTION 501 PURPOSE**

Rather than assign all uses to special individual and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, and, at the same time, maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants. In order to accomplish such a dual objective, a provision is made in this Resolution for a more detailed consideration of each of certain specified activities relative to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, and concentration of population, etc. Uses possessing these particular unique characteristics are designated through the issuance of a Conditional Zoning Certificate with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. The Board of Zoning Appeals may authorize the issuance of such Conditional Zoning Certificates for any of the uses specified in this Resolution pursuant to the procedures set forth herein. The Board of Zoning Appeals is also authorized, upon application and hearing, to modify and amend previously granted Conditional Zoning Certificates.

**SECTION 502 APPLICATION****A. Submission**

An application shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on a form provided by the Zoning Inspector for such purpose.

**B. Data Required with Application**

Each application for a Conditional Zoning Certificate shall include at a minimum, the following:

1. A completed application form signed by an authorized representative of the applicant. If the applicant is not the owner of the property, the

application shall be accompanied by a letter of authorization signed by the property owner.

2. Ten (10) copies of a site development plan pursuant to the provisions and requirements of Article 12.
3. A narrative statement explaining in detail the proposed use and supported by substantiating evidence regarding the requirements enumerated in this Article.
4. The names and addresses of the owners of property abutting and immediately across the street from the subject site as shown on the latest tax roll of the Medina County Auditor.
5. Such fees and deposits as may be established by the Board of Trustees.

C. Review and Processing

The Zoning Inspector shall review each application for completeness, accuracy, and compliance with this Resolution. Within five (5) business days of the submission date, the Zoning Inspector shall determine whether the application is complete. If the application is determined to be insufficient, the Zoning Inspector shall notify the applicant of the nature of the deficiency. If the application is determined to be complete, the Zoning Inspector shall officially accept the application and forward the request to the Board of Zoning Appeals.

### **SECTION 503 NOTICE AND HEARING**

Upon receipt of a complete application, the Board of Zoning Appeals shall schedule and hold a public hearing upon the application. The Board shall give notice of the public hearing by publishing one (1) notice of such hearing in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing. Notice shall also be given to adjoining property owners and those immediately across the street by regular mail. Such notice or letter shall indicate the place, time, and subject of the hearing and shall be posted at least ten (10) days prior to the meeting date.

### **SECTION 504 BASIS OF DETERMINATION**

The Board of Zoning Appeals shall consider each application for a Conditional Zoning Certificate based upon the general and specific standards set forth herein. No Conditional Zoning Certificate shall be approved unless the Board determines that such use will comply with said standards. When approving a Conditional Zoning Certificate, the Board of Zoning Appeals may impose such additional conditions and safeguards as it may deem necessary for the general welfare, the protection of individual property rights, and for ensuring that the intent and objectives of this Resolution will be observed. Upon approval by the Board, the Zoning Inspector shall issue a Conditional Zoning Certificate setting forth all of the terms and conditions of such approval.

**SECTION 505            GENERAL STANDARDS FOR ALL CONDITIONALLY PERMITTED  
USES**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall make a determination based upon the evidence provided whether such use in the proposed location:

- A. Will be harmonious with and in accordance with the general objectives, or with any specific recommendations contained in the most current version of the Township's 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 or whether such use will change the essential character of the area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- E. Will not create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community;
- F. Will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, smoke, fumes, glare, odors, or noise of any nature;
- G. Will be consistent with the intent and purpose of this Resolution;
- H. Will be in compliance with the Medina County Subdivision Regulations, when applicable, the Medina County Board of Health Standards, and the Medina County Building Code.
- I. 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;
- J. Will be developed with consideration given to minimizing removal of trees and change of topography; and
- K. Will not result in the destruction, loss, or damage of natural scenic, or historic features of major importance.

**SECTION 506            SPECIFIC STANDARDS FOR CERTAIN CONDITIONALLY PERMITTED USES****A.     Type 2 Home Occupations**

All Type 2 Home Occupations shall comply with the following standards and provisions and such other provisions as may be determined by the Board of Zoning Appeals as conditions of approval:

1. Every Type 2 Home Occupation must be owned and operated by the property owner, who must reside on the premises. The home occupation may employ individuals who do not reside on the property. The maximum number of such non-resident employees shall be as stipulated by the Board of Zoning Appeals on the Conditional Use Permit.
2. No commercial equipment, process, materials, or chemicals shall be used which create noise, vibrations, smoke, dust, odor, heat, glare, X-rays, radiation, or electrical disturbances which are offensive to a person of ordinary sensibility.
3. Not more than twenty-five percent (25%) of the gross floor area of the dwelling, nor more than twenty-five percent (25%) of any single lot or parcel shall be devoted to any use related to the business activity.
4. No activity involved in the business other than the parking of vehicles shall be visible from any public way or adjacent property.
5. The external residential appearance of the building and property shall not be altered in such a way as to make the appearance inconsistent with the surrounding area.
6. Not more than one (1) sign conforming with Section 708 or Section 808 as applicable shall be allowed on the premises indicating the activity taking place thereon.
7. The activity conducted must be clearly incidental and subordinate to the use of the premises for residential purposes.
8. No traffic shall be generated by such use in greater volume or intensity than would normally be expected in the neighborhood.
9. All commercial vehicles or commercial equipment shall be parked behind the principal residence and behind the residences on adjacent lots and not more than three (3) pieces of equipment shall be parked or stored outdoors on the premises at any time.
10. No equipment shall be parked in any required side yard.
11. There shall be no outdoor storage of materials unless adequately screened from view from any public right-of-way and from adjacent properties.

**B.     Free-Standing or Ground Mounted Solar Arrays**

Free-Standing or Ground Mounted Solar Arrays shall only be permitted as an accessory use to a permitted principal use or building located on the same lot or parcel. Such facilities shall be designed, installed, or constructed to



provide electrical power and/or heat to be primarily consumed by the principal use or building to which they are accessory. Cooperative facilities and/or distribution of power to other properties are prohibited. Free-Standing or Ground Mounted Solar Arrays shall be located, maintained, and operated in conformance with the following criteria and standards:

1. The minimum lot area for a Free-Standing or Ground Mounted Solar Array shall be two (2.0) acres.
2. Free-Standing or Ground Mounted Solar Arrays shall not exceed a maximum height of fifteen (15) feet measured to the highest projection of any Solar Panel in final configuration and orientation.
3. Free-Standing or Ground Mounted Solar Arrays shall be setback a minimum of fifty (50) feet from all side and rear property lines.
4. Free-Standing or Ground Mounted Solar Arrays shall be located behind the minimum front setback line.
5. Free-standing or ground mounted Solar Arrays shall have appropriate structural support and shall be designed to withstand wind loads in compliance with the Ohio Building Code.
6. All accessory components shall be located either within the principal building or behind the front setback of the principal building and shall comply with the side and rear building setback lines of the District in which it is located. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. Accessory components shall be screened from view from public rights-of-way and adjacent properties.
7. All electrical connections between free-standing or ground mounted Solar Arrays and the principal building shall be located underground.
8. The maximum ground coverage of all Free-standing or ground mounted Solar Arrays on any premises shall not exceed the ground area of the principal dwelling.

C. Free-Standing or Ground Mounted Wind Energy Facilities

Free-standing or Ground Mounted Wind Energy Facilities may be permitted as an accessory use and accessory structure in any district subject to the following criteria and standards:

1. The minimum lot area for such facilities shall be five (5.0) acres.
2. In order to provide for a safe clear fall zone in the event of structural failure, the minimum setback from any property line, electrical transmission line, public right-of-way or easement, or gas well shall be 1.1 times the height of the Wind Energy Facility measured to its highest point.
3. The maximum height of such facilities shall not exceed forty (40) feet, and no moving part of any Wind Energy Facility shall extend to within fifteen (15) feet of the ground.
4. All Wind Energy Facilities shall be equipped with an automatic over-speed control system, which may be either an electronic or mechanical system, for automatically controlling blade rotation speed so that the design limits of the system are not exceeded.

5. All electrical connections between free-standing or ground mounted Wind Energy Facilities and the principal building shall be located underground. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
6. Lighting of Wind Energy Facilities shall be prohibited. Towers, turbines and blades shall be white, black, or gray. Only monopole towers shall be permitted. No signage or advertising shall be permitted on any Wind Energy Facility that is readable from off the premises. Each such facility shall have a visible mounted emergency placard eighteen (18) inches by eighteen (18) inches containing the name and emergency contact information of the owner and individual or firm responsible for service and the date of installation of the facility.
7. Wind Energy Facilities shall be properly maintained at all times in compliance with all manufacturer's specifications. The immediate grounds around the base of the facility shall be maintained in good condition at all times.
8. Each application for a Wind Energy Facility shall be accompanied by a report from a licensed engineer documenting that the proposed system will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the foundation has been properly designed, that it will comply with the clear fall zone requirement, and that it has appropriate over-speed controls.
9. Wind Energy Facilities shall be fenced or fitted with anti-climb devices.
10. Any Wind Energy Facility that is not operated or ceases to function for a period of six (6) consecutive months or longer shall be deemed abandoned and shall be removed.

D. Commercial Uses

Commercial uses including retail stores and service businesses shall comply with the following standards and provisions and such other provisions as may be determined by the Board of Zoning Appeals as conditions of approval:

1. All commercial uses shall comply with the stormwater management requirements for such uses as established by the Medina County Engineer.
2. All commercial uses shall provide evidence of a Permit to Install from the Ohio Environmental Protection Agency for an on-site sewage disposal system capable of handling the waste to be generated by the proposed use.
3. All commercial uses shall provide adequate screening and buffering, as determined by the Board of Zoning Appeals, for any existing adjacent residential uses.
4. All commercial uses shall provide a site development plan in conformance with Article 12.

5. Outdoor displays of merchandise shall only be as specified on the approved site development plan and specifically authorized by the Board of Zoning appeals.

E. Industrial Uses

Industrial uses including manufacturing and assembly facilities shall comply with the following standards and provisions and such other provisions as may be determined by the Board of Zoning Appeals as conditions of approval:

1. All industrial uses shall comply with the stormwater management requirements for such uses as established by the Medina County Engineer.
2. All industrial uses shall provide evidence of a Permit to Install from the Ohio Environmental Protection Agency for an on-site sewage disposal system capable of handling the waste to be generated by the proposed use.
3. All industrial uses shall provide adequate screening and buffering, as determined by the Board of Zoning Appeals, for any existing adjacent residential uses.
4. All industrial uses shall provide a site development plan in conformance with Article 12.
5. Outdoor storage of materials or products shall be fenced and screened unless such fencing or screening is specifically waived by the Board of Zoning appeals. Outdoor storage areas shall be specified on the approved site development plan

F. Medical Uses

Medical uses including clinics, urgent care facilities, and rehabilitation facilities shall comply with the following standards and provisions and such other provisions as may be determined by the Board of Zoning Appeals as conditions of approval:

1. All medical uses shall comply with the stormwater management requirements for such uses as established by the Medina County Engineer.
2. All medical uses shall provide evidence of a Permit to Install from the Ohio Environmental Protection Agency for an on-site sewage disposal system capable of handling the waste to be generated by the proposed use.
3. All medical uses shall provide adequate screening and buffering, as determined by the Board of Zoning Appeals, for any existing adjacent residential uses.
4. All medical uses shall provide a site development plan in conformance with Article 12.



**SECTION 507       SIMILAR USES**

- A. An applicant may submit an application for a Conditional Zoning Certificate for a building or use which is not specifically listed as a permitted use in a district where specifically authorized by this Resolution. The Board of Zoning Appeals shall interpret this Resolution to determine if the proposed use is a comparable use. The Board shall make a decision after consideration of the proposed use with respect to the following standards and other applicable provisions of this Resolution:
  - 1. Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district.
  - 2. Whether the use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district.
  - 3. Whether the establishment of the use in the district will significantly alter the nature of the district.
  - 4. Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district.
  - 5. Whether the use typically requires site conditions or features, building bulk or mass, parking, or other requirements dissimilar from permitted uses; and whether the typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district.
  - 6. Whether the proposed use is a permitted or conditionally permitted use in another zoning district.
- B. The Zoning Inspector shall maintain a record of each use declared to be similar by the Board of Zoning Appeals in each zoning district. Such list shall be used by the Zoning Inspector to evaluate subsequent applications for the same use or the same districts as a permitted use. Uses determined by the Board of Zoning Appeals to be similar uses in a zoning district shall be added to the list of permitted uses at the next general update of the Zoning Resolution.

**SECTION 508       GENERAL PROVISIONS GOVERNING ALL CONDITIONAL ZONING CERTIFICATES**

The following standards and conditions shall apply to all Conditional Zoning Certificates:

- A. Conditional Zoning Certificates shall be issued to the applicant only and shall not be transferrable to any other entity without the approval of the Board of Zoning Appeals.
- B. Conditional Zoning Certificates shall expire if the use for which they are issued has not been established within two (2) years of the date of issuance.

- C. The Board may require bonds or performance guarantees where it determines that such assurances are necessary.
- D. The Board may attach stipulations and conditions on the granting of any Conditional Zoning Certificate as it may determine to be necessary and appropriate to protect the general public health, safety, and general welfare and to mitigate adverse impacts on adjacent properties.
- E. The Zoning Inspector shall have the authority to make periodic inspections of the property to determine compliance with the provisions of the Conditional Zoning Certificate.

## **SECTION 509 VIOLATIONS AND REVOCATION**

The Zoning Inspector shall notify the Conditional Zoning Certificate holder of any noted violation of the Zoning Resolution or any specific terms, requirements, stipulations, or conditions attached to the granting of the Conditional Zoning Certificate and shall order that such use be brought into compliance and shall set forth a reasonable period of time to do so. If the Conditional Zoning Certificate holder fails to comply with either the provisions of this Resolution or the conditions of the Conditional Zoning Certificate within such time period, the Zoning Inspector shall take appropriate action to compel compliance, abate the violation, or revoke the Conditional Zoning Certificate and require that the use cease and desist. The breach of any condition, safeguard, or requirement of the Conditional Zoning Certificate shall constitute a violation.

## **SECTION 510 APPEALS**

When an individual is aggrieved by a decision or action of the Zoning Inspector with regard to violation or revocation of a Conditional Zoning Certificate, such individual may appeal said action or decision as set forth in Article 11 of this Zoning Resolution.

## **SECTION 511 REAPPLICATION**

No application for a Conditional Zoning Certificate which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year after such denial, unless newly discovered evidence or proof of changed conditions exist which would be sufficient to justify reconsideration by the Board of Zoning Appeals.

**ARTICLE 6****AMENDMENTS**

Section 601 INITIATION OF  
AMENDMENTS  
Section 602 AMENDMENTS  
GENERALLY

Section 603 EFFECT OF AMENDMENTS  
Section 604 RESUBMISSION OF  
AMENDMENTS

**SECTION 601 INITIATION OF AMENDMENTS**

Amendments to this Zoning Resolution may be initiated in any of the following manners:

- A. The Zoning Commission may initiate and recommend an amendment;
- B. The Township Trustees may propose an amendment and send their proposal to the Zoning Commission for review and recommendation; or
- C. A property owner or lessee(s) of property may propose an amendment and submit an application requesting the amendment. Applications for amendments made by property owners shall be made on forms provided by the Zoning Inspector and shall be filed with the Zoning Inspector.

**SECTION 602 AMENDMENTS GENERALLY**

This Resolution may be amended or supplemented in the manner and for the purposes provided in Section 519.12 of the Ohio Revised Code and any subsequent amendments thereto.

**SECTION 603 EFFECT OF AMENDMENTS**

Amendments of this Zoning Resolution shall not affect the prior operation of this Resolution or any prior action taken thereunder. Nor shall any amendment affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder.

**SECTION 604 RESUBMISSION OF AMENDMENTS**

No text or map amendment which is disapproved by the Board of Township Trustees shall be resubmitted for substantially the same text provisions or land area for a minimum period of at least one (1) year from the effective date of the action by the Board of Township Trustees.

**ARTICLE 7****R-1 LOW DENSITY RESIDENTIAL DISTRICT**

Section 701	PURPOSE	Section 706	MINIMUM LIVING FLOOR AREA
Section 702	PERMITTED USES	Section 707	PARKING AND DRIVEWAY REQUIREMENTS
Section 703	MINIMUM LOT REQUIREMENTS	Section 708	SIGNS
Section 704	MINIMUM SETBACK REQUIREMENTS	Section 709	TYPE 1 HOME OCCUPATIONS
Section 705	MAXIMUM BUILDING HEIGHT		

**SECTION 701 PURPOSE**

The purpose of the R-1 Low Density Residential District is to accommodate residential development at a low-density that will promote the continuation of the predominantly rural residential character of Spencer Township.

**SECTION 702 PERMITTED USES**

Within an R-1 Low Density Residential District, no buildings, structures, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses, all other uses shall be expressly prohibited:

A. Permitted Uses

1. Single Family Dwellings.
2. Two-Family Dwellings.
3. Agricultural Uses.
3. Accessory Uses and Buildings which are subordinate and customarily incidental to the principal use.
4. Accessory Signs subject to the provisions of Section 708.
5. Accessory Parking pursuant to Section 707.
6. Type 1 Home Occupations in conformance with the provisions of Section 709.
7. Farm Markets and/or agricultural roadside stands for the sale of agricultural products produced on the property provided that all structures are set back beyond the right of way of the highway or road and provided that adequate facilities are maintained in conjunction therewith for safe parking.
8. Accessory Ponds and Lakes, subject to the provisions of Section 209.
9. Accessory Roof Mounted Solar Arrays subject to the provisions of Section 901.

**B. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the provisions of Article 5.

1. Governmentally owned and/or operated parks and recreational use.
2. Privately operated recreational facilities, including but not limited to swimming pools, golf courses, tennis clubs, riding academies, campgrounds, and similar facilities.
2. Public, parochial and private schools.
3. Places of Worship.
4. Cemeteries.
5. Publicly owned and/or operated facilities, including but not limited to libraries, museums, community centers, fire stations, township halls and other similar buildings and facilities.
6. Type 2 Home Occupations.
7. Extraction of natural resources.
8. Earth sheltered buildings.
9. Accessory Free-Standing or Ground Mounted Solar Arrays.
10. Accessory Free-Standing or Ground Mounted Wind Energy Facilities.

**SECTION 703 MINIMUM LOT REQUIREMENTS**

- A. The minimum lot area for a Single-Family Dwelling shall be two (2.0) acres.
- B. The minimum lot area for a Two-Family Dwelling shall be three (3.0) acres.
- C. The minimum lot width and frontage for a Single-Family Dwelling shall be two hundred (200) feet.
- D. The minimum lot width and frontage for a Two-Family Dwelling shall be three hundred (300) feet.

**SECTION 704 MINIMUM SETBACK REQUIREMENTS**

- A. The minimum Front Yard Setback for any structure shall be one hundred fifty (150) feet from the centerline of any road.
- B. The minimum Side Yard Setback for principal buildings shall be twenty-five (25) feet.
- C. The minimum Rear Yard Setback for principal buildings shall be fifty (50) feet.
- D. The minimum Side and Rear Yard Setback for accessory buildings and structures shall be fifteen (15) feet.

**SECTION 705 MAXIMUM BUILDING HEIGHT**

The maximum height of any building shall be thirty-five (35) feet.

**SECTION 706 MINIMUM LIVING FLOOR AREA**

Every dwelling unit shall meet the following minimum floor area requirements. For purposes of this Section minimum floor area shall not include porches, steps, terraces, breezeways, decks, garages, basements, attics, or other areas not designed or intended for human occupation.

- A. One, two, and three bedroom dwellings shall contain a minimum living area of 1,350 square feet.
- B. Dwellings with four or more bedrooms shall contain a minimum living area of 1,500 square feet.
- C. All one-story dwellings shall have a minimum foundation area of 1,350 square feet.
- D. All dwellings of more than one-story shall have a minimum foundation area of 1,000 square feet.
- E. All dwellings, other than earth sheltered buildings, shall have a minimum of one story above grade and a complete foundation.

**SECTION 707 PARKING AND DRIVEWAY REQUIREMENTS**

- A. Each dwelling unit shall have a minimum of two (2) off-street parking spaces.
- B. All residential driveways shall be a minimum of ten (10) feet in width and shall be located a minimum of ten (10) feet from the nearest side lot line.

**SECTION 708 SIGNS**

Accessory signs shall be permitted in the R-1 District subject to the following provisions:

- A. Permitted Signs  
The following signs may be permitted:
  - 1. One (1) temporary non-illuminated sign advertising the sale or lease of the premises.
  - 2. One (1) permanent free-standing sign for any conditionally permitted use as approved by the Board of Zoning Appeals as part of the Conditional Use Certificate approval.
  - 3. One (1) permanent building or wall sign for any conditionally permitted use as approved by the Board of Zoning Appeals as part of the Conditional Use Certificate approval.
  - 4. One (1) free-standing or wall sign per residential property.
- B. Sign Standards and Regulations
  - 1. No sign shall exceed a maximum of sixteen (16) square feet in area except as authorized by the Board of Zoning Appeals for a conditionally permitted use.
  - 2. All signs shall be located a minimum of fifty-five (55) feet from the centerline of any road and ten (10) feet from any side or rear lot line.
  - 3. All signs shall be located on the premises to which the sign refers.



C. Permits

A Zoning Permit shall be required for all signs except the following:

1. Political signs.
2. Temporary signs advertising the sale or lease of the premises which conform to the standards set forth herein.

**SECTION 709          TYPE 1 HOME OCCUPATIONS**

All Type 1 Home Occupations shall comply with the following standards and provisions:

- A. No person who is not a resident of the premises may utilize said property for parking any commercial vehicle or equipment, or may participate in any activity related to the business on site as an employee or volunteer.
- B. No commercial equipment, process, materials, or chemicals shall be used which create noise, vibrations, smoke, dust, odor, heat, glare, X-rays, radiation, or electrical disturbances which are offensive to a person of ordinary sensibility.
- C. Not more than twenty-five percent (25%) of the gross floor area of the dwelling shall be devoted to any use related to the business activity.
- D. No activity involved in the business shall be visible from any public way or adjacent property.
- E. Such use shall be conducted within the dwelling unit only; no home occupation use shall be made of any garage, accessory building or yard space.
- F. The external residential appearance of the building and property shall not be altered.
- G. Not more than one (1) sign conforming with Section 708 shall be allowed on the premises indicating the activity taking place thereon.
- H. The activity conducted must be clearly incidental and subordinate to the use of the premises for residential purposes.
- I. No traffic shall be generated by such use in greater volume or intensity than would normally be expected in the neighborhood.
- J. The use shall not include any commercial equipment or commercial motor vehicle.

## ARTICLE 8

### C-R LIMITED COMMERCIAL AND RESIDENTIAL DISTRICT

Section 801	PURPOSE	Section 806	MINIMUM LIVING FLOOR AREA
Section 802	PERMITTED USES	Section 808	MAXIMUM BUILDING GROUND COVERAGE
Section 803	MINIMUM LOT REQUIREMENTS	Section 807	PARKING AND DRIVEWAY REQUIREMENTS
Section 804	MINIMUM SETBACK REQUIREMENTS	Section 808	SIGNS
Section 805	MAXIMUM BUILDING HEIGHT		

#### SECTION 801 PURPOSE

The purpose of the C-R Limited Commercial and Residential District is to accommodate a combination of residential and limited non-residential development along major thoroughfares within Spencer Township.

#### SECTION 802 PERMITTED USES

Within a C-R Limited Commercial and Residential District, no buildings, structures, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses, all other uses shall be expressly prohibited:

A. Permitted Uses

1. Single Family Dwellings.
2. Two-Family Dwellings.
3. Agricultural Uses.
3. Accessory Uses and Buildings which are subordinate and customarily incidental to the principal use.
4. Accessory Signs subject to the provisions of Section 809.
5. Accessory Parking pursuant to Section 808.
6. Type 1 Home Occupations in conformance with the provisions of Section 709.
7. Farm Markets and/or agricultural roadside stands for the sale of agricultural products produced on the property provided that all structures are set back beyond the right of way of the highway or road and provided that adequate facilities are maintained in conjunction therewith for safe parking.
8. Accessory Ponds and Lakes, subject to the provisions of Section 209.
9. Accessory Roof Mounted Solar Arrays subject to the provision of Section 901.



**B. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the provisions of Article 5.

1. Governmentally owned and/or operated parks and recreational use.
2. Privately operated recreational facilities, including but not limited to swimming pools, golf courses, tennis clubs, riding academies, campgrounds, and similar facilities.
3. Public, parochial and private schools.
4. Places of Worship.
5. Cemeteries.
6. Publicly owned and/or operated facilities, including but not limited to libraries, museums, community centers, fire stations, township halls and other similar buildings and facilities.
7. Extraction of natural resources.
8. Type 2 Home Occupations.
9. Commercial uses, including retail and/or service businesses, in conformance with the standards and provisions set forth in Article 5.
10. Industrial uses, including light manufacturing and/or assembly facilities, in conformance with the standards and provisions set forth in Article 5.
11. Medical facilities, including but not limited to clinics, urgent care facilities, and rehabilitation facilities in conformance with the standards and provisions set forth in Article 5.
12. Accessory Free-Standing or Ground Mounted Solar Arrays.
13. Accessory Free-Standing or Ground Mounted Wind Energy Facilities.

**SECTION 803 MINIMUM LOT REQUIREMENTS**

- A. The minimum lot area for a Single-Family Dwelling shall be two (2.0) acres.
- B. The minimum lot area for a Two-Family Dwelling shall be three (3.0) acres.
- C. The minimum lot area for any commercial, industrial, or medical use shall be three (3.0) acres.
- D. The minimum lot width and frontage for a Single-Family Dwelling shall be two hundred (200) feet.
- E. The minimum lot width and frontage for a Two-Family Dwelling shall be three hundred (300) feet.
- F. The minimum lot width and frontage for any commercial, industrial, or medical use shall be three hundred (300) feet.

**SECTION 804 MINIMUM SETBACK REQUIREMENTS**

- A. The minimum Front Yard Setback for any residential structure shall be one hundred fifty (150) feet from the centerline of any road.

- B. The minimum Front Yard Setback for any commercial, industrial, or medical structure shall be one hundred fifty (150) feet from the centerline of any road.
- C. The minimum Front Yard Setback for any commercial, industrial, or medical parking lot shall be one hundred (100) feet from the centerline of any road.
- D. The minimum Side Yard Setback for any residential building or any residential accessory building or structure shall be twenty-five (25) feet.
- E. The minimum Side Yard Setback for any commercial, industrial, or medical building, structure, or parking lot shall be fifty (50) feet.
- F. The minimum Rear Yard Setback for any residential building or any residential accessory building or structure shall be fifty (50) feet.
- G. The minimum Rear Yard Setback for any commercial, industrial, or medical building, structure, or parking lot shall be one hundred (100) feet.

**SECTION 805 MAXIMUM BUILDING HEIGHT**

- A. The maximum height of any residential building or residential accessory building or structure shall be thirty-five (35) feet.
- B. The maximum height of any commercial, industrial, or medical building or structure shall be fifty (50) feet unless a greater height is authorized by the Board of Zoning Appeals as part of the Conditional Use Certificate approval for such use.

**SECTION 806 MINIMUM LIVING FLOOR AREA**

Every dwelling unit shall meet the following minimum floor area requirements. For purposes of this Section minimum floor area shall not include porches, steps, terraces, breezeways, decks, garages, basements, attics, or other areas not designed or intended for human occupation.

- A. One, two, and three bedroom dwellings shall contain a minimum living area of 1,350 square feet.
- B. Dwellings with four or more bedrooms shall contain a minimum living area of 1,500 square feet.
- C. All one-story dwellings shall have a minimum foundation area of 1,350 square feet.
- D. All dwellings of more than one-story shall have a minimum foundation area of 1,000 square feet.
- E. All dwellings, other than earth sheltered buildings, shall have a minimum of one story above grade and a complete foundation.

**SECTION 807 MAXIMUM BUILDING GROUND COVERAGE**

The aggregate ground area occupied by all buildings used for commercial, industrial, and/or medical uses shall not exceed forty percent (40%) of the total area of the lot.

**SECTION 808 PARKING AND DRIVEWAY REQUIREMENTS**

- A. Each dwelling unit shall have a minimum of two (2) off-street parking spaces.
- B. All residential driveways shall be a minimum of ten (10) feet in width and shall be located a minimum of ten (10) feet from the nearest side lot line.
- C. Each commercial and/or medical use shall provide a minimum of one (1) parking space for each two hundred fifty (250) square feet of gross floor area unless a lesser standard is established by the Board of Zoning Appeals as part of the Conditional Use Certificate approval.
- D. Each industrial use shall provide a minimum of one (1) parking space for each four hundred (400) square feet of gross floor area unless a lesser standard is established by the Board of Zoning Appeals as part of the Conditional Use Certificate approval.
- E. Parking lots for commercial, industrial, and medical uses shall be paved with asphalt or concrete and shall provide for adequate storm water management.
- F. Parking spaces for commercial, industrial, and medical uses shall be a minimum of 180 square feet each.
- G. Drive aisles for commercial, industrial, and medical uses shall be a minimum of twenty-four (24) feet in width.

**SECTION 809 SIGNS**

Accessory signs shall be permitted in the C-R District subject to the following provisions:

- A. Permitted Signs  
The following signs may be permitted:
  - 1. One (1) temporary non-illuminated sign advertising the sale or lease of the premises.
  - 2. Permanent free-standing signs for conditionally permitted uses as approved by the Board of Zoning Appeals as part of the Conditional Use Certificate approval.
  - 3. Permanent building or wall signs for conditionally permitted uses as approved by the Board of Zoning Appeals as part of the Conditional Use Certificate approval.
  - 4. One (1) free-standing or wall sign per residential property.
- B. Sign Standards and Regulations
  - 1. No sign shall exceed a maximum of sixteen (16) square feet in area except as authorized by the Board of Zoning Appeals for a conditionally permitted use.
  - 2. All signs shall be located a minimum of fifty-five (55) feet from the centerline of any road and ten (10) feet from any side or rear lot line.
  - 3. All signs shall be located on the premises to which the sign refers.
- C. Permits
  - 1. Zoning Permit shall be required for all signs except the following:
  - 2. Political signs.
  - 3. Temporary signs advertising the sale or lease of the premises which conform to the standards set forth herein.

**ARTICLE 9****SUPPLEMENTAL REGULATIONS****Section 901 ROOF MOUNTED SOLAR ARRAYS****SECTION 901 ROOF MOUNTED SOLAR ARRAYS**

Roof Mounted Solar Arrays shall only be permitted as an accessory use to a permitted principal use or building located on the same lot or parcel. Such facilities shall be designed, installed, or constructed to provide electrical power and/or heat to be primarily consumed by the principal use or building to which they are accessory. Cooperative facilities and/or distribution of power to other properties are prohibited.

Roof Mounted Solar Arrays in R-1 and C-R Districts shall be located, maintained, and operated in conformance with the following criteria and standards:

- A. Roof mounted Solar Arrays shall require a Zoning Certificate as an accessory use, but shall be considered part of the principal building and not an accessory structure.
- B. Solar Panels shall not extend more than twenty-four (24) inches above the plane of the roof of pitched roofs nor more than thirty-six (36) inches above the roofline of a flat roof.
- C. Solar Panels shall not extend above the peak or ridgeline of a pitched roof or the parapet wall of a flat roof.
- D. All accessory components shall be located either within the building, behind the front setback line of the principal building, or hidden from view behind the parapet walls of buildings with flat roofs.
- E. All accessory components shall comply with the minimum side and rear building setback lines for the principal building.
- F. Solar Panels shall have appropriate structural strength to withstand wind loads as provided in the Ohio Building Code.
- G. Solar Panels shall be installed to avoid glare or reflection onto adjacent properties and rights-of-way.
- H. Solar Arrays shall not contain advertising visible from off the premises.
- I. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- J. Accessory components shall be screened from view from public rights-of-way and adjacent properties.

**ARTICLE 10****NONCONFORMING USES, STRUCTURES, AND LOTS**

Section 1001 PURPOSE

Section 1002 NONCONFORMING USES

Section 1003 NONCONFORMING  
STRUCTURES

Section 1004 NONCONFORMING LOTS

Section 1005 COMPLETION OF  
APPROVED

CONSTRUCTION

Section 1006 NONCONFORMING SIGNS

**SECTION 1001****PURPOSE**

The purpose of this Article is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Zoning Resolution and amendments hereto but which do not conform to the existing provisions of this Zoning Resolution. Such lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Zoning Resolution which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution. While it is the intent of this Zoning Resolution to permit such nonconforming conditions to continue until abandoned, removed, or abated, a nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district and should be discouraged, especially where such nonconformity constitutes a nuisance or hazard.

**SECTION 1002****NONCONFORMING USES****A. Continuance of Lawful Nonconforming Use.**

The lawful use of any building or land existing at the time of this Zoning Resolution or amendments thereto, may be continued, although such use does not conform with the provisions of this Zoning Resolution, subject however to the provisions of this Chapter.

**B. Discontinuance or Abandonment.**

Whenever a nonconforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At the end of the two (2) year period of abandonment, the nonconforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Zoning Resolution.

**C. Displacement.**

No nonconforming use shall be extended to displace a conforming use.

**D. Enlargement of Use.**

A nonconforming use may be altered or improved, provided that the use is not enlarged or expanded; however, extension of a nonconforming use within any portion of a building or structure already occupied by such

nonconforming use shall be permitted. The intensity or nature of a nonconforming use shall not be altered or modified in any manner, which creates or increases a nuisance or hazard affecting or potentially affecting surrounding properties.

#### **SECTION 1003                      NONCONFORMING STRUCTURES**

A.     Alterations or Enlargements.

A nonconforming structure may be enlarged or extended to extend such structure to a total area not to exceed twenty percent (20%) more than the original existing area of the structure, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located. A structure that is nonconforming solely with regard to encroachment into a required setback may be expanded or enlarged provided that any such expansion or enlargement does not increase the extent of such encroachment.

B.     Restoration of Damaged Structure.

Nothing in this Zoning Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or acts of God, subsequent to the date of this Zoning Resolution, provided that not more than seventy-five percent (75%) of the value of the building or structure was lost in such damage event and provided such replacement or repair does not extend the nonconformity, and further provided that such replacement or repair occurs within two (2) years of the date of damage. When more than seventy-five percent (75%) of the value of the structure is lost in such damage event, the structure and use shall not be reconstructed except in a manner conforming with this Zoning Resolution.

C.     Repairs and Maintenance.

Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.

#### **SECTION 1004                      NONCONFORMING LOTS**

When a nonconforming lot can be used in conformity with all applicable provisions of this Zoning Resolution, except that the area of the lot is nonconforming, then the lot may be used as if its area were conforming. When conforming use of a nonconforming lot cannot reasonably be established due to the setback requirements of the district in which it is located, the Board of Zoning Appeals may grant variances to setback requirements as necessary to establish a permitted use of the district, provided that there is no contiguous land in common ownership with the subject lot which could be used to reduce or eliminate the nonconformity and the variance meets all other variance standards of this Zoning Resolution.



**SECTION 1005****COMPLETION OF APPROVED CONSTRUCTION**

Nothing in this Zoning Resolution shall prohibit the completion or construction and use of a nonconforming structure for which a Zoning Certificate has been issued prior to the effective date of this Zoning Resolution or amendment thereto, provided that construction is commenced within ninety (90) days after adoption of this Zoning Resolution and provided that the entire structure and the establishment of the use shall have been completed within one (1) year after issuance of the Zoning Permit.

**SECTION 1006****NONCONFORMING SIGNS**

Signs which were legally existing prior to the effective date of this Resolution, but which do not conform with the provisions hereof, may be maintained as a matter of right provided that such signs comply with the current provisions of this Resolution regarding safety, maintenance, and repair. Normal maintenance such as painting, cleaning, or minor repairs shall be permitted on all such nonconforming signs. Relocation or replacement of a nonconforming sign or any alteration in the size or structure of such sign shall cause the sign to lose its status as legally nonconforming and said sign shall be immediately brought into compliance.

**ARTICLE 11****VARIANCES, APPEALS AND INTERPRETATIONS**

Section 1101 APPEALS

Section 1102 NOTICE AND HEARING

Section 1103 AREA VARIANCES

Section 1104 USE VARIANCES

Section 1105 ISSUANCE

Section 1106 SUPPLEMENTARY

CONDITIONS AND

SAFEGUARDS

**SECTION 1101 APPEALS**

- A. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved by any decision of the Zoning Inspector. Such an appeal shall be taken within twenty (20) days after the decision by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on forms provided by the Zoning Inspector and shall be accompanied by a fee as set by the Board of Township Trustees. The Zoning Inspector shall forthwith transmit to the Township Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. Every appeal or application shall refer to the specific provision of this Zoning Resolution that is the subject of the variance, appeal or determination, and shall 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.
- B. Before an applicant may appeal for a variance from the regulations of this Resolution, the applicant must first apply for a Zoning Certificate. After the Zoning Inspector has disapproved the application, the applicant may then file a request for a variance from the strict application of the Zoning Resolution as it applies to the applicant's situation.
- C. The Board shall decide each appeal within a reasonable time after it is submitted.
- D. No variance or appeal which is disapproved by the Board of Zoning Appeals shall be resubmitted for substantially the same request on the subject property for a minimum period of at least one (1) year from the effective date of the action by the Board of Zoning Appeals.

**SECTION 1102 NOTICE AND HEARING**

- A. Upon receipt of an application, and a determination that the application is complete, the Board of Zoning Appeals shall fix a reasonable time for the public hearing and shall give at least ten (10)

days notice in writing to the parties in interest. Such written notice of the hearing shall be mailed by the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the public hearing to all owners of abutting properties and properties directly across the street from the subject site. Such notices shall be sent to the address of such owners appearing on the county auditor's current tax list and shall indicate the place, time, and subject of the hearing. The Board may notify such other parties as the Board determines may be affected by or have interest in the appeal. The Board shall also give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing.

- B. At the public hearing, any person may appear in person or by attorney and shall have the opportunity to give testimony under oath.

### **SECTION 1103      AREA VARIANCES**

Where the appeal requests an area variance, that is, a variance involving provisions relating to yard dimensions, setback, height, or similar spatial or dimensional requirements, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of practical difficulties:

- A. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance. Increased cost only shall not be the basis for a variance.
- B. Whether the variance is substantial.
- C. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer a detriment as a result of the variance.
- D. Whether the variance will adversely affect the delivery of governmental services.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction.
- F. Whether the property owner's predicament can be obviated through some method other than a variance.
- G. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.
- H. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
- I. Whether granting of the variance will be contrary to the general purpose, intent, and objective of the specific use district.
- J. Whether the variance requested arises from a condition or circumstance which is unique to the subject site and which is not generally shared by other properties in the same zoning district or general vicinity.

- K. Whether the practical difficulty is created by the Zoning Code and not by any action or actions of the property owner or the applicant.
- L. Whether the variance desired will adversely affect the public health, safety, or general welfare.
- M. Whether the variance requested is the minimum variance necessary to afford relief to the property owner.

**SECTION 1104 USE VARIANCES**

Where the appeal requests a use variance, that is, a variance for the approval of a use which is not permitted in the district, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of an unnecessary hardship:

- A. Whether uses permitted in the district may be reasonably established on the property and whether they are economically viable on the property in question without the variance. Increased cost alone shall not be the basis for a variance.
- B. Whether the variance is the minimum necessary to afford relief to the property owner.
- C. Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
- D. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
- E. Whether the hardship condition was created by actions of the applicant.
- F. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.
- G. Whether the use requested is similar in character to the permitted uses in the subject district.
- H. Whether the subject property is adequate to meet the needs and requirements of the proposed use.

**SECTION 1105 ISSUANCE**

A variance shall not be granted unless the Board of Zoning Appeals makes a determination that the criteria contained herein are satisfactorily addressed by the evidence presented by the applicant to establish that a practical difficulty or unnecessary hardship exists and that the granting of a variance will preserve the spirit and intent of this Zoning Resolution and that substantial justice will be done.

**SECTION 1106      SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Resolution, which shall become stipulations of the variance or appeal. Violations of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Zoning Resolution.

**ARTICLE 12****SITE DEVELOPMENT PLANS**

Section 1201	PURPOSE AND INTENT	Section 1205	INFORMATION
Section 1202	SITE DEVELOPMENT PLANS REQUIRED		REQUIRED ON MAJOR SITE DEVELOPMENT PLANS
Section 1203	MINOR SITE DEVELOPMENT PLANS	Section 1206	DESIGN STANDARDS
Section 1204	MAJOR SITE DEVELOPMENT PLANS	Section 1207	CONFORMANCE WITH APPROVED PLANS

**SECTION 1201 PURPOSE AND INTENT**

Site development plans are intended to promote orderly and appropriate development that is designed and intended to preserve and maintain the rural character of the Township, to ensure proper design for efficient use of land, to protect adjoining properties from adverse impacts, and to promote high quality developments. The purpose of this Article is to provide specific standards and requirements for design and construction of new developments, for additions and modifications to existing developments, for the establishment of new uses, and for the re-use of sites.

**SECTION 1202 SITE DEVELOPMENT PLANS REQUIRED**

- A. A site development plan is required and shall be submitted for any use or development involving new construction, reconstruction, alteration, expansion, or relocation of non-agricultural buildings and/or structures. Site plans shall also be required for site improvements, such as, but not limited to, off-street parking, driveways, drainage provisions, and site lighting. No construction activity shall commence for any such use or project unless and until a site plan has been submitted to the Zoning Inspector for review and approval, and a valid Zoning Certificate has been issued for said use or project pursuant to Article 4 of this Zoning Resolution.
- B. Site development plans for new detached single-family dwellings, additions to single family dwellings, accessory buildings and structures commonly incidental to single family dwellings on individual building lots shall comply with the requirements and procedures for Minor Site Development Plans as set forth in Section 1203. All other applications for site development plan approval shall comply with the procedures and requirements for Major Site Development Plans as set forth in Sections 1204 through 1207 hereof.



**SECTION 1203 MINOR SITE DEVELOPMENT PLANS**

- A. Two (2) paper copies and one digital copy of minor site development plans shall be submitted to the Zoning Inspector along with a completed application for a Zoning Certificate as set forth in Section 402.
- B. Minor site development plans shall contain the following information as determined by the Zoning Inspector:
  - 1. The name of the owner and developer, north arrow, date, and scale;
  - 2. The property boundaries;
  - 3. The area of the parcel;
  - 4. Location of existing public rights-of-way;
  - 5. All minimum building setback dimensions;
  - 6. Locations and dimensions of all existing and proposed structures and drives;
  - 7. Location and dimensions of the on-site sewage disposal system; and
  - 8. Existing and proposed water facilities, or location of proposed well or private water system;
- C. Minor site development plans may be reviewed and approved by the Zoning Inspector, who shall act within fifteen (15) days of formal acceptance of a complete application.
- D. Applicants or affected property owners aggrieved by a decision of the Zoning Inspector with regard to approval or denial of a minor site development plan may appeal such decision to the Board of Zoning Appeals following the procedures set forth in Article 11 of this Zoning Resolution.

**SECTION 1204 MAJOR SITE DEVELOPMENT PLANS**

- A. All applications for Major Site Development Plan approval shall be filed with the Zoning Inspector along with a completed application for a Conditional Zoning Certificate as set forth in Section 502.
- B. Major Site Development Plan applications shall consist of:
  - 1. Ten (10) paper copies and one digital copy of a site development plan drawing conforming to the requirements of Section 1205; and
  - 2. A narrative description of the proposed project;
- C. Once the application is determined to be complete and is officially accepted by the Zoning Inspector, the Zoning Inspector shall forward all submitted materials to the Board of Zoning Appeals for review as part of the application for a Conditional Zoning Certificate.

**SECTION 1205      INFORMATION REQUIRED ON MAJOR SITE DEVELOPMENT PLANS**

Major site development plan drawings shall contain the following minimum information as determined necessary by the Board of Zoning Appeals:

- A. The name and address of the applicant and the engineer, architect, and/or surveyor responsible for preparation of the drawings;
- B. A project summary including the area of all proposed parcels, the total number of dwelling units of each type, the area of land uses by type, the number and areas of buildings, the total number of parking spaces, the amount of land area designated for public and/or private streets, open space, storm drainage, wetlands, and all proposed uses;
- C. Development phases if the project is to be done in phases;
- D. The names and address of adjacent property owners;
- E. A vicinity map at a scale of 1" equals 1000';
- F. A north arrow, date, and scale;
- G. The current zoning classification and all zoning district boundary lines;
- H. A boundary survey showing all existing and proposed property lines, easements, rights-of-way, and setback lines;
- I. Existing and proposed topography at two-foot contour intervals;
- J. Existing areas of significant vegetation and designation of areas of vegetation to be retained and to be removed;
- K. Existing and proposed watercourses, water bodies, flood plains, and wetlands;
- L. Location and dimensions of all existing and proposed buildings and structures;
- M. Location and dimensions of all existing and proposed public streets, rights-of-way, private streets and access easements;
- N. Location, design, and dimensions of existing and proposed parking areas and truck loading areas;
- O. Location, design, and dimensions of all existing and proposed walkways, sidewalks, bike paths, and other pedestrian facilities;
- P. Existing and proposed water facilities;
- Q. Existing and proposed sanitary sewer facilities including location, design, sizes of on-site treatment systems;
- R. Existing and proposed utilities including natural gas, electric, and telephone;
- S. Existing and proposed location and dimensions of common open areas, recreation areas, preservation areas, and similar facilities;
- T. Location and type of site lighting;
- U. Location and specifications of screening features such as walls, fences, mounds, and landscape buffers;
- V. Location and specifications of all proposed signage;
- W. A landscaping plan including location, size, and type of plant materials;

- X. Provisions for solid waste;
- Y. Proposed building elevations;
- Z. Location and dimensions of proposed access drives;
- AA. Provisions for storm drainage, including provisions for erosion and sedimentation control, in conformance with the requirements of the Medina County Engineer;

**SECTION 1206 DESIGN STANDARDS**

All major site development plans shall be reviewed based on principals of good site design intended to provide safe and efficient vehicular and pedestrian movement, to preserve and protect significant natural features and sensitive environmental areas, to advance the goals and objectives of the Township, and to be consistent with the spirit and intent of the Zoning Resolution. In addition, all major site development plans shall conform to the following minimum design standards:

- A. All proposed water and sanitary sewer improvements shall be designed and constructed in accordance with the standards and requirements of Medina County, and the Ohio Environmental Protection Agency.
- B. Development features, including buildings, parking areas, driveways, etc., shall be so located and designed as to minimize adverse impacts on adjacent properties. Maximum possible visual and auditory privacy for surrounding properties shall be provided through good design and landscaping buffers.
- C. Building location and placement shall be developed with consideration given to minimizing the removal of trees and changes of topography.
- D. Parking, service, and refuse storage areas shall be screened from view from adjoining residential properties. Screening of parking, service, and refuse storage areas shall be provided by means of landscaping, ornamental walls, fences, or similar means.
- E. Drives, travel lanes, and parking areas shall be designed and related to public thoroughfares to provide for pedestrian and vehicular safety both in the right-of-way and on the site. On-site circulation shall provide for adequate access by emergency vehicles.
- F. Storm runoff provisions shall be designed in accordance with the standards, policies and requirements of the Medina County Engineer's Office.
- G. The design and construction of all streets, both public and private, shall conform to the design criteria of the Medina County Engineer and the Medina County Subdivision Regulations.

**SECTION 1207 CONFORMANCE WITH APPROVED PLANS**

Developments shall conform in all respects to the approved site development plan. No building or premises shall be occupied or used except in conformance with the

approved site development plan and this Zoning Resolution. The Zoning Inspector shall make such periodic inspections during construction of the project as may be necessary and appropriate to determine continued compliance with the approved site development plan and Zoning Resolution. Approved site development plans may be amended in the same manner and following the same procedure as the original site development plan approval, provided, however, that the applicant need not resubmit information which was provided as part of the original site development plan review process.

## ARTICLE 13

### RULES OF CONSTRUCTION AND DEFINITIONS

Section 1301 RULES OF CONSTRUCTION

Section 1302 DEFINITIONS

#### SECTION 1301 RULES OF CONSTRUCTION

For the purposes of this Resolution, certain terms or words herein shall be construed or defined as follows:

- A. The present tense shall include the "future", the singular number shall include the "plural" and the plural number shall include the "singular".
- B. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- C. The word "person" includes a corporation, firm, partnership, association, organization, trust or company as well as an individual.
- D. The word "building" shall include the word "structure".
- E. The word "lot" includes the word "plot" or "parcel".
- F. The words "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied".
- G. When the number of days is specified, it shall mean calendar days unless specifically stated otherwise.

#### SECTION 1302 DEFINITIONS

The words used in this Resolution are used in their ordinary English usage. For the purpose of this Resolution, the following terms, whenever used in this Resolution, shall have the meaning herein indicated:

**Accessory Building-** A building customarily incidental and subordinate to the principal building and located on the same lot or premises as the principal building.

**Accessory Use-** A use customarily incidental and subordinate to the principal use or building and located on the same lot or premises as the principal use or building.

**Agriculture-** As defined in Ohio Revised Code Section 519.01 as the same may be amended from time to time.

**Alteration-** As applied to a building or structure, is a change or rearrangement in the structural parts or in the entrance or exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location to another.

**Antenna-** A device, assembly or construction which is designed or intended to interact with the electromagnetic field by absorption, reception, concentration, radiation, reradiation, transmission or retransmission of electromagnetic radiation.

**Basement-** A story partially below the level of the adjoining ground and below the first tier of floor beams or joists. When a basement floor is less than three (3) feet below the average grade, it will be rated as the first story or ground floor. Basements shall be differentiated from earth-sheltered buildings. The use of a basement as temporary or permanent living quarters shall be prohibited.

**Building-** Any structure having a roof supported by columns or by walls designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**Building Setback Line-** A line parallel to the road or highway right of way defining the permitted location of the main building or structure with respect to the road or highway, outside which no part of the foundation of the main building or structure projects.

**Building, Earth-Sheltered-** a structure built underground with a floor at ground level on a part of at least one side and designed for permanent occupancy with no additional stories planned above grade. Earth-sheltered buildings shall meet all requirements of the Medina County Building Code and are differentiated from basement dwellings.

**Building, Principal-** The building housing the principal activity performed on any lot.

**Campground-** A recreational area where camping in tents, trailers or other vehicles, cabins or lodges are located, established, or maintained for occupancy as temporary living quarters for recreational, education or vacation purposes for which a fee or membership is charged.

**Commission-** The Zoning Commission of Spencer Township.

**Drive or Driveway-** A private road which provides access from a public highway or roadway to a building, home or other use.

**Dump-** Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of garbage, sewage, trash, refuse, waste material of any kind, junk, discarded machinery, vehicles, or parts thereof, offal, or dead animals.

**Dwelling, Multi-Family-** A building consisting of three (3) or more dwelling units with varying arrangements of entrances and party walls.



**Dwelling, Single-Family-** A free-standing building designed for or used exclusively for residence purposes by a single housekeeping unit.

**Dwelling Two Family-** A building consisting of two (2) dwelling units with varying arrangements of entrances and party walls.

**Dwelling Unit-** One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for an individual or group of individuals living together as a single housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathing, toilet, and sleeping facilities.

**Frontage-** The distance from one side line of a lot to the other side line, as measured along the right of way side line of a road, street or highway.

**Height, Building or Structure-** The vertical dimension of a building or structure measured from the average elevation of the finished lot grade at the front of the building or structure to:

- (a) The highest point of a structure or the roof of a building or structure with a flat roof;
- (b) The deck line of a mansard roof; or
- (c) The average height between the eaves and ridge of a gable, hip or gambrel roof.

**Home Occupation-** An accessory revenue-enhancing use of a dwelling which activity, occupation, service, or craft is clearly incidental and subordinate to the use of the premises as a dwelling and does not change the character thereof. Type 1 home occupations shall be conducted entirely within the dwelling unit and shall comply with the provisions of Section 709. All Type 2 home occupations shall require a Conditional Zoning Certificate.

**Hotel or Motel-** A building, or buildings, occupied or used as a more or less temporary abiding place for individuals or groups of individuals, with or without meals, in which no provision is made for cooking in any individual room.

**Junk-** Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tin foil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their present condition, but are subject to being dismantled.

**Junk Motor Vehicles-** Any motor vehicle which is:

- (a) Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, doors, or transmission, and
- (b) Apparently inoperable, or
- (c) Any unlicensed automobile or truck.

**Living Floor Area-** The habitable floor area of a dwelling excluding attics, breezeways, porches, garages, and basements.

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

**Lot-** A parcel of land occupied by, or which may be occupied by, a building and accessory buildings and including the yards and other open spaces required by this Zoning Resolution.

**Lot, Corner-** A lot at the point of intersection of and abutting on two (2) or more intersecting streets or highways, the angle of intersection being not more than one hundred and thirty-five (135) degrees.

**Lot Lines-** The lines defining the limits of a lot.

**Lot, of Record-** A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Registrar of Deeds of Medina County, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Registrar of Deeds of Medina County.

**Lot, Width of-** The width measured along the building setback line. In the case of a lot which is not square to the highway, lot width will be measured perpendicular to the lot side lines. Where the lot side lines are not parallel, the lot width measurement shall be made in such a manner as to generate the shortest straight-line distance from one side line to the other, said line passing through the building line at the structure.

**Manufactured Home / Mobile Home-** A building unit or assembly of closed construction that is fabricated in an off-site facility for installation or assembly at the building site, designed to be used as a permanent dwelling unit and constructed in conformance with the federal construction and safety standards established by the secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974" 88 Stat. 700, 42 U.S.C.A. 5401, 5403 and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. Manufactured homes are often referred to as mobile homes or

trailers. Manufactured homes or mobile homes are not modular homes and are not single-family dwellings for purposes of compliance with the provisions of this Zoning Resolution.

**Modular Home / Industrialized Unit:** A building unit or assembly that is built in sections at a factory and constructed so as to conform, to all state, local and regional building codes at its destination. Sections of such home are transported to the building site on trucks and then joined together by contractors at the site. Modular homes are subject to the same building inspection requirements as a traditionally built home. Modular homes are also referred to as industrialized units. Modular home does not include manufactured homes or mobile homes as herein defined. Modular homes or industrialized units that comply with the Ohio Building Code and contain a compliance certification shall be permitted as single-family dwellings.

**Nonconforming Lot-** A lot which does not conform with the lot area, lot width, lot depth or other area requirements of the district in which it is located.

**Nonconforming Structure-** A structure which does not conform with the requirements for height, floor area, yard, or other requirements applicable to a structure in the district in which it is located.

**Nonconforming Use-** A use existing at the time of the enactment of this Resolution, and which does not conform to the use regulations of the district in which it is located.

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

**Parking Space-** An off-street space or berth for the temporary parking of a vehicle for a period longer than required to load and/or unload persons or goods.

**Setback, Front Yard-** The perpendicular distance between the centerline of the road and the nearest portion of any structure existing or to be constructed.

**Setback, 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.

**Setback, Rear Yard-** The perpendicular distance between the established rear lot line and any portion of any structure existing or to be constructed on said lot.

**Sign-** An advertising or informational device, made of cardboard, cloth, metal, painted glass, wood, plaster, stone or other material of any kind or character whatsoever which is placed on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term "placed" as used in this definition shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing, or making visible in any manner whatsoever.

For the purposes of these regulations, the word "sign" does not include the flag, pennant, badge or insignia of any government, or any governmental agency or of any charitable, religious, educational or similar organization. For the purposes of these regulations, the word "Sign" shall include a writing, representation, or other figure of similar character located on the interior of a building only if illuminated and located so as to be viewed from the exterior of the building.

**Sign, Area of-** That area of a sign used for the display of advertising matter. Frames and structural members, free of any advertising matter shall not be included in the calculation of sign area, unless, by size or ornateness, the frame or structure has been designed to attract attention. The area of a sign shall be that area which is normally visible from any one direction. Signs consisting of multiple panels, all visible from the same direction, shall be considered as a single sign. For signs with multiple faces of differing areas, the face with the largest area shall be the sign area.

**Sign, Free-standing-** A sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

**Sign, Temporary-** A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

**Sign, Wall-** Any sign attached to, painted on, or integral with the wall of any building and located in a plane parallel to the wall and supported by the building. Wall signs shall also include signs mounted on awning or canopies.

**Similar Use-** A use which is not listed as a permitted use or a conditionally permitted use for a district, but which is found to be sufficiently similar to other uses permitted in the district and otherwise compatible with the district and which is approved as a conditionally permitted use by the Board of Zoning Appeals.

**Single Housekeeping Unit-** One or more individuals living together and jointly sharing household responsibilities and activities as a united and interactive group where all adults occupy the entire premises of the dwelling unit with full access to all living and eating areas, bathrooms, and food preparation and serving areas, but not including larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or convents.

**Solar Array-** Any collection of Solar Panels, connectors, battery banks, controllers, wiring, meters, and switching devices intended to work in combination to convert solar energy to electrical power.

**Solar Panel-** Any device used for collecting solar energy and converting it to electrical power.

**Story, Height of-** The vertical surface from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

**Street, Private-** A thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.

**Street, Public-** A thoroughfare which affords principal means of access to abutting property and which has been dedicated or deeded to the public.

**Structure-** Anything constructed or erected which requires location on the ground, but not including fences or walls used as fences.

**Structural Alterations-** Any change in the supporting members of a building or structure such as bearing walls, columns, beams, or girders, or any substantial change in the roof and/or exterior walls of the structure.

**Swimming Pool** – any indoor or outdoor structure, basin, chamber, or tank constructed or prefabricated in an earth depression or located above grade used or which may be used for swimming, diving, or recreational bathing and having a depth of more than twenty-four (24) inches at any point or with a surface area exceeding one hundred (100) square feet filled with a filtered and/or disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith.

**Tank, Storage** - An open or closed vessel suitable for the storage of liquids.

**Use-** The principal purpose for which a lot, and/or the principal building thereon, is designed, arranged, or intended and for which it may be used, occupied or maintained.

**Use, Conditional-** A use, listed as a conditional use for a specific district or otherwise identified as a conditional use in this Zoning Resolution, which may be established and operated only according to the provisions of the Conditional Zoning Certificate.

**Variance-** As authorized by this Resolution, a grant by the Board of Zoning Appeals permitting use of property in a manner not wholly in accordance with the provisions of this Resolution as a means of resolving practical difficulty or unnecessary hardship.

**Wind Energy Facility-** Any combination of equipment, machinery, and structures used to convert kinetic wind energy into electrical power.

**Zoning Certificate-** A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, or the arrangement of uses and structures in conformance with the provisions of this Zoning Resolution.

**Zoning Compliance Certificate-** A document issued by the Zoning Inspector confirming the use of lots, structures, uses of land and structures, or the arrangement of uses and structures is in compliance with the provisions of this Zoning Resolution and all applicable Zoning Permits.

**Zoning District-** An area within which only certain uses of land and buildings are permitted; yards and other open spaces are required; lot areas; building height limits, and other requirements are established; all of the foregoing being uniform throughout the Zoning District in which the apply.

**Zoning Inspector-** A Zoning Inspector of Spencer Township or an authorized representative of the Zoning Inspector.

**Zoning Map-** The "OFFICIAL ZONING MAP OF SPENCER TOWNSHIP, MEDINA COUNTY, OHIO."