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**SUMMARY OF AMENDMENTS TO
POLK TOWNSHIP ZONING RESOLUTION
EFFECTIVE JULY 21, 2017**

- Chapter 8, General Provisions, Section 8.15, Accessory Buildings, Section 8.15(e), Maximum Height. This is a typographical error correction with reference to the maximum height of buildings, and removing subparagraph 1.C. Effective July 16, 2018.
- Chapter 8, General Provisions, Section 8.15, Accessory Buildings, Section 8.15, Maximum Numbers, Size and Lot Coverage, on page 8-15. Elimination of maximum numbers, size and lot coverage allowances. The 2.5 percent formula will be used. Effective October 17, 2018.
-

CHAPTER 1

PURPOSE AND INTERPRETATION

- 1.1 Purpose.** To protect the public health, safety, morals, values, comfort, and general welfare; to protect and preserve the fiscal health and stability of the Township of Polk; to conserve and protect property values; to ensure the most productive and appropriate use of land; to facilitate adequate and economical provision of public services and improvements; to regulate the location, height, bulk, number of stories and size of buildings and other structures; to establish minimum lot areas which may be occupied; to establish minimum building set back lines, to provide for and preserve open space; to regulate the density of population; to specify uses of land, buildings, and other structures; to provide for the orderly use of land for trade, industry, residence, recreation, and other purposes; to provide for the orderly development of the Township of Polk; to provide for the free movement of vehicles upon proper streets; to protect industry, commerce, and residences against incompatible uses of land, buildings and other structures; to ensure the provision of adequate space for the parking of vehicles of customers and employees of all commercial, and industrial establishments to remove or minimize the need to park on public streets in order to prevent congestion and eliminate hazardous situations; to ensure and provide for the availability of appropriate and adequate sites for industry and commerce to strengthen and broaden the economic base of the Township and to provide for balanced residential growth.
- 1.2 Interpretation.** The provisions of this Zoning Resolution shall be held to be minimum requirements. When the Zoning Resolution imposes greater restrictions upon the location, heights, bulk, number of stories, and sizes of buildings and other structures, building setback lines, lot area and uses of land, buildings and other structures that are required by other rules, regulations or permits, or by easements, covenants, or agreements, the provisions of this Zoning Resolution shall govern.
- 1.3 Policy Of Polk Township Regarding Agricultural Land Uses.** In accordance with the definition of “agriculture” in Chapter 3, it shall be the policy of Polk Township that land which is predominantly utilized for the intensive cultivation of crops or which is uniquely suited for farming or other agricultural operations should be protected from the encroachment of urban land use and encouraged to remain for agricultural uses. This policy shall be sufficient reason upon which to base individual zoning decisions and shall be deemed especially important in the rural areas of Polk Township because it would be very difficult to place individual rezoning requests in perspective without reviewing such requests in terms of their cumulative impact on the future of the area. The thrust of this

June 21, 2017

policy shall be to promote agricultural land uses and to protect and preserve agricultural lands. Concentrated animal-feeding facilities of any size are not allowed in Polk Township.

CHAPTER 2

SEVERABILITY AND ENFORCEMENT

2.1 Severability, Validity and Independence of Titles, Chapters, Sections, Subsections, Parts and Subparts of this Zoning Resolution.

- a. Each title, chapter, section, sub-section, provision, requirement, regulation, or restriction established by this Zoning Resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not affect or render invalid the Zoning Resolution or any amendments thereto as a whole or any part thereof except the particular part so declared to be unconstitutional, invalid, or ineffective.
- b. In the interpretation and application of this Zoning Resolution, the provisions of this Code shall be held to be minimum requirements adopted for the promotion of the health, safety, morals, values, comfort, and general welfare of the public.
- c. Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provisions of law or any rules or regulations adopted or issued pursuant to law relating to the construction and use of buildings or premises.
- d. Where this Zoning Resolution imposes a greater restriction upon the use of buildings or premises or upon the regulation of buildings or premises or requires larger or smaller yards than are imposed or required by other provisions of the law, rules, regulations, covenants, deed restrictions or agreements, the provisions of this Zoning Resolution shall control, but nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions, or agreements between parties which impose restrictions greater than those imposed by this Zoning Resolution.

2.2 Enforcement.

- a. It shall be unlawful to construct, reconstruct, enlarge, change, maintain, or use any building, structure or land in violation of any regulation or provision of this Zoning Resolution or any amendment thereto. Any person violating or assisting in the commission of a violation of this Zoning Resolution or any amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined as set forth in the Ohio Revised Code. Each day such violation, or failure to comply with any of the requirements of this Zoning Resolution, continues after receipt of a violation notice shall constitute and be considered a separate offense.

- b. In case any building or structure is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used; or any land is or is proposed to be used in violation of law or of this Zoning Resolution or any amendment thereto, the Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies provided by law, institute an injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- c. The Board of Township Trustees may employ special council to represent it in any proceedings or to prosecute any action brought under this Section.

2.3 Application for Permits, Certificates and Approvals. In order to effectuate proper and effective enforcement of this Zoning Resolution, the required permits, certificates, and legal and administrative documents and approvals shall be obtained and the following stipulations and procedures shall be followed in order to obtain them prior to constructing, reconstructing, changing, maintaining, or using any building, structure, or land:

- a. Issuance Of Zoning Certificates. No building or structure shall be erected, moved, added to, or structurally altered, nor shall any building, structure, or land be established or its use changed, without a Zoning Certificate therefore, issued by the Zoning Inspector. Zoning certificates shall be issued only in conformity with the provisions of this Zoning Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, and variance; or from the Zoning Commission approving a Planned Residential Development, or Planned Commercial Development as provided by this Zoning Resolution. No zoning certificates shall be issued for Business, Commercial, Industrial, Multi-Family, or single family dwelling projects without evidence that:
 1. The design of the project provide for the following:
 - A. Acceptance of upstream drainage;
 - B. Provisions for the development of upstream properties;
 - C. Storm water management so that the adverse effects on underground water recharge and abutting and downstream properties are minimized;
 - D. The maintenance of surface water in its natural drainage course where the water enters and leaves the project site; and

2. If a non-publicly owned sanitary sewage collection and treatment system will be utilized for the disposal of sanitary sewage, the facilities have been reviewed and are in compliance with the standards of the Crawford County Department of Environmental Health and the costs of such review and inspection by the Department of Environmental Services shall be borne by the developer.
 3. The proposed site plan has been reviewed by the Crawford County Regional Planning Commission or the appropriate government authority and show a proper relationship between thoroughfares, service roads, driveways, parking areas, and access to adjacent land which will foster pedestrian and vehicular traffic safety and minimize adverse effects on adjacent property.
 6. Meets the minimum standards of this Resolution.
- b. Contents of Application for a Zoning Certificate. The application for a zoning certificate shall be made in writing and be signed by the applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and shall be revoked if work was not begun within six (6) months or completed within two (2) years of the date of issuing the permit. At a minimum, the application shall contain the following information and be accompanied by all required fees:
1. The name, address, and phone number of applicant;
 2. The legal description of property;
 3. Existing use;
 4. Proposed use;
 5. Zoning district;
 6. Site and floor plans, in triplicate, drawn to scale and showing an inventory of existing landscape and landmarks; the exact size and location of existing buildings, driveways, and walkways if any; the location and dimensions of proposed building(s), alteration, or addition: proposed finished grades; and the use, location, and dimensions of existing buildings and structures on adjoining property and the distance of such existing buildings and structures from proposed buildings;
 7. Building heights;

8. Number of off-street parking spaces or loading berths, and their layout;
 9. Location and design of access drives;
 10. Number of dwelling units and other buildings;
 11. If applicable, application for a sign permit or a conditional, special, or temporary use permits, unless previously submitted;
 12. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Zoning Resolution;
 13. All other drawings and information as may be required for a County building permit;
 14. Lot size;
 15. A certified copy of the deed to the parcel including any attachments or deed restrictions; and
 16. A copy of the current government flood plan showing the location of the property.
- c. Approval of Application for a Zoning Certificate. Within thirty (30) days after the receipt of a properly filed application accompanied by the required fee, the Zoning Inspector shall either approve or disapprove the application in accordance with the provisions of this Zoning Resolution except as subject to the conditions referred in Section (d) below. All zoning permits shall, however, be conditioned upon the commencement of work within six (6) months of the date of issuing the zoning certificate. One copy of the plans shall be returned to the applicant by the Zoning Inspector after the Zoning Inspector has marked such copy as either approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the subject property, attesting to the fact that the activity is in conformance with the provisions of this Zoning Resolution. In the absence of the Zoning Inspector and his assistant, the Board of Zoning Appeals shall be authorized to issue a Zoning Certificate after the conditions governing the application have been met.
- d. Performance Guarantees. Pursuant to Sections 519.16 and 519.17 of the Ohio Revised Code, as amended, and in the interest of ensuring compliance with the Zoning Resolution provisions, protecting the natural resources and the health, safety and welfare of the residents of the Township and future users or inhabitants

of a building, structure or other improvement for which a zoning certificate is required, the Zoning Inspector shall require the applicant to deposit a performance guarantee as set forth herein.

1. Purpose. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Resolution, including but not limited to buildings and structures, parking and driveways, lighting and utilities, sidewalks, fences,
2. Application. Performance guarantees shall apply to the following:
 - A. New nonresidential or multi-family residential buildings or structures;
 - B. Expansion of an existing nonresidential building or structure in excess of 5,000 square feet or 25 percent of the existing gross floor area, whichever is greater;
 - C. Expansion of an existing multi-family residential building or structure which increases the number of residential units;
 - D. When the number of parking spaces in a lot increases by 10 or more; and
 - E. Commonly owned or maintained improvements in a planned development or conventional subdivision, excluding those specifically exempted below.
3. Exemptions. The following shall be exempt from the performance guarantee requirements contained herein:
 - A. Single and two family dwellings and related accessory buildings and structures, whether on individual lots or on sublots or other units in a planned development or conventional subdivision;
 - B. Improvements located inside public or private rights-of-way, where such improvements are required by the County; and
 - C. Improvements located inside storm water management easements where such improvements are functionally related to storm water management.
4. Cost Estimate. The applicant shall prepare an itemized cost estimate of the required improvements, which shall then be reviewed and approved by the Zoning Inspector. The amount of the performance guarantee shall be 100 percent of the following costs:
 - A. Purchase and/or construction of improvements including site preparation, which shall include but not be limited to clearing, grading, hauling, demolition, and debris removal.

- B. Installation of improvements.
- C. Architectural and/or engineering design or related professional costs.

In addition, a reasonable amount for contingencies, which shall in no case constitute less than five percent of the total costs referenced in subsections A through C, inclusive, above, shall be added to the total cost estimate and included in the amount of the performance guarantee.

- 5. Form. The required performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, surety bond, or other form of guarantee acceptable to the Township Attorney or Crawford County Prosecutor and shall be deposited with the Township Fiscal Officer.
- 6. Receipt. Upon receipt of the required performance guarantee by the Township Fiscal Officer, the Zoning Inspector shall issue a zoning certificate for the subject development or activity, provided all other requirements have been met. A record of authorized performance guarantees shall be maintained by the Zoning Inspector.
- 7. Time Limitation. All guarantees shall specify the time limit for completion of the proposed improvements. The time limit shall not exceed 12 months from the date of issuance of the zoning certificate, unless justification for a longer period of time is set forth in writing. Time extensions may be granted by the Zoning Inspector upon determination that such time extension is necessary, but shall not exceed 12 months with each written request. In the process of reviewing a time limit extension, the Zoning Inspector shall reassess and may require an adjustment in the guarantee amount, to address the current costs of meeting the then-existing obligations of the applicant.
- 8. Refund. Upon satisfactory and timely completion of the required improvements, as determined by the Zoning Inspector, the entire performance guarantee shall be returned to the applicant. The applicant may request that the performance guarantee be returned as work progresses in reasonable proportion to the ratio of work completed on the required improvements, provided that a minimum of 10 percent shall be held back on each element until satisfactory completion of the entire project.
- 9. Failure to Complete. In the event that the applicant fails to install or maintain the required improvements, the Township shall have the right to use the performance guarantee to complete the improvements through

contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Prior to completing said improvements, the Zoning Inspector shall notify the owner, applicant, and/or other firm or individual responsible for completion of the required improvements.

- e. Submission of notice to the Fire Chief, County Engineer and Township Trustees before issuing a Zoning Certificate. Before any zoning certificate is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Ohio Department of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Ohio Department of Transportation that he shall not issue a zoning certificate for one hundred twenty (120) days from the date the notice is received by the Ohio Department of Transportation. If the Ohio Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning certificate. If the Ohio Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one-hundred twenty (120) day period or of any extension thereof agreed upon by the Ohio Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Zoning Resolution, issue the zoning certificate.
- f. Expiration of Zoning Certificate. If the work described in any zoning certificate was not begun within six months from the date of issuing the Zoning Certificate, said certificate shall expire; it shall be revoked by the Zoning Inspector and written notice therefore shall be given to the persons affected. If the work described in any zoning certificate has not been completed within two (2) years of the date of issuing the certificate, said certificate shall expire and be revoked by the Zoning Inspector, and written notice therefore shall be given to the persons affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a new zoning certificate has been obtained or an extension granted.
- g. Revocation of Zoning Certificate. The Zoning Inspector shall issue a revocation notice to revoke any zoning certificate or any administrative approval which was issued contrary to the provisions of this Zoning Resolution or was based upon false information or misrepresentation in the application.

- h. Certificate of Occupancy. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Zoning Inspector or his assistant stating that the proposed use of the building or land conforms to the requirements of this Zoning Resolution. The issuance of a zoning certificate in no way relieves the recipient from compliance with all the requirements of the Zoning Resolution and other regulations. Application for a certificate of occupancy shall be made to the Zoning Inspector or his assistant who shall, within five (5) days, issue, or refuse in writing, a certificate of occupancy after having been notified by the applicant in writing that the premises are ready for occupancy or use and after the Zoning inspector, or his assistant, shall have inspected the premises and ascertained compliance with the provisions of this Zoning Resolution. A certificate of occupancy shall not be issued until after the installation of all plumbing and sewage disposal facilities and the final inspection and approval of such by the Crawford County Board of Health; and after the electrical and heating installations have been installed and finally inspected and approved by the Crawford County Building Department and certified as being appropriate and adequate to meet the requirements of those departments.
 - i. Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion.
- 2.4 Record of Zoning Certificates and Certificates of Occupancy.** The Zoning Inspector shall maintain a record of all zoning certificates and certificates of occupancy, and copies shall be furnished to any person upon request and payment of the established fee.
- 2.5 Failure to Obtain a Zoning Certificate or a Certificate of Occupancy.** Failure to obtain a zoning certificate or a certificate of occupancy shall be a punishable violation of this Zoning Resolution.
- 2.6 Compliance with the Application, Plans, Permits, and Certificates.** All zoning certificates and certificates of occupancy, issued by the Zoning Inspector on the basis of approved plans and applications shall only authorize the use, construction, or arrangement set forth in such approved plans and applications or amendments thereto. No other use, arrangement, or construction shall be permitted. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Zoning Resolution.
- 2.7 Public Nuisance.** Buildings erected, altered, moved, razed or converted or any use of land or premises carried on in violation of any provision of this Resolution is declared to

be a nuisance per se. Any building or land use activities considered possible violations of the provisions of this Resolution which are observed by any township official shall be reported to the Zoning Inspector.

- 2.8 Complaints Regarding Violations.** Whenever a violation of this Zoning Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record such complaint, immediately investigate it, and take action thereon as provided by this Zoning Resolution.
- 2.9 Entry and Inspection of Property.** The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Code of Zoning Regulations. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector may attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Sheriff in securing access. The Zoning Inspector may seek a Court Order through the Township Attorney or County Prosecutor for access.
- 2.10 Stop Work Order.** Subsequent to his determination that work is being done contrary to this Zoning Resolution, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by order of the Zoning Inspector, shall constitute a punishable violation of this Zoning Resolution.
- 2.11 Notice of Violation.** Whenever the Zoning Inspector, or his assistant, determines that there is a violation of any provision of this Zoning Resolution, a warning shall be issued and shall serve as a notice of violation. Such notice of violation, shall:
- a. Be in writing;
 - b. Identify the violation;
 - c. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Resolution being violated;
 - d. State the time by which the violations shall be corrected; and
 - e. Be served by personal delivery to the person or persons responsible; or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or by certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be

evidenced by a certificate of mailing which shall be kept by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or by posting a copy of the notice form in a conspicuous place on the premises found to be in violation.

2.12 Citation Procedure. If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a citation. Such citation shall:

- a. Be in writing;
- b. Be served by personal delivery to the person or persons responsible; or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or by certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be kept by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or by posting a copy of the notice form in a conspicuous place on the premises found to be in violation.
- c. Identify the violation and refer to the section(s) of this Zoning Resolution being violated;
- d. State the amount of the fine and or the amount payable in lieu of a court appearance as specified in the current fee schedule; and
- e. State the time, date, and place for appearance in court.

CHAPTER 3

DEFINITIONS

- 3.1 Definitions and Interpretations.** For the purposes of this resolution, the following words and terms shall be defined and interpreted in accordance with the provisions of this chapter.
- 3.2 Meaning of Words and Terms.** The following terms shall have, throughout this Zoning Resolution, the meaning given herein:
- a. The particular controls the general;
 - b. In the case of a difference between the meaning or implication of the text of this resolution and the captions for each chapter and/or section, the text shall control;
 - c. The word “shall” is to be interpreted as mandatory and not discretionary;
 - d. The word “may” is permissive and is to be interpreted as discretionary;
 - e. The phrase “used for” shall include “arranged for,” “designed for,” “intended for,” “maintained for” or “occupied for;”
 - f. All words in the singular shall include the plural, all words used in the masculine shall include the feminine, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary;
 - g. The word “Township” means the Township of Polk, and the word “Commission” means the Polk Township Zoning Commission;
 - h. For purposes of this Chapter, the following words and phrases shall have the following meanings ascribed to them respectively, unless the context otherwise requires. Words not defined in this Article shall be defined in accordance with their ordinary English usage in the context in which they are used.
- 3.3 Accessory Use.** An accessory use is either a sub-ordinary use of a building, other structure, lot or subordinate building or other structure:
- a. Which use is clearly indicated to the use of the principal building, other structure or use of land; and
 - b. Which is customary in connection with the principal building, other structure or use of land; and

- c. Which is located on the same lot with the principal building, other structure or use of land.

An accessory use includes, but is not limited to:

- d. A non-commercial greenhouse;
- e. A shed, tool room or other similar building or other structure for domestic storage;
- f. Home occupations;
- g. Storage of merchandise normally carried in stock on the same land with any retail, service or commercial use, unless such storage is excluded by the district's regulations;
- h. Storage of goods used in or produced by manufacturing activities on the same lot with such activities, unless such is storage is excluded by the district's regulations;
- i. The removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a building or other structure on the same lot
- j. Private swimming pools as regulated by the provisions of this resolution;
- k. Off-street parking spaces as required by the provisions of this resolution;
- l. Off-street loading spaces as required by the provisions of this resolution;
- m. Fall-out, bomb or storm shelters;
- n. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

3.4 Adequate Public Facilities shall mean the public facilities and services necessary to maintain the adopted level of service standards.

3.5 Adult Businesses shall be defined as follows:

- a. **Adult Arcade** shall mean any place to which the public is permitted or invited where either or both: (i) motion picture machines, projectors, video or laser disc players, or other video image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and (ii) where the images shown and/or live entertainment presented are characterized by the depiction or description of ‘Specified Sexual Activities’ or ‘Specified Anatomical Areas’.
- b. **Adult Bookstore, Adult Novelty Store, or Adult Video Store** shall mean a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration, any one or more of the following:
 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, video disks, CD-ROM disks, or video reproductions, slides or other visual representations that are characterized by the depiction of or description of ‘Specified Sexual Activities’ or ‘Specified Anatomical Areas’; or
 2. Instruments, devices or paraphernalia, other than prophylactics, that are designed for use in connection with ‘Specified Sexual Activities’.
- c. **Adult Cabaret** shall mean a nightclub, bar, restaurant or similar commercial establishment that regularly features:
 1. Persons who appear in a ‘State of Nudity’ or a ‘State of Seminudity’; or
 2. Live entertainment characterized by the depiction or description of ‘Specified Anatomical Areas’ or by ‘Specified Sexual Activities’; or
 3. Live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment; or
 4. Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of ‘Specified Sexual Activities’ or ‘Specified Anatomical Areas’.
- d. **Adult Motion Picture Theater** shall mean a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, video disks, CD-ROM disks, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of ‘Specified Sexual Activities’ or ‘Specified Anatomical Areas’.

- e. **Adult Theater** shall mean a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a ‘State of Nudity’ or ‘Seminudity’ or live performances which are characterized by the depiction or description of ‘Specified Anatomical Areas’, ‘Specified Sexual Activities’, or live entertainment of an erotic nature, including exotic dancers, strippers, male or female impersonators, or similar entertainment.

3.6 Advertising Signs

- a. **Sign** means any device to inform or attract the attention of persons whether on or off the premises on which the sign is located.
- b. **Free-standing ground sign** means a sign supported from the ground by one (1) or more poles, uprights or braces, but not from a building or other structure.
- c. **Wall sign** means a sign erected parallel to the outside building wall and extending not more than eighteen (18) inches from such wall, but does not project above the roof line or beyond the building corner.
- d. **Projecting sign** means a sign erected on the outside of the building which projects at an angle therefrom.
- e. **Sign face area** measurement or calculation shall include all sign frame appurtenances, supports or structural members above the average finished grade at the sign base. Only one (1) side of a double or multi-faced sign shall be used to calculate face area provided such sign faces are not joined at an angle greater than fifteen (15) degrees.
- f. **Roof sign** means any sign placed or attached by any means to the roof of the building.
- g. **Billboard** means a free-standing sign or wall sign exceeding eighty-two and one half (82 ½) square feet of face area.

- 3.7 **Agriculture** is the use of land for agricultural purposes including farming, ranching, pasturage, apiculture, floriculture, viticulture, and animal husbandry including but not limited to the care and raising of livestock, equine and fur-bearing livestock, poultry husbandry and the production of poultry and poultry products, dairying and dairy production, production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod or mushrooms, timber, and accessory uses for packing, treating, or storing the agricultural product, provided that the operation of such accessory uses shall be secondary and incidental to that of the normal agricultural

operation, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals, or any combination of the above. A use shall be classified as “agricultural” only if it is the principal or main use of the land.

3.8 Agricultural Use Exemption shall be as defined by the Ohio Revised Code.

3.9 Animal Feeding Facility shall mean a lot, building or structure where both of the following conditions are met:

1. Agricultural animals have been, are or will be stabled or confined and fed or maintained there for a total of forty-five (45) days or more in any twelve-month period.
2. Crops, vegetative forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot, building or structure.

3.10 Animal Feeding Operation has the same meaning as Animal Feeding Facility.

3.11 Applicant shall mean any person who executes the necessary forms to procure official approval of a project or a permit to carry out a project.

3.12 Areas

- a. Ground Floor Area is the area at ground level of the main building, excluding porches, terraces, garages, and steps, measured from the outside of exterior walls.
- b. Living Floor Area is the combined areas of living rooms, bedrooms, bathrooms, dining rooms, kitchens, dens, libraries and family rooms, but excluding areas such as porches, breezeways, terraces, garages, attics, and basements.
- c. Lot Area is the total area within the boundary lines of a lot.

3.13 Auto wrecking yard is a lot where motor vehicles are disassembled, dismantled, junked or wrecked or where inoperative motor vehicles or used parts of motor vehicles are stored.

3.14 Average finished grade level is the average of the grade at ground level at all corners of a building or other structure.

3.15 Basement is that part of a structure, suitable for business or habitation that is partially or wholly below ground level or adjoining street or below the first tier of floor beams or joists of a first story. When a basement floor is less than two (2) feet below the average grade, it will be considered a first story or ground floor.

- 3.16 Bed and Breakfast Establishment** is any owner occupied dwelling unit that provides lodging, with or without meals, for compensation.
- 3.17 Best Land and Natural Resources Management Practices** means conservation practices or protection measures which reduce impacts from a particular land use. Best Management Practices for construction are outlined in “Rainwater and Land Development, Ohio’s Standard for Stormwater Management, Land Development, and Urban Stream Protection” prepared by the Ohio Department of Natural Resources.
- 3.18 Block** is an area of land bounded by roads, streets, public parks, railroad right-of-way, or other definite limits or combination thereof.
- 3.19 Board** shall mean the Board of Zoning Appeals of Polk Township.
- 3.20 Buffer yard** is any open space, landscaped areas, fences, walls, berms or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.
- 3.21 Building** is any structure which is permanently affixed to the land or has one or more floors and a roof and is bounded by either open space or lot lines. All new buildings constructed or erected shall comply with all regulations of the Ohio Basic Building Code.
- A building shall not include such structures as billboards, radio or wireless telecommunications towers, or structures with interior surfaces not normally accessible for human use such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures
- 3.22 Building, Completely Enclosed** is a building separated on all sides from adjacent open space or from other buildings or structures by a permanent roof and by exterior or party walls, pierced only by windows and usual doorways.
- 3.23 Building Height** shall be the vertical distance from the average finished grade level to, in the case of flat roofs, the level of the highest point of the roof, or, in the case of pitched roofs, to the mean level between the eaves and the highest point of the room.
- 3.24 Building Setback Line** is the line at which the building, structure or any part thereof may be constructed. It is the line parallel to the street or right-of-way side line and located at such perpendicular distance as required by the minimum front yard depth.
- 3.25 Building, Structure.**
- a. Structure is anything that is constructed or located, permanently or temporarily, on the ground, including but not limited to buildings, barriers, bridges, fences,

outdoor seating facilities, platforms, pools, poles, tanks, towers, roadside stands, sheds, and signs.

- b. Building is a structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property. The word “building” may be used synonymously with the word “structure” unless otherwise noted.
- c. Main Building is the building occupied by the chief use or activity on the premises, all parts of which are connected in a substantial manner by common walls or a continuous roof.
- d. Accessory Building is a subordinate building customarily incidental to, and located on the same lot occupied by, the main building.

3.26 Business Services are establishments primarily engaged in rendering services to business establishments for a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; photocopying and printer services; and personal supply services.

3.27 Clinic is a place used for the human care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

3.28 Club is a nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but excluding religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

3.29 Commercial Parking Garage shall include any building which:

- a. Is used for the storage of motor vehicles, and
- b. Is not accessory to any other use of the same or any other lot, and
- c. Contains space rented to the general public by the hour, day, week, month or year.

However, a commercial parking garage shall not include:

- d. Any establishment used for automobile repairs, excepting minor repairs which are solely incidental to the storage of motor vehicles, nor

- e. Any establishment used exclusively for the storage of commercial or public utility motor vehicles or for the dead storage of motor vehicles.

3.30 Commercial Parking Lot shall include any lot which:

- a. Is used for the storage of motor vehicles, and
- b. Is not accessory to any other use on the same or any other lot, and
- c. Contains space rented to the general public by the hour, day, week, month or year.

However, a commercial parking lot shall not include:

- d. Establishment used for automobile repairs, excepting minor repairs which are solely incidental to the storage of motor vehicles, nor
- e. Any establishment used exclusively for the storage of commercial or public utility motor vehicles or for the dead storage of motor vehicles.

3.31 Commercial Vehicle shall mean a motorized vehicle that is licensed by the State as a truck and has a manufacturer-defined “curb weight” (fully-fueled vehicle weight with no passengers or cargo) of three tons (6,000 pounds) or more. A Commercial Vehicle shall also include any motorized or non-motorized vehicle or other piece of equipment, including but not limited to construction equipment, excluding recreation vehicles, and exceeding one or more of the following maximum dimensional requirements

- a. 22 feet in overall length;
- b. 8.5 feet in overall width; and/or
- c. seven (7) feet in overall height.

3.32 Commission shall mean the Zoning Commission of Polk Township.

3.33 Common Wall Single-Family Attached Dwelling Unit shall mean a unit constructed at a density not to exceed eight (8) units per acre excluding the area dedicated to open space. The overall permitted density in areas devoted to common wall housing including open space shall be determined by the permitted restricted density within the district.

3.34 Common Open Space as used here, means parcels of land together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites of the particular development accessible to all tenants or residents within the zoning property.

- 3.35 Comprehensive Plan** is the plan or part thereof, approved and adopted by Crawford County, which provides a vision for the use of land and for the location and development of major thoroughfares, local streets, public parks, building sites, and public or private utilities and portrays community objectives.
- 3.36 Concentrated Animal Feeding Facility** shall mean an animal feeding facility with a total design capacity equal to or more than the number of animals specified in this resolution. (See Large Concentrated Animal Feeding Operation, Medium Concentrated Animal Feeding Operation, and Small Concentrated Animal Feeding Operation.
- 3.37 Concentrated Animal Feeding Operation** shall mean an animal feeding facility that complies with one of the following:
1. Has a total design capacity equal to or more than the number of animals specified in any of the categories in this resolution.
 2. Satisfies the criteria in this resolution
 3. Is designated by the state director of agriculture as a medium or small concentrated animal feeding operation.
- 3.38 Convenience Retail** is an establishment offering for sale food products and beverages for off-site consumption, household items, newspapers and magazines, and other general merchandise. The retail dispensing or sale of vehicular fuels as an accessory use to a convenience retail use may be permitted.
- 3.39 Cul-de-sac** shall mean a circle terminating a street or roadway with a radius not exceeding fifty (50) feet for purposes of determining zoning and lot size requirements.
- 3.40 Damaged or Diseased Trees** means trees that have split trunk, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.
- 3.41 Defined Channel** means a natural or man-made depression in the terrain that is maintained and altered by the water and sediment it carries.
- 3.42 Density** is the number of households, dwelling units, or housing structures per unit of land.

3.43 Developer is the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable property interests in such land.

3.44 Development shall mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, but shall not include the dividing of land into two or more parcels.

a. Development shall include:

1. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
2. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
3. Any change in use of land or a structure;
4. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland;
5. The clearing of land as an adjunct of construction;
6. The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling or excavation on a parcel of land;
7. The demolition of a structure;
8. The deposit of refuse, solid or liquid waste, or fill on a parcel of land; and
9. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property.

b. Development shall *not* include:

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
2. Work by any utility and other entity or person(s) engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing, on established rights-of-way, any

sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like;

3. A change in the ownership or form of ownership of any parcel or structure; and
 4. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
- c. When appropriate in context, development shall also mean the act of developing or the result of development.
- d. Development plan refers to a drawing prepared by a developer which may include explanatory exhibits and test which is submitted to the designated authority for the purpose of study of a proposed development of land or a preliminary plan of land and buildings of a development area which, if approved by the designated authority, provides the basis for proceeding with the preparation of the final plan of a development or development area.

3.45 District is a section or sections of the unincorporated territory of Polk Township for which the regulations governing the use of land and the use, height, setback, and area of buildings are uniform and are as herein set forth.

3.46 Drainage is surface water runoff or the removal of surface water or groundwater from land by drains, grading, or other means, which includes runoff controls to minimize erosion and sedimentation during and after construction or development.

3.47 Drive Through Use is an establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

3.48 Dwelling.

- a. Dwelling is a building or part thereof designed or occupied exclusively for non-transient residential use including single, two and multi-family houses and apartments.
- b. Dwelling Unit is a building or part of a building consisting of a room or suite of rooms, arranged, intended, or designed for occupancy by a person or family for living, sleeping, cooking, and general habitation separated from each other by an unpierced wall extending from ground to roof.

- c. Single-Family Dwelling is a main building consisting of one (1) dwelling unit designed exclusively for and occupied by one (1) family.
- d. Single-Family Dwelling, Attached is a dwelling unit in a building, located in a planned arrangement of buildings, consisting of two (2) or more single family dwelling units attached by common fireproof walls where each unit has at least two (2) separate exterior entrances.
- e. Single-Family Dwelling, Detached is a stand-alone building consisting of one (1) dwelling unit located in a planned arrangement of buildings.
- f. Two-Family Dwelling is a main building consisting of two (2) dwelling units designed for use by two (2) families living independently of each other.
- g. Multi-Family Dwelling is a main building consisting of three (3) or more dwelling units with varying arrangements of entrances and partition walls occupied by families living independently of each other. The dwelling units in a multi-family or apartment building dwelling are defined as follows:
 - 1. Efficiency unit is a dwelling unit consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities. For the purposes of computing density an efficiency unit shall be considered as a one (1) room unit.
 - 2. One Bedroom Unit is a dwelling unit consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities. For the purposes of computing density and one bedroom unit shall be considered as a two (2) room unit.
 - 3. Two Bedroom Unit is a dwelling consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities. For the purposes of computing density and one bedroom unit shall be considered as a three (3) room unit.
 - 4. Three Bedroom Unit is a dwelling consisting of not more than four (4) rooms in addition to kitchen, dining and necessary sanitary facilities. For the purposes of computing density and one bedroom unit shall be considered as a four (4) room unit.

- h. Apartment Building Dwelling is a multi-family dwelling building comprised of four or more dwelling units arranged side-by-side and/or one above the other, and where each unit has a separate entry way connected to a common entrance or entrances and intended to be rented or sold as condominiums and occupied by families living independently of each other.
 - i. Industrial (Pre-Fab) is a building designed exclusively for one or more families living independently of each other and when constructed includes the assembly of materials or products comprising all or part of a total structure, thereby making the structure self-sufficient or substantially self-sufficient which when installed constitutes a structure or part of a structure, providing such development complies with the procedures for acceptability of the Ohio Basic Building Code.
 - j. Townhouse is a one-family dwelling designed and occupied exclusively by one family. A townhouse can be attached or detached in order to become a row, patio terrace house having one or more stories.
- 3.49 Easement** is a grant of permission by a property owner to a person or the general public for the use of an area or parcel of land for access, placement of utilities, or other specified purpose.
- 3.50 Educational Institution** is a facility that provides a curriculum of elementary, secondary or collegiate level academic instruction including preschools, kindergartens, elementary schools, junior and high schools, technical and collegiate level courses.
- 3.51 Excavation** is the removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.
- 3.52 Factory-built housing** means a factory-built structure for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For purposes of this resolution, factory-built housing shall include the following:
- a. Manufactured Home means any non-self-propelled vehicle transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forth (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.

- b. Modular Home means factory-built housing certified as meeting the Ohio Basic Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as on-site-built homes.
- c. Mobile Home means a transportable, factory-built home designed to be used as a year-round residential dwelling unit and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 which became effective June 15, 1976.

3.53 Family is a group of individuals not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

3.54 Family Day Care Home is a facility for child care in the permanent residence of the provider for the purpose of providing day care and training for a child under the age of sixteen (16) years who is not related to the provider and in which no more than three (3) children are under two (2) years of age, including the children of the provider. A family day care home shall provide care, protection, and supervision to no more than twelve (12) children at one time, including the children of the provider.

3.55 Farm markets are defined as:

- a. Fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the operator in a normal crop year. Sales of agricultural products may be made in the district provided such product are produced by the seller on the premises from which they are sold. 1961 OAG 2280.
- b. The maximum area of the structure shall be one thousand (1,000) square feet.
- c. There shall not be more than one such stand per lot.
- d. The structure shall be located a minimum of fifty (50) feet from an adjacent property line.
- e. The minimum setback for such structure shall be fifty (50) feet from the right-of-way.

3.56 Federal Emergency Management Agency (FEMA) means the agency with overall responsibility for administering the National Flood Insurance Program.

- 3.57 Final Plat** means a final tracing of all or a phase of a subdivision in and its complete survey information.
- 3.58 Financial Institution** is any building, property or activity of which the principal use or purpose of which is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATM's), credit unions, savings and loan institutions, finance and mortgage companies.
- 3.59 Flood plain** is any portion of land within the Township that may be subject to flooding in the 100 year flood plain area as delineated in the U.S. Department of Housing and Urban Development Flood Hazard Boundary Map, Crawford County, Ohio, dated April 7, 1978, as revised.
- 3.60 Floor Area (Gross)** is the sum of the gross horizontal area of all the floors of the building measured from the exterior face of the exterior wall or from the centerline of the walls separating two (2) buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes but shall not include a basement or a portion of a basement used for storage or housing of mechanical or central heating equipment. In calculating floor area, the following shall not be included:
- a. Attic space providing structural head room of less than seven (7) feet, six (6) inches.
 - b. Uncovered steps.
 - c. Terraces, breezeways and open porches
 - d. Automobile parking space in a basement or private garage.
 - e. Accessory off-street loading berths, but not to exceed twice the space required by the provisions of this resolution.
- 3.61 Floor area, ground** is the horizontal area of the foundation under the living area measured from the outside walls
- 3.62 Floor Area Ratio** of the building or other structure on any lot is determined by dividing the gross floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all of the buildings or structures by the area of the lot. The floor area ratio requirements as set forth under each zoning district shall determine the maximum floor area allowable for buildings and other structures in direct ratio to the gross area of the lot.

- 3.63 Frontage** is the distance across the front of the lot between the side lot lines.
- 3.64 Funeral Home** is any dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.
- 3.65 Garages, Parking Areas, Service Stations.**
- a. Private Garage is a structure accessory to and part of a main building, for single, two-family or multi-family dwellings, used for the parking or temporary storage of the occupants' passenger automobiles and residential lawn and garden equipment and seasonal and non-seasonal storage of items of personal property from which no business or service shall be conducted for remuneration except with respect to a home occupation as herein provided.
 - b. Storage Garage is a structure accessory to or part of a main building, other than a private garage, used for the parking or temporary storage of personal passenger vehicles and from which no occupation, business, or service can be conducted for remuneration.
 - c. Repair Garage is a main or an accessory building, or part of another main building, used for the general repair of motor vehicles and other equipment.
 - d. Service Garage is a repair garage accessory to an established automobile salesroom.
 - e. Gasoline Service Station is a building or part thereof, structure, or space used for the retail sale of gasoline, lubricants, and motor vehicle accessories and for performing minor repairs and services, and related convenience retail uses which are integral to the permitted use.
 - f. Public Parking Area is an open or enclosed area, other than accessory parking areas, used for parking passenger vehicles for or without a fee.
 - g. Car Sales Lot is an open area for the display, sale, or rental of new or used motor vehicles, but on which no repair work shall be performed.
- 3.66 Greenbelt** is a strip of land parallel to and extending inwardly from the lot lines or right-of-way lines. Said greenbelt shall be maintained at all times in grass, trees, shrubs or plantings. No structure, parking areas or signs shall be permitted in a greenbelt.
- 3.67 Golf Club** is a recreational facility the principal recreational activity of which is golf and is available only to a limited number of members. Accessory facilities may include a

swimming pool, tennis court(s), club house and maintenance buildings. Such club shall be a conditionally permitted use as referred to in Chapter 9.

- 3.68 Group Home** shall mean a residence operated as a single dwelling, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age, or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.
- 3.69 Height of Building** is the vertical distance to the ground measured from the highest point of the coping of a flat roof, or from the mean level between eaves and ridge of a pitched roof.
- 3.70 Home Occupation** is a gainful customary occupation acceptable as secondary to the use of the dwelling. Any activity carried on or within a residential or agricultural district with the purpose or intent to make a profit through the sale of goods or services, whether or not a profit is, in fact, made, is a home occupation. Such occupation must be incidental to and subordinate in importance to the use of the premises for residential purposes. An activity which meets the definition of home occupation shall be allowed as a permitted use in the agriculture or residential district within this township provided each of the following criteria is present:
- a. The activity is carried on completely within a dwelling unit;
 - b. It is incidental and subordinate to the primary use of the premises as a dwelling;
 - c. No materials or stock-in-trade are stored outside of the dwelling or accessory buildings;
 - d. No modification of the external parts of the building shall be permitted;
 - e. A single unlit sign of no great than four (6) square feet shall be permitted;
 - f. Any garage on the premises may be used provided such use does not preclude the storage therein of the number of motor vehicles for which it was designed;
 - g. Limit to one employee other than occupants of the building; and
 - h. Not more than two hundred fifty (250) square feet shall be devoted to the occupation.

No zoning permit shall be required for a home occupation.

- 3.71 Hospital** is any building or other structure containing beds for at least four (4) patients and devoted to the diagnosis, treatment or other care of human ailments.
- 3.72 Hospital, animal** is any building or structure providing accommodations for and devoted to the diagnosis and treatment of animals. An animal hospital includes every type of similar establishment designated as an animal clinic, veterinary clinic, and so on.
- 3.73 Hotel** is a building containing five (5) or more guest rooms and offering transient lodging accommodations at a daily rate to the general public and providing additional services such as restaurants, meeting rooms, entertainment and recreational facilities
- 3.74 Impervious Cover** means any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.
- 3.75 Industrial** shall mean:
- a. Industrial use, light - a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories and the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, and primary metal and related industries.
- 3.76 Industrial Park** is a tract of land subdivided and developed for a community of industries and served by streets designed solely to provide access to the industrial establishments located within it.
- 3.77 Junk** is old or scrap copper, brass, rope, rags, batteries, paper, rubber, junked or dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials which are not held for sale or re-melting purposes by an establishment having facilities for processing such materials.
- 3.78 Junk Yard/Junk Vehicle.**
- a. Junk Yard is any land used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals or other scrap, junk, or discarded materials; and any land used for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles or part thereof including machinery not in running condition.

- b. Junk Vehicle is any automobile, truck, or other vehicle that meets two or more of the following conditions:
 - 1. Damaged, such as body damage, broken windows or windshield, missing wheels, tires, motor or transmission;
 - 2. Unlicensed; and
 - 3. Inoperable.

3.79 Kennel is any structure or runway in which dogs or other small animals are kept for compensation or sale.

3.80 Landscaping means the planting, care and maintenance of lawns, trees, shrubs, plants or other materials for ornamental or decorative purposes.

3.81 Landscaping Business

- a. Providing landscaping services or the sale at retail of sod, trees, shrubs, plants or other materials for landscaping purposes.
- b. Facilities for the maintenance and storage of equipment and materials used for landscaping.
- c. Landscaping business shall not include trucking or hauling of material except for hauling materials necessary to the landscaping business.

3.82 Large Concentrated Animal Feeding Operation means an animal feeding facility that stables or confines at least the number of animals specified in any of the following categories:

- 1. Seven hundred (700) mature dairy cattle whether milked or dry;
- 2. One thousand (1,000) veal calves;
- 3. One thousand cattle other than mature dairy cattle or veal calves;
- 4. Two thousand five hundred (2,500) swine that each weigh less than fifty-five (55) pounds;
- 5. Ten thousand (10,000) swine that each weighs less than fifty-five (55) pounds;

6. Five hundred (500) horses;
 7. Ten thousand (10,000) sheep or lambs;
 8. Fifty-five thousand (55,000) turkeys;
 9. Thirty thousand (30,000) laying hens or broilers if the animal feeding facility uses a liquid manure handling system;
 10. One hundred twenty-five thousand (125,000) chickens, other than laying hens, if the facility uses a manure handling system that is not a liquid manure handling system;
 11. Eighty-two thousand (82,000) laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;
 12. Thirty thousand (30,000) ducks if the animal feeding facility uses a manure handling system that is not a liquid manure system;
 13. Five thousand (5,000) ducks if the animal feeding facility uses a liquid manure handling system.
- 3.83 Line, Building** is a line beyond which no building may extend and is located a minimum of horizontal distance as specified in the regulations, from and parallel to a lot line.
- 3.84 Loading Area** is an open or enclosed area used for the temporary parking of commercial vehicles while their cargoes are being loaded or unloaded.
- 3.85 Lot** is a parcel of land, vacant, occupied, or capable of being occupied, used or intended for one main use or for uses customarily incidental to a main use. A lot may be a unit of land described by metes and bounds, a subplot, part of a subplot, parts of sublots in a recorded subdivision, or any combination thereof having frontage on one or more streets and used for one purpose. Other terms associated with the definition of lot are defined below:
- a. Corner Lot is a lot abutting two streets that intersect at one or more corners of the lot.
 - b. Interior Lot is a lot other than a corner lot.
 - c. Lot Area is the amount of horizontal (plan view) land area within lot lines expressed in acres or square feet, based on deed description or registered surveyor's survey, excluding any street rights-of-way.

- d. Lot Line is a boundary of a given lot separating it from adjoining public or private land or right-of-way. Lot lines are defined as lines defining the limits of a lot.
 - e. Frontage is, in the case of interior lots, a line separating a given lot from the street upon which it abuts. In the case of a corner lot, the shorter street frontage shall be considered the frontage.
 - f. Lot Depth is the horizontal distance between the front and rear lot lines measured in the general direction of the side lines of the lot.
 - g. Double-Frontage Lot is a lot having frontage on two non-intersecting streets, as distinguished from a corner lot.
 - h. Lot Line, Rear is a lot line parallel or within forty-five degrees of being parallel to the front lot line.
 - i. Lot Line, Side is a lot line that is not a front or rear lot line and more specifically defined as the side line or series of lines that define the lateral limits of a lot, divide it from adjacent contiguous property, and intersects the fronting street and helps define frontage.
 - j. Lot Width is the mean horizontal distance between the side lot lines measured along the minimum Setback Line.
 - k. Lot Through is any lot not on a corner that has frontage on two (2) streets. Both street lines shall be deemed front lot lines.
- 3.86 Major Concentrated Animal Feeding Facility** means a concentrated animal feeding facility with a total design capacity of more than ten (10) times the number of animals specified in the definition of **Large Concentrated Animal Feeding Facility** above.
- 3.87 Maximum Extent Feasible** is that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining “maximum extent feasible.”
- 3.88 Medium Concentrated Animal Feeding Operation** shall mean an animal feeding facility that satisfies both of the following:
- a. The facility stables or confines the number of animals specified in any of the 8 following categories:

1. Two hundred (200) to six hundred ninety-nine (699) mature dairy cattle whether milked or dry;
2. Three hundred (300) to nine hundred ninety-nine (999) veal calves;
3. Three hundred (300) to nine hundred ninety-nine (999) cattle other than mature dairy cattle or veal calves
4. Seven hundred fifty (750) to two thousand four hundred ninety-nine (2,499) swine that each weighs fifty-five (55) pounds or more;
5. Three thousand (3,000) to nine thousand nine hundred ninety-nine (9,999) swine that each weighs less than fifty-five (55) pounds;
6. One hundred fifty (150) to four hundred ninety-nine (499) horses;
7. Three thousand (3,000) to nine thousand nine hundred ninety-nine (9,999) sheep or lambs;
8. Sixteen thousand five hundred (16,500) to fifty-four thousand nine hundred ninety-nine (54,999) turkeys;
9. Nine thousand (9,000) to twenty-nine thousand nine hundred ninety-nine (29,999) laying hens or broilers if the animal feeding facility uses a liquid manure handling system;
10. Thirty-seven thousand five hundred (37,500) to One hundred twenty-four thousand nine hundred ninety-nine (124,999) chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;
11. Twenty-five thousand (25,000) to eighty-one thousand nine hundred ninety-nine (81,999) laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;
12. Ten thousand (10,000) to twenty-nine thousand nine hundred ninety-nine (29,999) ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;
13. One thousand five hundred to four thousand nine hundred ninety-nine (4,999) ducks if the animal feeding facility uses a liquid manure handling system;

- b. The facility does one of the following:
 - 1. Discharges pollutants into waters of the United States through a ditch constructed by humans, a flushing system constructed by humans or another similar device constructed by humans;
 - 2. Discharges pollutants into waters of the United States that originate outside of and that pass over, across or through the facility or otherwise come into direct contact with the animals at the facility.
 - c. Medium concentrated animal feeding facility includes an animal feeding facility that is designated by the state director as a medium concentrated animal feeding operation pursuant to rules.
- 3.89 Mini-Storage Units** means an enclosed part of a building rented or leased for the purpose of storing property which is separately secured and accessibly only by the renter or lessee and constructed as part of a number of such facilities under common ownership.
- 3.90 Motel** is an establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
- 3.91 Natural Succession** means a gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment
- 3.92 Non-Conforming Building or Use** is a building or use existing, on a lot or parcel of land, on or prior to the effective date of this Zoning Resolution or any amendment thereto which does not conform to the area, use, height, or other regulations governing the district in which it is located.
- 3.93 Non-Conforming Lot** is a lot whose area, dimensions, or location were lawful under prior law on the day before the effective date of this Zoning Resolution or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Resolution.
- 3.94 Non-Conforming Use** shall include any use, whether of a building or other structure or a lot which does not conform to the use regulations of this resolution for the district in which such non-forming use is located either at the effective date of this resolution or as a result of subsequent amendments.

- 3.95 Noxious Weed** means any plant defined as a “noxious weed and rank vegetation” in Section 53.10 in the Codified Zoning Resolutions of the County of Crawford, Ohio.
- 3.96 Nursery, Plant** an establishment primarily engaged in the sale and/or cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.
- 3.97 Occupancy Certificate** is an official written statement issued by the Zoning Inspector attesting that a given building, structure, or parcel of land is in compliance with all existing codes, regulations, or resolutions, and may be used lawfully for the designated purpose.
- 3.98 Ohio Rapid Assessment Method** means a multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.
- 3.99 Office** is a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.
- 3.100 100-year Flood Plain** means any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the 100-year Flood Plain shall be defined by FEMA and approved by the authority having jurisdiction in Polk Township.
- 3.101 Open Space** means an area open and unobstructed to the sky. Such area may be on the same lot with a building. The area may include natural environmental features, ponds or retention/detention areas (not including water area), swimming pools, tennis courts and other recreational facilities that the Zoning Commission, Board of Zoning Appeals or Township Trustees, whichever is applicable, deems permissible. Streets, parking areas, structures for habitation and the like shall not be included.
- 3.102 Ordinary High Water Mark** means the point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the channel of a stream.
- 3.103 Outdoor Furnace** means an accessory structure or appliance designed to (1) be located outside living spaced ordinarily used for human habitation; (2) transfer or provide heat, through liquid or other means, by burning wood or solid fuel; and (3) heat any one or more of the following:
- a. Spaces other than where they are located;

- b. Any other structure or appliance on the property on which it is located;
- c. Domestic water; and/or
- d. Water used in a swimming pool, hot tub, or Jacuzzi.

Outdoor Furnace does not include fire pits, wood-fired barbecues, grills or “chimineas” (decorative fireplaces).

- 3.104 Outdoor Storage** is the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than twenty four (24) hours.
- 3.105 Parking** is the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.
- 3.106 Permitted Uses** are uses listed in or allowed by this Zoning Resolution. Uses not listed or provided for in this Zoning Resolution are not permitted.
- 3.107 Personal Services** are activities conducted in an office, store or other place of business catering to the personal needs of a customer such as, but not limited to those activities normally conducted by a barber, beautician, tailor, dressmaker, laundry and dry-cleaning retail outlet, copy shop, etc.
- 3.108 Plat.**
- a. Final Plat is the final map, drawing or chart on which a subdivider’s plan for a subdivision is presented and submitted to the Zoning Commission, Township Trustees and the Regional Planning Commission for review and approval, and which, if approved, is submitted to the County Recorder for recording.
 - b. Preliminary Plat is a preliminary drawing indicating the proposed layout of a subdivision.
- 3.109 Pond** means any pond or lake constructed for use as a recreational facility or a scenic feature which collects water artificially or naturally fed.
- 3.110 Pollution** means any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to: public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish or other aquatic life.

Point Source pollution is traceable to a discrete point or pipe.

Non-point Source pollution is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff, or ground water seepage rather than direct discharge.

- 3.111 Preliminary Plan** means a drawing of a major subdivision for the purpose of study and which, if approved, permits proceeding with the preparation of the final plat.
- 3.112 Professional Services** are the use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, certified public accountants and similar professions.
- 3.113 Public Utility** is a common carrier supplying electricity, telephones, natural gas, water, sewage disposal, railroads or similar public services, but shall not include mass transit or railroad depots or terminals or any similar traffic generating activity, or any person or entity that provides wireless telecommunication services to the public.
- 3.114 Quarry** is an excavation or pit, usually open to the air, from which building stone, slate, gravel or similar material is obtained by cutting, blasting or other means. A quarry is not permitted in any district.
- 3.115 Recreation** is:
- a. Recreation, active shall mean leisure-time activities, usually of a formal nature and often performed with others, requiring equipment, non-motorized or otherwise, and taking place at prescribed places, sites, or fields. Included activities are swimming, tennis and other court games, baseball and other field sports, track, and playground activities.
 - b. Recreation, passive shall mean leisure-time activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers, and similar table games, and not typically requiring prescribed places, sites, courts, or fields.
- 3.116 Recreation, Commercial** is land or facilities operated as a business and which are open to the general public for a fee that shall include, but are not limited to: roller blade rental, batting cages, miniature golf, pay-to-play athletic fields, swimming pools, horse riding and amusement parks.

3.117 Recreational facilities shall include tennis courts, skating rinks and above-ground swimming pools. The installation of tennis courts, skating rinks and above-ground swimming pools located on the property shall not be required to have a zoning permit in a residential area provided that such facility:

- a. In the case of a tennis court, shall not exceed seven thousand two hundred (7,200) square feet; and
- b. In the case of a skating rink, shall not exceed one thousand five hundred (1,500) square feet; and
- c. In the case of an above-ground swimming pool, shall not exceed one thousand five hundred (1,500) square feet; and
- d. Is located in the rear yard at least twenty-five (25) feet from the rear lot line and shall not encroach into either side yard.

3.118 Recreational vehicle shall mean a vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreation, camping, and travel use and including, but not limited to, boats, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

3.119 Recycling Facility shall mean a legitimate recycling facility as defined in Rule 3745-27-01(C) (2) of the Ohio Administrative Code, as now existing or hereafter amended.

3.120 Regional Planning Commission shall mean the body appointed or recognized by the Crawford County Board of Commissioners for purposes of development planning within the county.

3.121 Religious Place of Worship is an institution that congregations of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held.

3.122 Residence or Residential shall include a building or any part of a building which contains dwelling units for permanent occupancy. **Residence**, therefore, include all one-family, two-family and multi-family dwellings. However, **residence** does include:

- a. Transient accommodations as in transient hotels, motels, tourist cabins, trailer camps; and
- b. That part of a building which is used for any non-residential use except accessory uses for residences in a building containing both residences and other uses; and

- c. Institutional uses such a rest homes, nursing homes, homes for the aged, orphanages and other institutional residential uses.
- 3.123 Restaurant** is an establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings.
- 3.124 Retail Use** is an establishment that sells or rents goods, wares or merchandise to the ultimate consumer for direct consumption and which is not for resale.
- 3.125 Right-of-Way** is a strip of land dedicated to and/or improved for vehicular and/or pedestrian travel by the public.
- 3.126 Right-of-Way Setback** is the dividing line between a lot, tract, or parcel of land and a street contiguous to such lot, tract or parcel of land, used as a reference for the measurement of all setbacks for buildings, and which shall not be less than twenty-five (25) feet from the centerline of the road.
- 3.127 Riparian Area** means a transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/ or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.
- 3.128 Riparian Setback** means the area set back from each bank of a stream to protect the riparian area and stream from impacts of development, and stream side residents from impacts of flooding and land loss through erosion. Riparian Setbacks are those lands within the County of Crawford that fall within the area defined by the criteria set forth in these regulations.
- 3.129 Roadside Stand** is a removable structure used or intended to be used solely by the owner or tenant of a property on which it is erected for the sale of seasonable agricultural goods produced on the same premises.
- 3.130 Temporary Storage Unit** shall include mobile and/or portable storage containers which allow for temporary storage of personal property.
- 3.131 Satellite Antenna** is any antenna designed, installed, erected, constructed, or modified to receive satellite signals.

- 3.132 School** is any institution, public or private, which gives regular instruction in the several branches of learning for a normal school year and which conforms to the requirements of the Ohio Department of Education.
- 3.133 Secretary** is the Secretary of the Polk Township Zoning Commission.
- 3.134 Setback** is the minimum distance from the edge of the right-of-way to the building line.
- 3.135 Setback Line** is an imaginary line within a lot describing the limits within which building construction can occur, or any part of such line, as established by the required front, side, and rear yard depths for each zone district.
- 3.136 Shopping Center** is a group of five or more separately operated commercial establishments planned, developed, owned, and managed as a unit with common off-street parking provided upon the property and designed to serve multiple-purpose shoppers.
- 3.137 Sign** is any visual communication, display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention, or announce or promote, an object, product, place, activity, person, institution, organization or business or the like, by means of letters, words, model, insignia, device, designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an announcement, direction, or advertisement. The following definitions related to signage shall also apply in this Resolution.
- a. Banner sign is a temporary sign that includes a large piece of cloth, paper or plastic, usually rectangular in shape, which is attached at its corners to staffs, fences, trees, buildings, or other such similar support and used for signaling, identification and/or advertising.
 - b. Changeable Copy Sign is a sign or portion thereof with letters, characters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters, or graphics comprising the message to be modified manually.
 - c. Electronic Message Center Sign is a sign that utilizes light-emitting diodes (LEDs) and/or some other electronic means to change display.
 - d. Entrance or Exit Sign is a safety and public purpose sign that is located at a driveway entrance to or exit from a lot and is intended to provide for safe ingress and egress. Such sign shall not exceed four (4) square feet in area and three (3) feet in height, shall not be closer than five (5) feet to any side lot line and two (2)

feet to any right-of-way, and shall contain no commercial message, logo, symbol, emblem, picture or graphic of any kind.

- e. Flag Sign is a piece of cloth, paper or plastic, having distinctive size, color, shape and design used as a symbol or standard for a government or governmental agency.
- f. Ground Sign is a sign supported from the ground and not attached to any building.
- g. Ideological Sign is a temporary sign announcing an idea, opinion or position on a social or political issue and containing no commercial message.
- h. Nonconforming Sign is a sign existing prior to the passage of this Resolution which does not conform to one (1) or more of the requirements of said Resolution.
- i. Pennant Sign is a long, tapering piece of cloth, paper or plastic, usually triangular in shape, which is attached to a staff of some type and used for signaling, identification and/or advertising.
- j. Safety and Public Purpose Sign is a sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or, when required by law, on a private property and which is intended to control traffic, direct, identify or inform the public or provide needed public services as determined by the rules and regulations of governmental agencies or through public policy. Such signs include “No Parking” or “Fire Lane” signs.
- k. Wall Sign is a sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in plane parallel to the plane of the wall and extending not more than twelve (12) inches therefrom and which does not project above the roofline or beyond the corner of the building.

3.138 Soil and Water Conservation District means an entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employees, hereinafter referred to as the Crawford SWCD.

3.139 Soil Disturbing Activity means clearing, grading, excavating, filling or other alteration of the earth’s surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

3.140 Small Concentrated Animal Feeding Operation means an animal feeding facility that is not a large or medium concentrated animal feeding operation and that is designated by the state director as a small concentrated animal feeding operation pursuant to rules.

- 3.141 Storm water Detention Basin** is a facility for the temporary storage of Storm water runoff, constructed to receive and temporarily hold Storm water for release at a controlled rate. Such devices may include graded depressions in the ground, parking lots with concave surfaces, roof tops, or buried tanks or pipes.
- 3.142 Storm water Management Plan** is a plan to govern the collection, retention, and release of Storm water in a manner to minimize damage to downstream property.
- 3.143 Stormwater Pollution Prevention Plan (SWPPP)** means the plan that describes all the elements of the storm water strategy implemented during and after construction. The plan addresses erosion control and storm water runoff quality.
- 3.144 Stormwater Quality Treatment** means the removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.
- 3.145 Story** is part of a building at or above grade between any floor and the floor next above, and if there is no floor above, then the ceiling above.
- 3.146 Story, Half** is part of a building between the top floor and a sloping roof with at least two opposite exterior walls not more than four and one-half feet in height above the top floor level meeting the sloping roof.
- 3.147 Stream** means a surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water (ORC 6105.01) in such a way that terrestrial vegetation cannot establish roots within the channel.
- 3.148 Street** is an improved vehicular passage within a right-of-way that affords the primary means of access to abutting lots. The term “street” includes avenue, drive, circle, road, roadway, parkway, boulevard, or any other similar term.
- 3.149 Street, Cul-de-sac** is a street with a single common ingress and egress and with a turnaround at the end with a radius not exceeding fifty (50) feet for the purpose of determining zoning and lot size requirements.
- 3.150 Street, Public** is a right-of-way intended to be used for travel by the public, improved for such purpose, and accepted by Crawford County and/or Polk Township for perpetual maintenance.
- 3.151 Street, Right-of-Way Line** is a line separating a lot from a street right-of-way.

- 3.152 Structure** is any combination of materials forming any construction, the use of which requires location on the ground or attachment to something having location on the ground.
- 3.153 Structural Alteration** is any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams, or girders; or any increase or decrease in the area or cubical contents of a building.
- 3.154 Subdivider** is any person who has applied for approval of, or has duly recorded a plat for the subdivision of a tract or parcel of land.
- 3.155 Subdivision** is the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange does not create additional building sites, shall be exempted or the improvement of one or more parcels of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewers, water, storm drainage or other public facilities.
- 3.156 Tourist home**, which includes bed and breakfast homes, is a dwelling unit in which sleeping accommodations for more than three (3) and less than ten (10) persons are offered for transient occupancy for compensation. A tourist home shall include a rooming house.
- 3.157 Trailer** shall mean a non-motorized vehicle that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motorized vehicle, and includes any such vehicle that is formed by or operated as a combination of a semi-trailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour, but does not include a manufactured home or travel trailer.
- 3.158 Trailer or Manufactured Home Park or Court** is a lot where two (2) or more trailers or manufactured homes are parked or which is used or held out for the purpose of supplying to the public a long-term parking space for two (2) or more trailers.

- 3.159 Transfer Facility** shall mean a solid waste transfer facility or transfer facility as defined in Rule 3745-27-01(C)(13) of the Ohio Administrative Code, as now existing or hereafter amended.
- 3.160 Trustees** are the elected members of the Board of Trustees of Polk Township.
- 3.161 Use** is any purpose for which buildings, structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity or operation conducted in a building or structure or upon land.
- a. Main Use is the principal purpose of, or activity on, a lot, parcel, or tract, or the principal utilization of a building or structure.
 - b. Accessory Use is a use customarily incidental and subordinate to the principal use, located on the same land or premises as the principal use.
 - c. Conditional Use is an uncommon use, which requires a conditional use permit and may be permitted in specific districts subject to certain explicit conditions.
- 3.162 Used Car Lot** is any lot on which two (2) or more automobiles in operating condition are offered for sale or displayed to the public.
- 3.163 Variance** is a deviation from or an exception to the provisions of this Zoning Resolution which may be permitted only in instances where a literal interpretation or enforcement of these regulations would result in an undue hardship in the case of a use variance to the property owner in question or in practical difficulty in the instances of an area variance.
- 3.164 Variance (Riparian)** means a modification of the enforcement of the Riparian Setback Zoning Resolution that will not be contrary to the public interest and where, due to conditions peculiar to this property and not the result of the action of the applicant, a literal enforcement of the Zoning Resolution would result in undue hardship to the applicant.
- 3.165 Watercourse** means a natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.
- 3.166 Watershed** means an area of land that drains into a particular watercourse, usually divided by topography.
- 3.167 Wetlands** mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do

support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

3.168 Wireless Telecommunications. The following definitions shall be used in conjunction with Wireless Telecommunication Uses:

- a. Co-Location is the use of a wireless telecommunications facility by more than one wireless telecommunications provider. .
- b. Monopole is a support structure constructed of a single, self supporting hollow metal tube securely anchored to a foundation.
- c. Telecommunications is technology permitting the passage of information from the sender to one or more receivers in a usable form by means of any electromagnetic system.
- d. Wireless Telecommunications Antenna is an antenna designed to transmit or receive communications as authorized by the Federal Communications Commission excluding amateur radio operator's antenna.
- e. Wireless Telecommunications Facility is a facility consisting of the equipment and structures involved in originating or receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
- f. Wireless Telecommunications Tower is a structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.
- g. Wireless Telecommunications Equipment Building is the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
- h. Wireless Communication Site is the plot of land upon which the tower structure and equipment building are secured.
- i. Wireless Communication Site Collocation is sharing of structures by several Wireless Service Providers.

3.169 Yard is an area located between a building and the nearest lot line, generally unoccupied and unobstructed from the ground upward except for landscaping or accessory use.

- a. Front Yard is the area extending from the building setback line to the lot front line (street line) across the full width of the lot.
- b. Rear Yard is the area extending from the building rear line to the lot rear line across the full width of the lot.
- c. Side Yard is the area extending from the front yard to the rear yard between the lot side line and the nearest side of the building.

3.170 Zoning Inspector is a person appointed by the Polk Township Board of Trustees to administer and enforce the Zoning Resolution and any other associated regulations.

3.171 Zoning Districts Map or Map means the Map or Maps showing the zoning districts in the Township of Polk.

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CHAPTER 4

ZONING COMMISSION, BOARD OF ZONING APPEALS, AND ZONING INSPECTOR

4.1 Zoning Commission.

- a. Creation. The Polk Township Zoning Commission, created and continuing under the provisions of Section 519.04, Ohio Revised Code, shall be organized and shall transact its business under the powers and conditions granted to township zoning commissions in Section 519.01 - 519.12, Ohio Revised Code or any changes thereto. The Zoning Commission is appointed by the Township Trustees.
- b. Composition. The Commission shall consist of five (5) members and two (2) alternate members appointed by the Township Trustees. The Commission shall include seven (7) residents of the unincorporated area of the township, preferably, but not limited to, residents with records of civic, business or professional leadership and who shall not be members of the Board of Zoning Appeals. Each member shall be appointed for a period of five (5) years, except that one of the initial members shall be appointed for a one (1) year term and one of the initial members shall be appointed for two (2) years and one of the initial members shall be appointed for four (4) years and one of the initial members shall be appointed for five (5) years. Alternate members shall be appointed for terms as determined by the Township Trustees. In the event of the death or resignation of a member, the Township Trustees shall make the appointment for the duration of the unexpired portion of the term of the member.
- c. Organization. The commission shall elect a chairman, a vice chairman and a secretary from its membership and shall prescribe rules for the conduct of its affairs.
- d. Removal of Members from the Commission. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, upon written charges being filed with the Board of Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member or members so charged at least ten (10) days prior to the hearing, either personally, or by registered mail or by leaving such copy at his or their

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usual place of residence. The member or members shall be given an opportunity to be heard and answer such charges.

- e. Powers and Duties. The Zoning Commission shall have the following powers and duties:
1. To initiate and propose amendments to the zoning text and map as need arises.
 4. To make recommendations on all amendments that are initiated by the Township Trustees or those that are requested or initiated by property owners or lessees, after the Zoning Commission has received advice from the County or Regional Planning Commission and held a public hearing on the proposed amendment.
 3. To act on all rezoning requests to the official township zoning map submitted to said Commission by the township fiscal officer in conformance with Chapter 6 of this resolution. The Commission shall recommend approval, disapproval or modification of the original request of the Township Trustees following the procedures set forth in Chapter 6 of this resolution.
 4. The Zoning Commission shall review from time to time any provision or provisions of this resolution and shall recommend such changes as it deems necessary in order to promote the intent of this resolution to the Township Trustees following the procedures set forth in Chapter 6 of this resolution.
- f. Quorum. The Zoning Commission shall require a quorum of three (3) of its members at all of its meetings and a concurring vote of three (3) members shall be necessary to effect an order.
- g. Meetings. The Zoning Commission shall meet at least quarterly or at the call of the chairman or vice chairman acting in the capacity of the chairman or by the call of two (2) other members of the Commission.

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- h. Minutes. The Board of Zoning Appeals 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 examination and other official actions; all of which shall be immediately filed in both the office of the Zoning Inspector and the Township Clerk and shall be a public record.
- i. Flow Chart. See the flow chart in Chapter 29 of this resolution.

4.2 Board of Zoning Appeals.

- a. Creation. The Polk Township Board of Zoning Appeals, created and continuing under the provisions of Section 519.13, Ohio Revised Code, shall be organized and shall transact its business under the powers and conditions granted to Township Boards of Zoning Appeals in Section 519.13 - 519.15, Ohio Revised Code and any changes thereto.
- b. Jurisdiction. The Board shall have jurisdiction in appeals and on matters which the Board has original jurisdiction under this Zoning Resolution.
- c. Secretary. The Board of Zoning Appeals shall appoint a recording secretary. The secretary of the Board shall notify all adjoining and adjacent property owners by ordinary mail of any appeal affecting them. The appellant shall include in the application of appeal the name of all owners of real property directly contiguous to or across the street from the property which is the subject of the appeal.
- d. Removal from The Board. Members shall be removable from the Board of Zoning Appeals for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code and described in Section 4.1.d of this Zoning Resolution.
- e. Composition. The Board shall consist of five (5) members and two (2) alternate members appointed by the Township Trustees. The Board shall include seven (7) residents of the unincorporated area of the township, preferably, but not limited to, residents with records of civic, business or professional leadership and who shall not be members of the Board of Zoning Appeals. Each member shall be appointed for a period of five (5) years, except that one of the initial members shall be appointed for a one (1) year term and one of the initial members shall be appointed for two (2) years and one of the initial members shall be appointed for

four (4) years and one of the initial members shall be appointed for five (5) years. Alternate members shall be appointed for terms as determined by the township Trustees. In the event of the death or resignation of a member, the Township Trustees shall make the appointment for the duration of the unexpired portion of the term of the member.

- f. Organization. The Board shall elect a chairman, a vice-chairman and a secretary from its membership and shall prescribe rules for the conduct of its affairs.
- g. Quorum. Three members of the Board shall constitute a quorum. The Board shall act by resolutions, and the concurring vote of three (3) members of the Board shall be necessary to reverse or affirm any order of determination of the Zoning Inspector, or to decide an application in any matter on which the Board has original jurisdiction under this Zoning Resolution, or to grant any variance from the requirements stipulated in this Resolution, after having considered and satisfied the conditions under which a variance may be granted by law. The Board shall issue written facts of finding in support of its decision.
- h. Meetings. The Board of Zoning Appeals shall meet at the call of its Chairman and at such other times as it may deem necessary. All meetings of the Board shall be open to the public.
- i. Oaths. The Chairman, or in his absence, any member of the BZA, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses during hearings or other proceedings.
- j. Minutes. The Board of Zoning Appeals 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 examination and other official actions; all of which shall be immediately filed in both the office of the Zoning Inspector and the Township Clerk and shall be a public record.
- k. Powers and Duties. The Board of Zoning Appeals shall have the powers and duties as established under Section 519.14 of the Ohio Revised Code.
- l. Appeals. Appeals to the Board of Zoning Appeals may be filed by one or more of the owners or lessees of property deeming themselves to be adversely affected by the decision of the Zoning Inspector or by other decisions on matters over which

the Board has original jurisdiction. Such appeal shall be filed with the Secretary of the Board of Zoning Appeals within twenty (20) days after the decision.

- m. Notice Of Public Hearing. When an appeal has been properly filed with the Board of Zoning Appeals, the Secretary of the Board of Zoning Appeals shall set a date for a public hearing of the appeal, and such date shall be within thirty (30) days after the receipt of an application for an appeal or variance from the applicant, and shall cause notices stating the date, time, place, and object of the hearing to be served personally or by mail addressed to the parties filing the appeal and to the owners of the property contiguous to or across the street from the property which is the subject of the appeal, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to the addresses of property owners that shall have been provided by the appellant at the time of filing the appeal, given in the last tax assessment rolls. Such hearing shall be advertised by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing. The Board, at its discretion, may publish more notices to publicize such hearing. The Board may recess such hearing, and if the time and place for the continuation of such hearing is publicly announced at the time of recess or adjournment, no further notice shall be required.

- n. Notice by Sign. Before holding the public hearing as required, in addition to the above notice requirements, the following additional notice by sign requirements shall also apply:
 - 1. Size and Placement. Each sign face shall measure not less than three feet in width and two feet in height. Each sign shall measure not less than three feet in width and not greater than five feet in height, as measured from the ground, and shall be constructed of waterproof material and double-sided, shall be placed no closer than five feet to the right-of-way, and shall be visible from each public street on which the subject property has frontage. At least one such sign shall be located on each property that is the subject of the application.

2. **Content.** Signs may be constructed from one or more different materials, but shall substantially conform in appearance to the drawing attached hereto as Exhibit “A” hereof. The required sign shall include the title “Zoning Notice” and shall list the type of action/application (conditional use – golf course, assisted living facility, riding academy, family day care, service station, etc.), the location, date, and time of public hearing, the telephone number of the Zoning Inspector, and other information as the Township may determine to be necessary to adequately notify the public of the application.
 3. **Responsibility.** The Township shall be responsible for the construction, installation, and removal of the sign(s); the sign(s) shall be erected on the subject property at least 10 calendar days prior to the public hearing; the sign(s) may not be removed until the Township has taken action on the application and the time for filing an appeal of that action has expired; and the sign(s) shall be removed within seven calendar days following the last day that any appeal of the action could be filed. None of the above shall prevent the Board of Trustees from adopting a fee to recover all or some of the costs to administer these requirements.
- o. Notice to Surrounding Communities. As a courtesy to surrounding communities, following the effective date of this Section, before holding the public hearing as required, in addition to the above notice requirements, notice may also be sent to surrounding communities. Such notification may continue to be made, provided that said communities reciprocate by providing notice to the Township of similar pending applications in said communities. The failure of delivery of such notification shall not invalidate any decision on such application and shall not be grounds for appeal of any decision on such application.
- p. Decisions and Actions. Within thirty (30) days after the public hearing, the Board of Zoning Appeals shall either, approve, approve with supplementary conditions or disapprove the requested appeal or variance. The Board shall further state in writing the reasons set forth in the appeal application that do or do not justify the granting of the appeal or variance that will make possible a reasonable use of the land, building or structure.

A copy of the decision or action of the Board shall be transmitted to the appellant and to the Zoning Inspector. Such decision or action shall be binding upon the

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Zoning Inspector and shall be incorporated in the Zoning Certificate to the appellant including the terms and conditions imposed or authorized by the Board. A decision of the Board shall not become final until the expiration of five (5) working days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary to prevent imminent peril to life or property and shall so certify on the record. Recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law.

- q. Fees. An application for an appeal hearing before the Board of Zoning Appeals or a variance as defined in this Zoning Resolution shall be accompanied by a fee prescribed elsewhere by resolution by the Township Trustees. Such fee shall be deposited with the Township Clerk and become a part of the general funds of the Township. In the event that the Board will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, the appellant shall bear all direct and indirect costs.

4.3 Zoning Inspector. The position of Zoning Inspector shall be established as follows:

- a. Creation of Position and Compensation. The position of Township Zoning Inspector shall be hereby created to administer and enforce this Zoning Resolution to keep records of all issuances, applications, and actions taken thereon. The Township Trustees shall appoint the Zoning Inspector and shall set the compensation of the office of the Zoning Inspector.
- b. Duties And Responsibilities. The Zoning Inspector shall have the following duties:
 - 1. Enforce the provisions of this Zoning Resolution and interpret the meaning and application of its provisions;
 - 2. Respond to questions concerning applications for amendments to the text of the Zoning Resolution and to the Map of the Zone Districts;
 - 3. Issue zoning certificates, permits and certificates of occupancy as provided herein, and keep a record of same with a notation of any special conditions;
 - 4. Act on all applications upon which he is authorized to act by the

provisions of this Zoning Resolution within the specified time or notify the applicant in writing of his denial or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of denial or disapproval of an application within the specified time shall entitle the applicant to submit his application directly to the Board of Zoning Appeals;

5. Conduct inspection of buildings and uses of land to ensure compliance with this Zoning Resolution, and, in case of any violation, notify in writing the person responsible, specify the nature of the violation, and order corrective actions;
6. Maintain in current status the official Zone Districts Map which shall be kept on permanent display in the office of the Township;
7. Maintain, in his office and in the office of the Secretaries of the Zoning Commission and the Board of Zoning Appeals, permanent and current records required by this Zoning Resolution, including but not limited to zoning certificates or permits, certificates of occupancy, inspection documents, and records of all variances, amendments, and conditional uses;
8. Make such records available for the use of the Township Trustees, Zoning Commission, and the Public;
9. Determine the occurrence or existence of any violation of this Zoning Resolution, and cause such notifications, revocation notices, stop orders, or citations to be issued, and recommend, as required or necessary, such other administrative or legal actions to address such violation;
10. Prepare and submit an annual report to the Township Trustees and the Zoning Commission on the administration of this Zoning Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Zoning Resolution. Such report shall include recommendations concerning the schedules of fees; and
11. Certify compliance of approved subdivision plans and lot splits.

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14. The Zoning Inspector shall post a bond of not less than \$1,000 nor more than \$5,000 as fixed by the Township Trustees in accordance with the provisions of Section 519.151 of the Ohio Revised Code.

4.4 Zoning Resolution Amendment Procedure

There are two types of zoning amendments: Changes in the zoning text, and changes in the zoning map or district changes. The same procedure applies. The following outline has been adapted from the Ohio Revised Code Section 519.4.

- a. Initiation of Amendments
 1. Who may apply: Zoning Commission, Township Trustees or Property owner or lessee.
- b. Application form:
 1. Completed form and filing fee submitted to the chairman of the Zoning Commission
 2. If for a district change, indicates change requested and legal description of the property involved.
- c. Processing of Amendment by Zoning Commission
 1. A copy of a request must be transmitted to the regional zoning commission or the appropriate government authority within five (5) days after receipt by the zoning commission.
 2. Public hearing date to be set not less than twenty (10) nor more than forty (40) days from the receipt of the proposed amendment.
 3. Newspaper notice of public hearing must be published at least fifteen (15) days prior to hearing.
 4. Written notice to property owners within, contiguous to, and directly across the road from the land proposed to be rezoned must be sent at least twenty (10) days before the public hearing if ten (10) or fewer parcels of land are proposed to be rezoned.

NOTE: Section 5511.01 of the Ohio Revised Code requires notification of the Ohio Department of Transportation before any amendment is approved which affects land near proposed new highways or planned developments.

5. The published and mailed notices shall include the place, date and time of the public hearings, and all of the information required in Section 519.12 of the Ohio Revised Code to inform the public of the changes proposed.
- d. Regional Planning Commission Action
 1. Reviews request at regularly scheduled meeting.
 2. Transmits recommendation to approve, deny or modify the proposed amendment to the Zoning Commission.
 - e. Zoning Commission Action
 1. Considers the recommendation of the Regional Planning Commission at their public hearing.
 2. Decision must be made within thirty (30) days after the hearing and recommendation sent to Township Board of Trustees.
 - f. Processing of Proposed Amendment by Township Trustees
 1. Set date, time and place for public hearing within thirty (30) days after receipt of Zoning Commission recommendation.
 2. Newspaper notice of public hearing must be published at least fifteen (15) days before the hearing. Notice must include time, date and location of hearing and summary of the proposed amendment.
 - g. Township Board of Trustees Action
 1. Decision of trustees must be made within twenty (20) days after the public hearing.
 2. Decision may be to approve, deny or modify the proposed amendment. A simple majority vote of the board is required to affirm the recommendation of the Zoning Commission. However, if the Zoning Commission recommendation is not upheld, a unanimous vote of the trustees is required.

3. Any recommendation adopted by the trustees becomes effective thirty (30) days from the date of their decision unless a petition for referendum is filed.

h. Referendum

1. Residents may submit a petition to township trustees, signed by registered electors equal to eight (8) percent of the total votes cast for governor in the last election within the area of the zoning plan. Such petition, accompanied by an appropriate map of the affected area, shall be in a form as required by Section 519.12 of the Ohio Revised Code and governed by the rules specified in Section 35604.38 of the Ohio Revised Code.
2. The Township Board of Trustees must submit a resolution request to the county Board of Elections within two (2) weeks of receipt of the petition to place the proposed issue on the ballot at an election to be held on the day of the next primary or general election.
3. Unless approved by a majority of the voters in the township, no amendment for which the referendum vote has been requested is effective.
4. Upon certification by the county Board of Elections that the amendment has been approved by the voters, the amendment takes immediate effect.

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CHAPTER 5

FEES

- 5.1 Establishment of General Fees.** The Township Board of Trustees shall, by resolution, establish schedules of general fees for zoning certificates or permits, certificates of occupancy, zoning amendments, zoning appeals, variances, conditional zoning certificates or conditional zoning permits, plan reviews and other procedures and services pertaining to the administration and enforcement of this Zoning Resolution after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect.
- 5.2 Schedule of General Fees.** The Schedule of General Fees, established and adopted by resolution of the Township Board of Trustees shall be posted in the offices of the Zoning Inspector and the secretaries of the Zoning Commission and Board of Zoning Appeals and may be changed or amended only by resolution by the Township Board of Trustees. Until such appropriate fees, charges and expenses have been paid in full by the applicant, no action shall be taken on any application, appeal or administrative procedure.
- 5.3 Technical Fee Review Requirements.** When the Zoning Commission determines that a traffic impact study or other technical study in support of a proposed zoning change or development approval request is needed, they may retain outside professional services to review these reports. The costs of these services will be the obligation of the applicant.
- 5.4 Escrow Agreement Provisions**

The cost of the township review of applications for zoning approval can be considerable, can differ greatly between applications, and cannot always be accurately predicted at the time application is made. The actual cost of review should properly be borne by the applicant and not by the taxpayers of the Township. Fees are permitted pursuant to ORC 519.12 for amendments to zoning resolutions and are permitted by ORC 519.01 *et seq.* for the issuance of permits and for Board of Zoning Appeals reviews;

- 1. Standard Fees.** The stated fees for application for zoning approvals, established from time to time by resolution of the Board of Township Trustees, are to be considered basic application fees which cover only consideration of the application at regularly scheduled Zoning Commission, Board of Zoning Appeals, and/or Board of Township Trustees meetings and publication and mailing of notice of hearing, as applicable.

2. **Additional Fees.** In addition to the basic application fee, applicants for zoning approval shall pay the costs of review of applications for appeals, interpretations, variances, conditional use permits, site plans, rezoning, text amendments, planned residential developments, construction and/or other improvement plans and other applications. Such charges shall be in addition to the basic application fee in an amount equal to the Township's actual expenses incurred for reviewing the application, including, but not limited to, the cost of:
 - a. Board or Commission subcommittee meetings;
 - b. Special meetings;
 - c. Review by Township consulting attorney and preparation of appropriate approval resolutions, as well as any document necessary to review the application;
 - d. Review by Township consulting planner, including preparation of any documents and review letters required for Township review, as well as attendance at one (1) or more Township meetings to present such documents or review letters, if required by the Township;
 - e. Review by Township consulting engineer, including preparation of any documents and review letters required for Township review, as well as attendance at one (1) or more Township meetings to present such documents or review letters, if required by the Township;
 - f. Any additional notices for hearings other than those required by the Township Zoning Resolution or otherwise set forth in this resolution.
 - g. Traffic studies;
 - h. Environmental impact studies;
 - i. Review and consideration of proposed private roads; and
 - j. Similar services and expenses.
3. **Escrow Requirement.** If the zoning inspector determines that the application is one for which such costs for review are likely to be incurred, the zoning inspector shall require the applicant to pay into escrow, in advance, an amount estimated to be sufficient to cover the expected costs. The amount to be paid into escrow shall be established in increments of at least five hundred dollars (\$500), commencing with an

- initial deposit of not less than one thousand dollars (\$1,000). No application shall be processed prior to the required escrow fee having been deposited with the zoning inspector. If an applicant objects to the amount of the escrow funds required to be deposited, it may appeal that determination to the Board of Township Trustees within thirty (30) days after the initial decision by the zoning inspector.
4. **Minimum Balance.** If funds in the escrow account are depleted or fall below twenty percent (20%) of the initial escrow amount, the applicant shall make an additional deposit sufficient to cover any deficit and to re-establish a balance of at least five hundred dollars (\$500) or twenty percent (20%) of the initial escrow amount, whichever is greater. The amount of additional deposit sufficient to cover any deficit in the account shall be at least five hundred dollars (\$500) or such greater amount as is determined by the zoning inspector to be reasonable necessary in order to cover anticipated remaining or future expenses. No further action shall be taken on an application and no application shall be placed on or allowed to remain on an applicable meeting agenda until the escrow account has been re-established to such appropriate level.
 5. **Accurate Records.** The zoning inspector and the Township fiscal officer shall maintain accurate records regarding the expenditures made on behalf of each applicant from the escrow account. Such escrow funds (from one or more applicants) may be kept in separate bank accounts or bank account categories or may be kept in the general fund and given separate line item numbers, all done in consultation with and as permitted by the Auditor of Ohio.
 6. **Balance Refund.** Any excess funds remaining in the escrow account after the application has been fully processed and reviewed and a final decision rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds. If the balance of the expenses for the application for any reason exceeds the amount remaining in escrow following final action by the Township, the Township shall send the applicant a statement for such additional fees. Until the applicant pays such fees for the expenses or review, no further zoning permit or certificate of occupancy or other permit for the project shall be issued, and, if such expenses remain unpaid for a period of fourteen (14) days, the zoning inspector may issue appropriate stop work orders or take other action to halt work on the project. In addition, the Township may take legal action to collect unpaid fees.
 7. **Applicant Agreement.** The application for zoning approval or other approvals covered by this resolution shall indicate that the applicant agrees to pay the Township's expenses for review of the application and other above-stated expenses as provided for on a Polk Township Escrow Affidavit.

8. **Severability.** This resolution and the various parts, sentences, paragraphs, sections and clauses thereof are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional, null or void by a court of competent jurisdiction, such declarations shall not have any effect on the validity of the remaining parts, sentences, paragraphs and clauses of this resolution.

CHAPTER 6

AMENDMENTS

6.1 Initiation of Zoning Amendments. Amendments to the Zoning Regulations may be initiated in one of the following ways:

- a. By adoption of a resolution by the Board of Township Trustees;
- b. By adoption of a motion by the Zoning Commission; or
- c. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

6.2 Procedure for Amendment.

- a. Submission to the County or Regional Planning Commission. After the adoption, and transmittal to the Zoning Commission, of a resolution by the Board of Township Trustees, or the adoption of a motion by the Zoning Commission, or the filing, with the Zoning Commission, of an application by at least one owner or lessee of property, the Zoning Commission shall, within five (5) days, transmit a copy of such resolution, motion or application, together with text and map pertaining to the amendment in question, to the County Planning Commission which shall recommend the approval or denial of the proposed amendment or the approval with some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.
- b. Submission to the Ohio Director of Transportation. Before any zoning amendment is approved affecting any land within three hundred (300) feet of the center line of a proposed new highway or highway for which changes are proposed as described in the certification to the local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the amendment. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the

Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

- c. Holding of Public Hearing by the Zoning Commission. The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for a zoning amendment by one or more property owners or lessees. Said hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.
- d. Notice of Public Hearing in Newspaper. Before holding the public hearing as required, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township and at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing, the matter will be referred to the Board of Township Trustees for further determination.
- e. Notice to Property Owners. If the proposed amendment intends to rezone or redistrict an area of ten (10) or less parcels of land as listed on the tax duplicate, written notice of the public hearing shall be mailed by the Zoning Commission by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of each such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other addresses that may be specified by the Board of Township Trustees. The failure to deliver the notice shall not invalidate any such amendment. The notice shall contain the same information as required for notices published in newspapers as specified hereinbefore.
- f. Notice by Sign and Notice to Surrounding Communities. Before holding the public hearing as required, in addition to the above notice requirements, such amendments shall also be subject to the additional notice requirements listed in Section 4.2, n and o, of this Resolution, as may be applicable.
- g. Recommendation by the Zoning Commission. Within thirty (30) days after the public hearing, the Zoning Commission shall, in writing, recommend to the Board of Township Trustees that the amendment be granted as proposed or requested, or recommend a modification of the amendment, or recommend that the amendment be not granted. The written decision of the Zoning Commission shall indicate the specific reason or reasons upon which the recommendation is based.

- h. Holding of Public Hearing by the Township Trustees. Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation in the Township shall be given by the Board of Township Trustees at least ten (10) days before the date of said hearing and shall set forth the time and place of the public hearing, and nature of the proposed amendment.

- i. Action by the Board of Township Trustees. Within twenty (20) days after the Board of Township Trustees have held their public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board of Township Trustees shall be required.

- j. Effective Date of Amendment. Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption.

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CHAPTER 7

ZONING MAPS AND DISTRICTS

7.1 Purpose. The intended purpose of standard zoning districts is to delineate areas of existing land use and developmental character so as to afford such areas the regulations necessary to maintain their essential qualities and to assure that any additional development will be in keeping with that which has already been established. For purposes of this Resolution, the Township of Polk is divided into the following standard zoning districts:

- R-1 - Residential
- R-2 - Residential
- R-3 - Residential
- B-1 - Business
- I-1 - Light Industrial

7.2 Official Zoning Districts Map

All land in the Township of Polk within the scope of this Zoning Resolution is placed into zoning districts as shown on the Zoning District Map of the Township of Polk, County of Crawford, State of Ohio, which accompanies this Resolution, and said map with all notations, references and other pertinent material shown thereon is hereby made a part of this Resolution as if fully described herein.

The Zoning District Map shall be identified by the signatures of the Township Trustees, attested by the Township Fiscal Officer, under the following words:

“This is to certify that this is the official Zoning District Map referred to in Chapter 7 of the Zoning Resolution of the Township of Polk, County of Crawford, Ohio, (include date of adoption).”

Whenever changes are made in the district boundaries or other matter portrayed on the official Zoning District Map, after the amendment has been approved by the Township Trustees, together with an entry on the official Zoning District Maps as follows:

“On (date), by official action of Township Trustees, the following changes were made: (reference number to Township Trustees proceedings).”

Three (3) copies of the official Zoning District Map are to be maintained and kept up-to-date: One (1) in the Township Trustees office; One (1) in the office of the Regional Planning Commission; and One (1) by the Zoning Inspector, accessible to the public and shall be the final authority as to the current zoning status of lands, buildings and other structures in the Township of Polk.

7.3 Rules for Interpreting District Boundaries

1. Where uncertainty exists with respect to the boundaries of the district as shown on the official zoning map, the following rules shall apply:
 - a. Where district boundaries are indicated as following the center line of streets, highways or alleys, such center lines shall be construed to be such boundaries.
 - b. Where district boundaries are indicated as approximately parallel to the center lines of streets or highways, such district boundaries shall be considered as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is indicated specifically on the zoning map, the scale of the map shall determine.
 - c. Where district boundaries run to, but do not extend into, water areas, they shall be considered to run into such water areas in a straight line, continuing the prevailing direction of the boundary as it approaches the water, until they intersect other district boundaries or the limits of the City of Galion. Boundaries which run through watercourses, lakes and other water areas shall be assumed to be located midway in such water areas unless otherwise indicated.
 - d. Where district boundaries are indicated as following platted lot line, the lot lines shall be construed to be the district boundaries.
 - e. Where district boundaries are indicated by specific dimensions, such specific dimensions shall control.
 - f. Where specific boundaries divide platted lots or cross unsubdivided property and where no specific dimensions are indicated on the official zoning map, the scale of the official zoning map shall control.
 - g. Where the street or property layout or other physical features existing on the grounds are at variance with the official zoning map or where other uncertainties exist as to interpretation of the official zoning map, the Zoning Commission shall interpret the way in such a manner as to carry out the intent and purpose of this Resolution.

- 7.4 District Extension by Vacation of Public Ways.** Whenever a street, road, or any public right-of-way is duly vacated, the Zoning Districts adjoining each side of such street, road, or public right-of-way shall automatically extend to the center of such vacation, and all areas included in the vacation shall thereafter be subject to all regulations of the extended district.
- 7.5 Compliance with District Regulations.** Except as otherwise provided in this Zoning Resolution, no building, structure, or premises shall thereafter be used and no building, structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein established for the district in which it is located and in accordance with all other applicable regulations contained in this Zoning Resolution.
- 7.6 Interpretation of District Boundaries.** In the interpretation of district boundaries as shown on the Polk Township Zoning Districts Map, the following rules shall apply:
- a. Where district boundaries are shown as following streets or rights-of-way, the side line or centerline of such streets or rights-of-way shall be construed to be such district boundaries;
 - b. Where district boundaries are so indicated that they are parallel to the side lines or center lines of streets or rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Districts Map or as determined using the scale shown on said map;
 - c. Where district boundaries are shown as following or intended to follow lot or property lines, such lot or property lines, as shown on the Zoning Districts Map or the Tax Maps of the Township, shall be construed to be such district boundaries; and
 - d. Where the district boundaries are drawn to scale or annotated to represent certain distances or measurements, such district boundaries shall be construed as being demarcation lines that define the district.

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CHAPTER 8

GENERAL PROVISIONS

- 8.1 Scope of the Zoning Resolution.** The provisions of this Zoning Resolution shall apply to all land in the unincorporated part of the Township of Polk, County of Crawford, State of Ohio, and no building or structure or part thereof shall be erected, converted, reconstructed or structurally altered nor shall any building or land be used, designed or arranged for any purpose except in conformity with the provisions of this Resolution. Only uses specifically authorized shall be permitted. Any use not so authorized shall not be allowed except as hereinafter expressly provided.
- 8.2 Uses Exempt From The Regulations.** Land within any district may be used for agricultural purposes provided that it complies with the minimum farm size and requirements as established under Chapter 519 of the Ohio Revised Code. No zoning permit shall be required for any agricultural uses or for the construction on such land of buildings or other structures incidental to agricultural uses. Such buildings or structures, however, shall conform to the zoning regulations contained in this Zoning Resolution. A structure used only as a dwelling for a person engaged in agriculture shall not be construed as a structure incidental to an agricultural use of land so as to be exempt from the provisions of this Zoning Resolution.
- 8.3 Non-Conforming Uses.** A non-conforming use is one that exists or was begun before the effective date of this Zoning Resolution.
- a. A non-conforming use may be continued but shall, when voluntarily discontinued for two (2) or more years, be considered abandoned and future use of the land or structure shall then conform to the requirements governing the district in which it is or was located.
 - b. Construction of buildings or structures deemed non-conforming by virtue of their intended use or other requirements, begun but not completed prior to the effective date of this Zoning Resolution shall be permitted and may be continued provided that the construction is completed within one (1) year from the effective date of this Zoning Resolution.
 - c. All buildings or structures deemed non-conforming may be altered or expanded but such alteration or expansion shall not exceed twenty (20) percent of the

ground floor area and provided that such alteration or expansion will conform with the current minimum lot area and yard requirements.

- d. If a building or structure is damaged or destroyed by fire or natural disaster and the extent of the damage constitutes sixty (60) percent or less of the building or structure, as determined by a competent and qualified appraiser and verified by the Zoning Inspector, the building or structure may be restored provided that an application for restoration is made to the Board of Zoning Appeals which shall allow a zoning permit to be issued based upon the following conditions:
 1. If the non-conforming building or structure was being used for residential purposes, it shall be restored in conformance with the requirements of this Zoning Resolution with the exception of requirements pertaining to minimum lot area in the district in which the non-conforming building is being restored provided that approved sanitary and health regulations are satisfied. The structure may be rebuilt to exactly the same size as it was before the restoration even if it exceeds the minimum lot area, but it cannot be built any larger than the original size of the structure being restored.
 2. If the non-conforming building or structure was being used for business, commercial, or industrial purposes, the building or structure may be restored and if desired may be expanded by no more than twenty (20) percent of its original ground floor area provided that such expansion will conform with the current minimum lot area and yard requirements.
 3. Noise factor from the non-conforming use of the property shall not exceed 68 decibels on an A-weighted scale at fifty (50) feet.
- e. Where, at the time of this Resolution, lawful uses of land exist which would not be permitted by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:
 1. No such nonconforming uses shall be enlarged nor increased nor extended to occupy more than ten (10) percent more of the area of land that was occupied at the effective date of the adoption or amendment of this Resolution.

2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of the adoption of this Resolution.
 3. If any nonconforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
 4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.
- f. If a lawful use involving individual structures or a structure and land in combination exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. Any existing structure devoted to a use not permitted by the Resolution in the district in which it is located shall be enlarged or extended no more than ten (10) percent, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution but no such use shall be extended to occupy any land outside such buildings.
 3. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use for a period of two (2) years shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed.
 4. When a nonconforming use of structure or structure and land in combination is discontinued or abandoned for more than two (2) years the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations for the district in which it is

located.

5. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

- g Repairs and Maintenance. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing provided that the cubic content existing when it became nonconforming shall not be increased except as hereinabove provided. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8.4 Prohibited Uses. Specifically, without limitation, the following uses are of the type that shall be prohibited:

- a. In no event shall a mobile home or manufactured home, also referred to as a trailer, trailer coach, travel trailer, motor home or trailer house be considered as a permanent immobile home, nor shall said use be permitted in any zone as a permanent dwelling unit.
- b. The manufacturing or storage of all explosives including gunpowder and fireworks;
- c. Dumping, storing, burying, reducing, disposing, recycling, or incinerating of garbage, refuse, scrap metal, rubbish, offal, and dead animals;
- d. Junk yards;
- e. Trailer parks and camps which charge a fee;
- f. Race tracks, test tracks, drag strips, and motor vehicle racing;
- g. Tents intended for permanent or prolonged use as places for public assembly;
- h. Recycling facilities;

- i. Transfer facilities, and
- j. Storage of motor vehicles as defined in all sections of ORC 505.173.

8.5 Sanitary Requirements. A sanitary sewer connection to a public wastewater treatment plant, a septic tank, or an approved septic system for the disposal, containment, or treatment of sanitary waste shall be required for every habitable, commercial, or industrial building or structure erected or structurally altered. Connection to such public wastewater treatment plant or the installation of such septic tank or sanitary system shall comply with the standards required by the Ohio Environmental Protection Agency and the Crawford County Sanitary Engineer and Health Department. Where a sanitary connection to a public wastewater treatment plant is not possible or unavailable, and where soil conditions do not permit the use of a septic tank or leach bed, other sanitary facilities, such as a package treatment plant, approved by the appropriate State authorities, the Crawford County Sanitary Engineer, and the Health Department shall be used.

8.6 Parking Requirements. Off-street parking facilities shall be provided for all developments based on or as prescribed in the Schedule of Off-Street Minimum Parking Requirements. Any proposed land use not specifically listed in the Schedule of Off-Street Minimum Parking Requirements shall comply with the minimum requirements for off-street parking applicable to a land use that is specifically listed in the Schedule and which may be considered similar to the proposed land use. For purposes of this section, "Floor Area" shall mean the area used for offices and/or the service of the public excluding areas used principally for non- public purposes such as storage areas, workshop floors, showrooms, restrooms, and dressing rooms. Parking areas shall be designed such that they provide for a safe and efficient flow of traffic by minimizing potential conflicts of traffic movements. They shall be surfaced with bituminous, concrete or equivalent impervious hard surfacing material and shall be graded and equipped with proper drainage to dispose of all surface water runoff effectively in a manner, where possible, that enables ground water recharge. Wheel or bumper guards shall be provided in all off-street parking areas having capacity for two (2) or more vehicles in order to prevent vehicles parked on sloping surfaces from rolling off or to prevent bumper overhang onto sidewalks or abutting property. All lighting used to illuminate parking areas shall be so arranged as to direct the light away from adjoining properties or rights-of-way.

8.7 Parking and Storage of Commercial and Recreational Vehicles and Trailers.

- a. Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers and other vehicles other than passenger cars as regulated here:
 1. The continuous outdoor storage or parking of any camping and recreational equipment shall not be permitted within any required front yard
 2. No dwelling unit shall be maintained and no business shall be conducted within any camping or recreational equipment while such equipment is parked within the township.
 3. The wheels or any similar transporting devices of any camping or recreational equipment shall not be removed except for repairs, nor shall any such equipment be permanently attached to the ground.
 4. Outdoor storage or parking of backhoes, bulldozers, well rigs and other similar construction equipment, other than equipment temporarily used for construction upon the site, shall not be permitted within the township.
 5. The outdoor storage or parking of any semi-trailer or tractor, construction equipment or construction equipment trailer or of any vehicle having a gross vehicle weight rating greater than ten thousand (10,000) pounds or an overall vehicle length greater than twenty-one (21) feet shall not be permitted on the same lot as a single family dwelling except for vehicles making temporary service or delivery calls and except for one recreational vehicle which does not have a gross vehicle weight greater than fifteen thousand (15,000) pounds or an overall vehicle length greater than forty (40) feet.
 6. No motor home, mobile home or camper of any type may be occupied for more than thirty (30) days per calendar year.
 7. Parked or stored camping or recreational equipment shall not have fixed connections to electricity, water, gas or sanitary sewer facilities.

8.8 Driveway Requirements. All driveways on township Roads shall not have culvert pipes

less than twelve (12) inches in diameter without the approval of the Township Road Department. All culvert pipes shall meet the county and state requirements. That portion of the driveway within the right of way shall be gravel or asphalt. No portion of a concrete driveway surface is permitted within the right of way.

Schedule of Off-Street Minimum Parking Requirements

Type of Land Use	Minimum Parking Requirements
Auditoriums, stadiums, and other similar uses	One (1) parking space for each four (4) seats
Business and professional offices other than for doctors and dentists	One (1) parking space for each one hundred (100) gross square feet of floor area
Bowling alleys	Four (4) parking spaces for each alley plus one (1) parking space for each two (2) employees
Churches (religious places of worship)	One (1) parking space for each four (4) seats based on maximum seating capacity
Clubs, skating rinks, halls, commercial recreation, and places of assembly without fixed seats	One (1) parking space per one hundred (100) gross square feet of floor area
Dwellings	Two (2) parking spaces for each dwelling unit
Funeral homes	Five (5) parking spaces per parlor or ten (10) parking spaces per one hundred (100) gross square feet of floor area of all rooms used for services, whichever is greater
Establishments for the sale and consumption on the premises of food, alcoholic beverages, or refreshments	One (1) parking space for each two (2) seats of seating capacity
Hospitals	One (1) parking space for each two (2) beds

Hotels and motels	One (1) parking space for each sleeping room
Libraries	One (1) parking space for each five hundred (500) gross square feet of floor area
Medical and dental offices and clinics	Five (5) parking spaces for each physician or dentist practicing at each office
Industrial establishments	Two (2) parking spaces for each five (5) employees based on the total number of employees in any shift
Office buildings	One (1) parking space for each two hundred (200) gross square feet of floor area
Retail stores and supermarkets	One (1) parking space for each two hundred fifty (250) gross square feet of floor area
Wholesale establishments	One (1) parking space for each three (3) employees
Nursing homes and assisted living facilities	One (1) parking space for each four (4) beds and one (1) parking space for each two (2) employees
Veterinary offices or veterinary clinics	Three (3) parking spaces for each doctor practicing at the office or hospital

8.9 Garage Sale Events. All Township residents shall be permitted to hold or conduct garage sale events subject to the following conditions:

- a. No more than four (4) garage sale events per year shall be permitted at the same address;
- b. The duration of any garage sale event shall be not more than three (3) consecutive days and shall only be permitted within the period between dawn and dusk;

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 Amended 10/27/2018
 See Summary of Amendments

- c. The garage sale activities must not generate intolerable noise or light;
- d. The sale of fireworks, hazardous material, firearms, and ammunition, as defined in the Ohio Revised Code shall be prohibited;
- e. All garage sales shall be limited to personal or related household items; and
- f. No more than five (5) signs for each garage sale event may be erected, where one (1) sign only may be erected at the premises at which the garage sale event will be conducted and four (4) signs may be erected at any location within the township, except within the public right-of-way, provided they do not cover or interfere with any public sign and are not placed on any utility structure. All signs shall be unlighted and shall not exceed two (2) square feet in area. All signs shall be removed within two (2) days after the conclusion of the garage sale event or be subject to a fine for each sign. The fine shall be determined by the Township Board of Trustees.

8.10 Fences.

- a. Residential Districts. Fences, walls and screening devices are permitted within any residential district subject to the following conditions:
 - 1. Fences constructed within any residential district shall not exceed six (6) feet in height.
 - 2. All fences shall be positioned at a distance of not less than one (1) foot inward of the property lines along which they will be installed and their horizontal supports or braces shall face to the inside of the property and the finished side shall face outward.
 - 3. The location, composition, and structure of any fence shall, at a minimum, conform to the standards and regulations of Polk Township.
 - 4. Swimming pool area fences shall be a minimum of four (4) feet in height.
 - 5. Barbed wire fences are prohibited.

6. Electric fences must conform to specifications of the Ohio Revised Code.
7. No fence, wall or screening device in excess of two and one-half (2-1/2) feet in height shall extend beyond the required minimum front yard setback.

b. Business or Industrial Districts.

1. Fences constructed within Business or Industrial Districts shall conform to the specific requirements of each District and shall, at a minimum, conform to the standards of the authority having jurisdiction governing their structure, composition, appearance and location.
2. All fences must meet current horizontal wind-loading specifications.
3. All fences shall be positioned at a distance of not less than two (2) foot inward of the property lines along which they will be installed and their horizontal supports or braces shall face to the inside of the property and the finished side shall face outward.
4. Permits will not be required for the installation of temporary seasonal fences such as snow-fences.
5. Masonry walls or fences shall be provided and maintained for uses within any B or I District on those sides abutting residential districts. Walls and fences shall be at least six (6) feet in height measured from the surface of the ground.
6. No fence or wall shall be extended toward the front line beyond the front line of the principal building or structure or the required minimum front yard setback.
7. Required fences shall be located within two (2) foot of the property line except where such fence interferes with underground utilities or surface water drainage conditions.
8. Such walls or fences may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the

total surface. Where walls or fences are pierced, the openings shall be placed so as to maintain the obscuring character required.

9. A Zoning permit shall be required prior to the erection of all fences, walls and screening devices.
 - c. No fence, wall, greenbelt, planting strip or any other obstruction to vision above two-and-one-half (2-½) feet in height above the established street grade shall be permitted within the triangular area at the intersection of any street right-of-way lines formed by a straight line drawn between said right-of-way lines at a distance along a line of thirty (30) feet measured from their point of intersection. No fence, wall, greenbelt, planting strip or other obstruction shall be permitted to exist in such a way as to constitute a safety hazard.
11. **Satellite Dish Antennas.** The purpose for regulating satellite dish antennas is to ensure that the aesthetic value of the environment within the Township will not be degraded and that satellite dish antennas are located and installed in a manner that would protect the public health, safety, and well being.

Satellite dishes that are thirty-nine inches (39”) in diameter or less shall be subject to the following standards:

- a. To the maximum extent feasible, such dishes should be located to the side or rear of a structure. However, the township shall not have the authority to prevent the location of these smaller satellite dishes in the front yard.
- b. No satellite dish or any portion thereof, including any concrete slab that may serve as its base, shall be less than five (5) from any property line or easement;
- c. All structural supports shall be of non-corroding metal;
- d. Any wiring between the satellite dish and any receiver laid underground at a depth of not less than six (6) inches should be encased with conduits;
- e. All satellite dishes shall be installed such that they withstand a wind force of seventy five (75) miles per hour without the use of supporting guy wires;
- f. All driving motors shall be limited to a maximum of 110v and shall be encased in

protective guards;

- g. All satellite dishes shall be connected to a ground rod meeting national electrical codes; and
- h. Satellite dishes shall be limited to one (1) per dwelling unit on the premises in a Residential District.

Satellite dishes that exceed thirty-nine inches (39”) in diameter shall be subject to the following standards:

- a. Satellite dishes may be erected or installed on the ground of any property.
- b. Roof mounting of dishes is only permitted in the non-residential, commercial and industrial districts.
- c. Ground mounted satellite dishes, including mounting pad, shall be set back a minimum five (5) feet from all lot lines.
- d. Satellite dishes shall be prohibited in the front yards of any property on which it is located.
- e. The maximum height of the satellite dish shall be fifteen (15) feet as measured from the average grade.
- f. The maximum diameter of the satellite dish shall be twelve (12) feet.

8.12 Street or Access Easement Frontage. No building or structure shall be permitted to be constructed on any lot unless such lot has a frontage on a dedicated street, road, or public right-of-way or has a frontage on a recorded access easement that is connected to a dedicated, street, road, or public right-of-way.

8.13 Livestock Enclosure. The following requirements shall be satisfied when an agricultural operation involves the keeping of livestock:

- a. All fences, walls or enclosures within which hogs, chickens or other fowl are kept shall be located at a distance not less than one thousand (1,000) feet from any building or structure used for human habitation or occupancy located in any

adjacent or adjoining non-agricultural district;

- b. All fences, walls, or enclosures housing or within which horses, goats, sheep, cattle or other livestock, except hogs, shall be located at a distance not less than three hundred (300) feet from any building or structure used for human habitation or occupancy and located within any adjacent or adjoining non-agricultural district.

8.14 Regulatory Limitations Regarding Agricultural Land Uses. Division (A) Section 521.21 of the Ohio Revised Code states that “Except as otherwise provided in division (B) of this section, sections 521.02 to 521.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for venting and selling wine and that are located on land any part of which is used for viticulture, and no zoning permit shall be required for any such building or structure.”

Division (B) of Section 521.21 of the Ohio Revised Code states that a township zoning resolution, or an amendment to such resolution, may, in any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

- a. Agriculture on lots of one (1) acre or less;
- b. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by setback, building lines, height,; and size.
- c. Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty five (35) percent of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code. After thirty

five (35) per cent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 521.19 of the Revised Code.

Division (B) of this Section confers no power on any township zoning commission, board of township trustees or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

Division (C) of Section 521.21 of the Ohio Revised Code also states that “Such sections confer no power on any township zoning commission, board of township trustees or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential or commercial uses, the use of any land for a farm market where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in Section 521.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

8.15 Accessory Building

a. Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

b. General Provisions

1. The structure or use shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
2. The structure or use shall be located on the same lot as the principal use for which it serves.

3. Unless otherwise stated in this section, a zoning certificate shall be required prior to construction or establishment of an accessory use or structure;
4. An accessory use of structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of this zoning resolution.
5. Unless permitted by the Zoning Commission or Board of Trustees as part of a planned residential development approval, accessory uses and structures shall be prohibited in any open space area that is preserved by a covenant, deed restriction, or other private agreement.
6. Accessory structures used for agricultural purposes shall be exempt from these regulations. To be exempt, the building shall be one which is necessary for, or customarily used in conjunction with, the specific agricultural use that is active on the property. Such structures include, but are not limited to, barns, greenhouses, and other buildings that are specifically designed for agricultural uses. Although such a structure may have some incidental use for other than agricultural activities, the principal use of the structure must be agricultural.
7. Small accessory structures which do not exceed one hundred twenty (120) square feet in gross floor area shall be exempt from the provisions of this section.
8. All accessory structures not attached to the principal building shall be set no less than twenty (20) feet behind the principal building(s).
9. Porches and decks shall be considered part of the principal building.
10. Utility trailers and shipping containers may not be used as an accessory building.
11. The height of an accessory building shall not exceed twenty-two (22) feet to the highest point of the roof.

c. Maximum Numbers, Size and Lot Coverage

1. There shall be no more than two detached accessory buildings (i.e., individual detached accessory buildings or outdoor furnaces) shall be permitted on a single lot in any zoning district
2. The total floor area of the two accessory buildings shall not exceed 900 square feet on a parcel of land one (1) acre or less. For properties that exceed one (1) acre, the maximum floor area of the two buildings shall not exceed 2.5 percent (2.5%) of the total lot area.

d. Setback Requirements

Unless otherwise specified herein, the following setback requirements shall apply to accessory uses and structures:

1. An accessory building that is attached to a principal building (including attached by a breezeway) shall be made structurally a part thereof and shall be subject to the minimum setback requirements of the applicable zoning district and/or use.
2. A detached accessory building shall be set back a minimum of six (6) feet from a principal building in an R-3 Residential district and ten (10) feet from a principal building in R-1 and R-2 Residential districts, and Business or Industrial districts.

e. Maximum Height

1. Unless otherwise permitted for amateur radio transmitters or antenna and small wind energy systems, the maximum height of accessory uses and structures shall be as follows:
 - A. The height of accessory structures in Residential districts shall not exceed twenty-two (22) feet;
 - B. The maximum height of an accessory use or structure in all other districts shall be thirty-five (35) feet;

- f. **Temporary Storage Units.** Temporary storage units may be placed only in a side or back yard of a property in an R-1 or R-2 Residential district. Temporary storage units are prohibited in the front yard of a property in an R-1 or R-2 Residential district. Temporary storage units may not be in place for more than thirty (30) days. Regular setbacks shall be required.

8.16 Home Occupations. Home occupations shall be subject to the following conditions in addition to use regulations in various districts:

- a. Said home occupations shall be clearly incidental and subordinate to the use of the property for residential purposes.
- b. The external appearance of the structure in which the use is conducted shall not be altered. Furthermore, no external alteration, construction or reconstruction of premises to accommodate the use shall be permitted.
- c. A single unlit sign of no greater than four (4) square feet shall be permitted.
- d. There shall be no outside storage of any kind related to the home occupational use and only commodities made on the premises may be sold on the premises. No display of the products shall be visible from the street.
- e. No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupational use, shall be created.
- f. No equipment, process, materials, or chemicals shall be used which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- g. Not more than one (1) person, who is not a resident of the premises, may participate in the home occupation as an employee or volunteer.
- h. Not more than two hundred fifty (250) square feet shall be devoted to the occupation.
- i. No zoning permit shall be required for a home occupation.

8.17 Outdoor Advertising Sign Regulations/Regulatory Purposes

- a. To allow businesses, institutions, and individuals to exercise their right to free speech by displaying an image on a sign and to allow audiences to receive such information;
- b. To promote and maintain visually attractive residential, retail, commercial, historic open space and industrial districts;
- c. To provide for reasonable and appropriate communication and identification for on-premises signs in commercial districts in order to foster successful businesses;
- d. To provide for reasonable and appropriate communication for on-premises signs within industrial districts;
- e. To encourage the use of creative and visually attractive signs;
- f. To ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;
- g. To protect property values;
- h. To promote public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing distractions and obstructions; and
- i. To protect and preserve the aesthetic quality and physical appearance of the Township.
- j. In Residential districts, no stationary sign shall be permitted except:
 1. One customary professional service or home occupation sign not larger than four (4) square feet;
 2. Signs offering a property for sale or lease not larger than four (4) square feet when placed on properties offered for sale;
 3. Signs appropriate to a public or quasi-public building;

4. Signs identifying a building or use permitted under this resolution provided no sign is larger than twelve (12) square feet.
 5. Signs shall not be placed nearer any street or road than five (5) feet from the right-of-way.
- k. In an Industrial or Business district, on-premises outdoor advertising shall be classified as a business use and shall be permitted subject to the following:
1. The purpose of on-premises sign or signs shall be only to identify the name of the business, owner, lessee or occupant of the property on which the sign will be erected or to advertise the property for sale or lease.
 2. An outdoor advertising sign shall require a zoning permit before being erected, altered, constructed or replaced and shall not be placed nearer any street or road than five (5) feet from the right-of-way nor within fifty (50) feet of adjoining property lines. No sign or any part thereof shall be erected within the area needed to guarantee unobstructed line-of-sight at road intersections.
 3. No exterior reflecting lights or other lights shall be installed so as to interfere with the vision of moving traffic or to directly annoy neighbors. No flashing lights, moving parts of lights, beacons or strobe lights shall be permitted on any sign;
 4. No outdoor advertising sign shall be located so as to endanger travel neither upon any public street or road nor as to create a hazard or nuisance to any adjoining property owners or their property.
 5. On-premises advertising signs shall not be more than fifteen (15) feet in height, measured from ground level, and not more than one hundred (100) square feet.
- l. Off-premises signs are not permitted within the township.
- m. Temporary or Portable Signs. Portable or temporary signage which exceed a total of thirty-two (32) square feet and can be moved from one location to another

without any change to its structural components or members, including trailer signs, are prohibited. Signs a total of thirty-two (32) square feet and less are limited to ten (10) days in a sixty (60) day time period per parcel of property.

n. Maintenance and Repair

1. All signs and sign structures, including component parts of each, shall be kept in repair and in a proper state of preservation by the owners or those in control of the signs or the owners of the premises on which the signs are located.
2. All premises immediately surrounding a sign shall be maintained by the owner or person in charge of the premises in a clean, sanitary and inoffensive condition, clear of all obnoxious substances, rubbish and weeds.

o. Removal and Disposal

1. Signs which are no longer functional shall be removed, including the complete blocking-out of painted walls, by the sign owner or the owner of the premises within thirty (30) days following such malfunction.
2. The sign owner or the owner of the premises shall be held responsible for the disposal of all abandoned signs.
3. Any sign that reaches a state of disrepair and is deemed unsightly, unsafe or abandoned by the Polk Township Zoning Inspector not properly renovated or removed shall be condemned and an order issued for removal at the expense of the owner of the sign or the owner of the premises.

p. Non-Commercial Messages

A non-commercial message may be substituted for any commercial message displayed on a sign, or the content of any non-commercial message may be displayed on a sign may be changed to a different non-commercial message without the need for any approval, provided the size of the sign is not altered.

8.18 Temporary Permits. Temporary permits may be authorized by the Board of Zoning

Appeals for a period not to exceed one (1) year for nonconforming uses incidental to housing and construction projects and including such structures and uses as storage of building supplies and machinery, and a real estate office located on the tract being offered for sale, provided such permits are issued only upon agreement by the owner to remove the structure or structures upon expiration of the permit. Such permits are annually renewable over a period not to exceed three (3) years.

8.19 Temporary Buildings and Structures.

1. Temporary buildings for uses incidental to construction work shall be permitted for a period not to exceed eighteen (18) months provided the occupant obtains a temporary building permit.
2. Not more than one (1) recreational vehicle may be used as a temporary residence by a visitor on a lot with a permanent residence provided that:
 - a. Such temporary resident shall not exceed thirty (30) days in any twelve (12) month period.
 - b. Application for a “Temporary Visitor’s Zoning Permit” is filed with the Zoning Inspector within ten (10) days after arrival on the property.

8.20 Plant Materials. Whenever in this Resolution a greenbelt or planting strip is required, it shall be planted within six (6) months from the date of issuance of the Zoning or Conditional Zoning Permit and shall thereafter be reasonably maintained with permanent planting material to provide a screen to abutting properties.

8.21 Noise Regulations

1. Method of Measurement

For purposes of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed. The flat network and the fast meter response of the sound level meter shall be used. **Sounds** of short duration as from forge hammers, punch presses and metal shears which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer.

Octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1, 6-1690, Preferred Frequencies for Acoustical Measurements) shall be used with Table I (A through C). Octave band analyzers calibrated with pre-1960 Octave Band (American Standards Association Z24-10-1953, Octave Band Analyzers Filter Set) shall use Table II (A through C). For impact sounds measured with the impact noise analyzer, the sound pressure levels set forth in Tables I and II (A through C) may be increased by six (6) decibels in each octave band.

2. Exemptions

The following uses and activities shall be exempt from the noise level regulations:

- a. Noises not directly under the control of the property users.
- b. Noises emanating from construction and maintenance activities between 7 a.m. and 9 p.m.
- c. The noises of safety signals, warning devices and emergency pressure relief valves.
- d. Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

3. Required Performance Level

No operation or activity shall cause or create noise in excess of the sound levels prescribed herewith.

4. Standards in Business and Industrial Districts

- a. At the district boundaries:

In the Business and Industrial Districts, at no point on or beyond the boundary of the zoning district shall the sound pressure level resulting from any use, operation or activity exceed the maximum permitted sound

levels as set forth in Tables I-A and II-A.

Table I-A, Preferred Frequencies

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
31.5	65
63.0	67
125.0	66
250.0	59
500.0	52
1,000.0	46
2,000	37
4,000.0	26
8,000.0	17

Table II-A, Pre-1960 Octave Bands

Octave Band, Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
20-75	67
75-150	66
150-300	61
300-600	54
600-1200	47
1200-2400	39
2400-4800	29
4800-10 KC	20

2. At lot lines:

In the Business and Industrial Districts at no point on or beyond the boundary of any lot shall the sound level pressure resulting from any use, operation or activity exceed the maximum permitted decibel levels for the designated octave bands as set forth in Tables I-B and II-B.

Table I-B, Preferred Frequencies

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
31.5	76
63.0	74
125.0	68
250.0	63
500.0	57

1,000.0	52
2,000.0	45
4,000.0	38
8,000.0	32

Table II-B, Pre-1960 Octave Bands

Octave Band, Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
20-75	75
75-150	70
150-300	64
300-600	59
600-1200	53
1200-2400	47
2400-4800	40
4800-10 KC	34

e. Standards in an Industrial District

Table I-C, Preferred Frequencies

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
31.5	76
63.0	74
125.0	68
250.0	63

500.0	57
1,000.0	52
2,000.0	45
4,000.0	38
8,000.0	32

Table II-C, Pre-1960 Octave Bands

Octave Band, Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
20-75	75
75-150	70
150-300	64
300-600	59
600-1200	53
1200-2400	47
2400-4800	40
4800-10 KC	34

8.22 Permanent Swimming Pools

A permanent swimming pool as regulated here means any pool or open tank not located within a completely enclosed building and containing water to depth, at any point, greater than twenty-four (24) inches. A private spa or hot tub with a lockable cover and garden ponds shall not be considered as a swimming pool subject to the provisions of this section. No swimming pool, exclusive of temporary and portable swimming pools, shall be allowed in any residential district unless the following conditions and requirements are complied with:

June 21, 2017
 Amended 10/27/2018
 See Summary of Amendments

- a. The pool is intended to be used solely for the occupants of the principal use of the property on which it is located and their non-paying guests.
- b. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard.
- c. Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall not be less than four (4) feet in height, maintained in good condition, and affixed with an operable gate and lock.
- d. All lights used for the illumination of the swimming pool and the adjacent area shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.
- e. A zoning permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his/her agent, shall certify that the pool will be constructed, installed and maintained in conformance with these requirements.
- f. Swimming pools shall be maintained in a clean and sanitary condition and in good repair.
- g. Private swimming pools, hot tubs and spas, containing water more than forty-eight (48) inches in depth shall be completely surrounded by a fence or barrier at least forty-eight (48) inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than forty-four (44) inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six (6) inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.
- h. Exception. Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

8.23 Temporary Swimming Pools.

A temporary swimming pool as regulated means any pool or open tank designed to be used only during the summer months. Such temporary pools are to be removed after the swimming season ends. No temporary swimming pools shall be allowed in any residential district unless the following conditions and requirements are complied with:

- a. The pool is intended to be used solely for the occupants of the principal use of the property on which it is located and their non-paying guests.
- b. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard.
- c. All lights used for the illumination of the temporary pool and the adjacent area shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.
- d. Temporary pools shall be maintained in a clean and sanitary condition and in good repair.

8.24 Portable Swimming Pools.

Portable swimming pools for purposes of these regulations shall be kiddie pools and others of less than twelve (12) inches in depth. Portable swimming pools shall not require a zoning permit, but are subject to the following regulations:

- a. The portable pool is intended to be used solely for the occupants of the principle use of the property on which it is located and their non-paying guests.
- b. Portable swimming pools shall be maintained in a clean and sanitary condition and in good repair.

8.25 Outdoor Furnaces. Outdoor wood furnaces may be permitted as an accessory use on lots with a minimum lot area of five (5) acres. On lots less than five (5) acres, a conditional use permit must be obtained from the Board of Zoning Appeals.

- a. **Setbacks.** Outdoor wood furnaces shall be set back a minimum of 100 feet from all lot lines.

1. A minimum of 200 feet from the boundaries of all recorded subdivisions with lots less than 5 acres in size.
2. A minimum of 200 feet from all residential dwellings not located on the property where the outdoor wood furnace will be situated.

b. Permitted and Prohibited Fuels.

1. Fuel burned in any new or existing outdoor wood furnace shall be only natural, untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.
2. The following fuels are strictly prohibited in new or existing outdoor wood furnaces:
 - A. Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - B. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - C. Any plastic materials, including but not limited to nylon PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - D. Rubber, including tires or other synthetic rubber-like products.
 - E. Any other items not specifically allowed by the manufacturer or this section.

- c. Nonconforming Use.** Outdoor wood furnaces that were installed prior to the effective date of this amendment shall be permitted to continue. However, if the existing outdoor wood furnace does not meet the standards of this section, the outdoor wood furnace shall be considered a nonconforming use subject to

nonconforming use provisions of this zoning resolution.

8.26 Construction of a New Pond. Ponds excavated for recreational, scenic or farm purposes of greater than one hundred (100) square feet of surface area shall be a conditional use subject to the following recommendations:

- a. A zoning permit is required for construction of a new pond.
- b. Applicant shall have a pond site evaluation conducted by the Crawford County Soil and Water Conservation District, and include the SWCD report with permit application.
- c. The pond must be located on a parcel of land at least three (3) acres in size.
- d. The pond, as measured from the outside toe of the pond, must be set back a minimum of twenty (20) feet from property lines, dwellings, and the edge of pavement. Also, no part of the pond shall be constructed within the right-of-way.
- e. Standards of the Ohio Revised Code shall be met.

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CHAPTER 9

CONDITIONAL USES

9.1 Conditional Use Procedures. The following provisions shall apply to the issuance of Conditional Use Certificates:

- a. Authorization. Specifically listed Conditional Uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such zoning district.

The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing Conditional Uses in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

- b. Application for Conditional Use. Any person owning or having an interest in property may file an application to use such property for one or more of the Conditional Uses provided for by this Resolution in the zoning district in which the property is situated. An application for a conditional use certificate shall be filed with the Zoning Inspector and forwarded to the Secretary of the Board of Zoning Appeals.

The application for a Conditional Use shall contain the following:

1. Description of Property and Intended Use.
 - A. A description sufficient to identify the property;
 - B. The proposed use of the property;
 - C. A statement of the necessity or desirability of the proposed use to the property and land use;
 - D. A statement of the compatibility of the proposed use to adjacent property and land use;
 - E. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals;
 - F. A certified copy of the deed to the parcel including any attachments or deed restrictions; and

- G. A copy of the current government flood plan showing the location of the property.
2. Plot Plan. The application shall be accompanied by two (2) copies of the plot plan, drawn to an appropriate scale clearly showing the following:
- A. The boundaries and dimensions of the lot;
 - B. The size and location of existing and proposed structures;
 - C. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking, loading spaces, and landscaping;
 - D. The relationship of the proposed development to the development standards in the existing zoning district; and
 - E. The use of land and location of structures on adjacent property.
- c. Hearing on Conditional Use. A hearing on the application shall be held by the Board of Zoning Appeals as specified under this Resolution.
- d. Standards for Conditional Use. The Board shall not grant a Conditional Use unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:
- 1. The proposed Conditional Use will comply with all applicable regulations of this Resolution, including lot size requirements, development standards and use limitations;
 - 2. Adequate utility, drainage and other such necessary facilities have been or will be provided;
 - 3. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion to public streets and alleys;
 - 4. All necessary permits, and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits and licenses are obtainable for the proposed Conditional Use on the subject property;

5. All exterior lights for artificial open-air illuminations are so shaded as to avoid casting direct light upon any property located in a residential district;
 6. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located; and
 7. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.
 8. Evidence that the Conditional Use desired will not adversely affect the public health, safety and morals.
 9. Conditional Uses will not compromise the preservation of prime farmland as defined by the Crawford County Agricultural Extension Office and as identified by the *Soil Survey of Crawford County, Ohio* and will not adversely affect the adjacent farmlands, including existing field drainage systems.
- e. Conditions and Restrictions. In granting a Conditional Use Certificate, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to comply with the standards set out in this Section to reduce or minimize potentially injurious affects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution. The Board of Zoning Appeals has the authority to require that any conditions set forth by the Board of Zoning Appeals be made a deed restriction on the property. The Board of Trustees of Polk Township shall be added as a party with the authority to enforce such deed restrictions. Such conditions will, as deed restrictions, run with the land.
- f. Decision on Conditional Uses. The concurring vote of a majority of the members of the Board present at the meeting shall be necessary to reverse or modify any decision of the Zoning Inspector under this Resolution. The Board shall render a

written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

- g. Period of Validity. A Conditional Use Certificate granted by the Board shall terminate at the end of one year from the date on which the Board grants the Conditional Use, unless within the one year period a building permit is obtained and the erection or alteration of a structure is started.

9.2 Specific Conditional Use Standards.

- a. Gasoline Service Stations.
 - 1. The applicant shall submit to the Board of Zoning Appeals a complete set of plans and specifications of the proposed structure showing the proposed drainage system, location of all buildings, signs, parking, lighting installations, points of ingress and egress, and the nature and extent of the proposed landscaping.
 - 2. The proposed structure shall have a minimum enclosed area of not less than 1,200 square feet.
 - 3. All utilizable surface areas shall be constructed of an impermeable hard surface and equipped with a drainage system approved by the Crawford County Health Department and Sanitary Engineer.
 - 4. A buffer not less than fifty (50) feet wide and screening of a height of not less than six (6) feet with either dense shrubbery or non-transparent fence shall be provided where the location of the proposed service station is contiguous to a residential area or adjacent to a school, place of worship, park, or place of public assembly.
 - 5. All ingress and egress shall be located at a distance of not less than two hundred (200) feet from any intersection of roadways.
- b. Establishments offering alcoholic beverages for consumption on the premises such as bars, restaurants, and night clubs subject to the following conditions:

1. The applicant shall submit to the Board of Zoning Appeals a complete set of plans and specifications for the proposed establishment showing the location and extent of all buildings, signs, lighting installations, parking areas, proposed landscaping, and sanitary facilities.
 2. The location of the proposed establishment shall not be permitted within a distance of one thousand (1,000) feet from any school, place of worship, or recreational area.
- c. Mini-storage units.

Mini-storage units means an enclosed part of a building rented or leased for the purpose of storing property which is separately secured and accessible only by the renter or lessee and constructed as part of a number of such facilities under common ownership.

Within a business district, mini-storage units shall be a permitted use provided the Board of Zoning Appeals finds that the provisions of this resolution have been met, and, in addition, the following conditions exist:

1. That the building lies at least fifty (50) feet from the nearest property zoned or used for residential purposes;
 - A. There shall be a twenty-five (25) foot greenbelt within the fifty (50) foot setback and there shall be a well-maintained obscuring fence at least six (6) feet in height adjacent to any residential area.
 - B. A greenbelt is a strip of land parallel to and extending inwardly from the lot lines or right-of-way lines. Said greenbelt shall be maintained at all times in grass, trees, shrubs or plantings and no structure, parking areas or signs shall be permitted in the greenbelt.
2. That the following setbacks exist:
 - A. Front yard – thirty (30) feet
 - B. Side yard – twenty (20) feet
 - C. Rear yard – twenty-five (25) feet

3. That the minimum lot area shall be twenty thousand (20,000) square feet.
4. That the overall design and color scheme for the units is comparable with the surrounding area and not designed to attract attention by the use of unusually bright, garish or contrasting colors.

CHAPTER 10

RESERVED

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CHAPTER 11

AGRICULTURAL USE EXEMPTION

- 11.1** Agricultural uses, and buildings or structures that are incident to agricultural uses, located on lots with a lot area of 5 acres or more shall be exempt from the requirements of this zoning resolution and property owners shall not be required to obtain a zoning certificate per such uses in accordance with Section 519.21 of the ORC.

For any platted subdivision approved under Section 711.05, 711.09, 711.10 of the ORC, or in any area consisting of 15 or more lots approved Under Section 711.131(711.13.1) of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the township may regulate:

- a. Agriculture uses on lots of 1 acre or less, except for gardens or the raising of crops, which are permitted on all size lots and in all Yards.
- b. Setbacks, heights and sizes of buildings or structures incidental to the use of land for agricultural purposes on lots greater than 1 acre but not greater than 5 acres.
- c. Dairying and animal and poultry husbandry on lots greater than 1 acre but not greater than 5 acres when at least 35% of the lots in the subdivision are developed with at least 1 building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the ORC. After 35% of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the ORC.
- d. Requests for agricultural exemption on lots of less than five (5) acres shall be in writing, and include written verification of eligibility for agricultural exemption. Requests shall be submitted to the township zoning inspector. Verification shall be a copy of the CAUV designation or other approved documentation showing agricultural use of the property.

- 11.2** This section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal husbandry on lots greater than 5 acres.
- 11.3** Structures that are exempt from the provisions of the zoning resolution pursuant to this section shall not be exempt from any applicable special flood hazard area regulations established and enforced by Crawford County.

CHAPTER 12

R-1 RESIDENTIAL DISTRICT SINGLE AND TWO-FAMILY LOW DENSITY RESIDENTIAL DISTRICT

- 12.1 Purpose.** The purpose of creating an R-1 Residential District (One-Acre District) is to provide for an overall lower, yet compact, residential density, to encourage the creation and preservation of larger areas of open space, green buffer space and/or scenic views that maintain the rural character of the Township.
- 12.2 Permitted Uses.** Within the R-1 Residential District, no building, structure, or premises shall be constructed, used, arranged, modified, or altered except for one or more of the following uses:
- a. Single and two-family dwellings and attached garages
 - b. Parks, Playgrounds, and Open Space
 - c. Home Occupations
- 12.3 Conditional Uses.** Conditionally permitted uses shall be as follows:
- a. Hospitals
 - b. Clinics
 - c. Religious Places of Worship
 - d. Foster Homes
 - e. Riding Academies
 - f. Golf courses
 - g. Assisted Living Facilities
 - h. Family Day Care
 - i. Government or nonprofit water conservation uses including water supply works, flood control and water protection works, fish and game hatcheries and preserves, and other similar in character with the above specified uses.

- j. Recreational uses other than those governmental owned and/or operated for archery, boating, fishing, golfing, swimming and hunting, including public and private country clubs, riding stables, gun clubs and similar uses consistent with the rural character of the area are subject to the following conditions:
 - 1. The proposed site for any of the uses stated above shall have at least one (1) property line abutting a major thoroughfare and the site shall be so planned as to provide all ingress and egress directly onto or from such thoroughfare.
 - 2. Front, side and rear yard setback shall be at least thirty (30) feet wide and shall be landscaped in trees, shrubs and grass.
 - 3. Whenever the intended use includes a swimming pool, said pool shall be provided with a protective fence four (4) feet in height measured above level of the adjoining ground. The entry to and from the pool shall be by means of a controlled gate.
 - 4. Lighting used to illuminate the intended uses of the property shall be shielded and arranged as to reflect light away from adjoining properties and public streets.
 - 5. Off-street parking shall be provided as regulation in Chapter 8, General Provisions.
 - 6. Noise factor from uses of property at 69 decibels, an A weighted scale at fifty (50) feet.
 - 7. Excess visual dust per Environmental Protection Agency standards and/or excessive smells.

- k. Public, parochial and other private schools offering courses in general education, public parks or other public nonprofit recreational facilities, churches and other buildings for the purpose of religious worship are subject to the following conditions:
 - 1. Building of greater than maximum height allowed in this chapter may be allowed provided front, rear and side yards are increased above the minimum required setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.

2. A fifteen (15) foot wide well-maintained greenbelt with an obscuring year-round fence or shrubbery six (6) feet in height shall be provided wherever a parking lot abuts an adjoining property.
3. Each site shall have at least one (1) property line abutting a public thoroughfare. Access to the site shall be only from a public thoroughfare.

12.4 Prohibited Uses.

- a. Outdoor furnaces

12.5 Area and Bulk Requirements

Single Family

Minimum Lot Area Requirements

Dwelling Units/Acre:	1
Area Square Feet:	43,560
Width in Feet:	100
Minimum Road Frontage, in feet	25
Maximum Height of Dwelling, in feet	30
Maximum Height of Dwelling, in stories	2, 2.5
Minimum Yard Setback, per lot, in feet	
Front Yard:	50
Each Side Yard:	15
Sum of the Widths:	30
Rear Yard:	15
Minimum Living Area per Unit, in square feet	1,600

Two Family

Minimum Lot Area Requirements

Dwelling Units/Acre:	2
Area Square Feet:	43,560
Width in Feet:	100
Minimum Road Frontage, in feet	none
Maximum Height of Dwelling, in feet	30
Maximum Height of Dwelling, in stories	2, 2.5
Minimum Yard Setback, per lot, in feet	
Front Yard:	50
Each Side Yard:	15
Sum of the Widths:	30
Rear Yard:	15
Minimum Living Area per Unit, in square feet	1,200

- 12.6 Garages.** Every new dwelling building or unit shall have an attached car garage with a minimum area of not less than four hundred (400) square feet or a maximum of eight hundred fifty (850) square feet.
- 12.7 Corner Lots.** In the case of a corner lot, the building setback line shall be seventy five (75) feet from the side lot line of the right-of-way on which the building faces and the side of the building or any part thereof shall be aligned with the setback lines of the buildings on the side street.
- 12.8 Sanitary Requirements.** Provisions of Chapter 8, General Provisions, on Sanitary Requirements shall be met.

CHAPTER 13

R-2 RESIDENTIAL DISTRICT SINGLE AND TWO-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT

- 13.1 Purpose.** The purpose for creating an R-2 Residential District (Half-Acre District) is to provide for a more dense residential development and to encourage the preservation of open space.
- 13.2 Permitted Uses.** Within the R-2 Residential District, no building, structure, or premises shall be constructed, used, arranged, modified, or altered except for one or more of the following uses:
- a. Single and two-family dwellings and attached garages
 - b. Parks, Playgrounds, and Open Space
 - c. Home Occupations
- 13.3 Conditional Uses.** Conditionally permitted uses shall be as follows:
- a. Hospitals
 - b. Clinics
 - c. Religious Places of Worship
 - d. Group Homes
 - e. Riding Academies
 - f. Golf courses
 - g. Assisted Living Facilities
 - h. Family Day Care
 - i. Government or nonprofit water conservation uses including water supply works, flood control and water protection works, fish and game hatcheries and preserves, and other similar in character with the above specified uses.
 - j. Recreational uses other than those governmental owned and/or operated for archery, boating, fishing, golfing, swimming and hunting, including public and private country

clubs, riding stables, gun clubs and similar uses consistent with the rural character of the area are subject to the following conditions:

1. The proposed site for any of the uses stated above shall have at least one (1) property line abutting a major thoroughfare and the site shall be so planned as to provide all ingress and egress directly onto or from such thoroughfare.
 2. Front, side and rear yard setback shall be at least thirty (30) feet wide and shall be landscaped in trees, shrubs and grass.
 3. Whenever the intended use includes a swimming pool, said pool shall be provided with a protective fence four (4) feet in height measured above level of the adjoining ground. The entry to and from the pool shall be by means of a controlled gate.
 4. Lighting used to illuminate the intended uses of the property shall be shielded and arranged as to reflect light away from adjoining properties and public streets.
 5. Off-street parking shall be provided as regulation in Chapter 8, General Provisions.
 6. Noise factor from uses of property at 69 decibels, an A weighted scale at fifty (50) feet.
 7. Excess visual dust per Environmental Protection Agency standards and/or excessive smells.
- k. Public, parochial and other private schools offering courses in general education, public parks or other public nonprofit recreational facilities, churches and other buildings for the purpose of religious worship are subject to the following conditions:
1. Building of greater than maximum height allowed in this chapter may be allowed provided front, rear and side yards are increased above the minimum required setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 2. A fifteen (15) foot wide well-maintained greenbelt with an obscuring year-round fence or shrubbery six (6) feet in height shall be provided wherever a parking lot abuts an adjoining property.
 3. Each site shall have at least one (1) property line abutting a public thoroughfare. Access to the site shall be only from a public thoroughfare.

13.4 Prohibited Uses.

- a. Outdoor furnaces

13.5 Area and Bulk Requirements

Single Family

Minimum Lot Area Requirements

Dwelling Units per Acre:	1
Area Square Feet:	21,780
Width in Feet:	100
Minimum Road Frontage, in feet	25
Maximum Height of Dwelling, in feet	30
Maximum Height of Dwelling, in stories	2, 2.5
Minimum Yard Setback, per lot, in feet	
Front Yard:	50
Each Side Yard:	15
Sum of the Widths:	30
Rear Yard:	15
Minimum Living Area per Unit, in square feet	1,600

Two-Family

Minimum Lot Area Requirements

Dwelling Units per Acre:	2
Area Square Feet:	43,560
Width in Feet:	100
Minimum Road Frontage, in feet	none
Maximum Height of Dwelling, in feet	30
Maximum Height of Dwelling, in stories	2, 2.5
Minimum Yard Setback, per lot, in feet	
Front Yard:	50
Each Side Yard:	15
Sum of the Widths:	30
Rear Yard:	15
Minimum Living Area per Unit, in square feet	1,200

- 13.6 Garages.** Every new dwelling building or unit shall have an attached car garage with a minimum area of not less than four hundred (400) square feet or a maximum of eight hundred fifty (850) square feet.

- 13.7 Corner Lots.** In the case of a corner lot, the building setback line shall be seventy five (75) feet from the side lot line of the right-of-way on which the building faces and the side of the building or any part thereof shall be aligned with the setback lines of the buildings on the side street.
- 13.8 Sanitary Requirements.** Provisions of Chapter 8, General Provisions, on Sanitary Requirements shall be met.

CHAPTER 14

R-3 RESIDENTIAL DISTRICT EXISTING HIGH DENSITY RESIDENTIAL DISTRICT

- 14.1 Purpose.** The purpose for creating an R-3 Residential District is to provide for existing platted residential development and to encourage the preservation of open space.
- 14.2 Permitted Uses.** Within the R-3 Residential District, no building, structure or premises shall be constructed, used, arranged, modified, or altered except for one or more of the following uses:
- a. Single and Two-Family dwellings and attached garages;
 - b. Parks, Playgrounds and Open Space;
 - c. Home Occupations.
- 14.3 Conditional Uses.** Conditionally permitted uses shall be as follows:
- a. Religious Places of Worship
 - b. Group Homes
 - c. Government or nonprofit water conservation uses including water supply works, flood control and water protection works, fish and game hatcheries and preserves, and other similar in character with the above specified uses.
 - e. Public parks or other public nonprofit recreational facilities, churches and other buildings for the purpose of religious worship are subject to the following conditions:
 1. Building of greater than maximum height allowed in this chapter may be allowed provided front, rear and side yards are increased above the minimum required setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 2. A fifteen (15) foot wide well-maintained greenbelt with an obscuring year-round fence or shrubbery six (6) feet in height shall be provided wherever a parking lot abuts an adjoining property.
 3. Each site shall have at least one (1) property line abutting a public thoroughfare. Access to the site shall be only from a public thoroughfare.

14.4 Prohibited Uses.

- a. Outdoor furnaces

14.5 Area and Bulk Requirements

Single Family

Minimum Lot Area Requirements

Dwelling Units per Lot:	1
Maximum Height of Dwelling, in feet	30
Maximum Height of Dwelling, in stories	2, 2.5
Minimum Yard Setback, per lot, in feet	
Front Yard:	50
Each Side Yard:	15
Sum of the Widths:	30
Rear Yard:	15
Minimum Living Area per Unit, in square feet	1,600

- 14.6 Garages.** Every new dwelling building or unit shall have an attached car garage with a minimum area of not less than four hundred (400) square feet or a maximum of eight hundred fifty (850) square feet.

- 14.7 Corner Lots.** In the case of a corner lot, the building setback line shall be seventy five (75) feet from the side lot line of the right-of-way to which the building faces and the side of the building or any part thereof shall be aligned with the setback lines of the buildings on the side street.

- 14.8 Sanitary Requirements.** Provisions of Chapter 8, General Provisions, on Sanitary Requirements shall be met.

CHAPTER 15

PLANNED RESIDENTIAL DEVELOPMENT (PRD) OVERLAY DISTRICT

- 15.1 Purpose.** The purpose for creating a Planned Residential Development (PRD) is to encourage the use of land in accordance with its character and adaptability; conserve natural resources, natural features, and energy; encourage innovation in land use planning; provide enhanced housing, traffic circulation, and recreational opportunities for the people of the Township; ensure compatibility of design and use between neighboring properties; encourage development that is consistent with any applicable Comprehensive Plan; and promote rural open space development that preserves the Township's rural character and encourages the preservation of agricultural lands.
- 15.2 Intent.** The provisions of this Chapter are not intended as a device for circumventing this Zoning Resolution and the specific standards set forth therein, or the planning upon which it has been based. To that end, the provisions of this Chapter are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with guidelines in this Chapter to insure appropriate, fair, and consistent decision making.
- 15.3 Effect.** The effect of this Chapter, and of the resulting ability of a property owner to submit an application to subject his or her eligible property to the requirements of this Chapter, and of the creation of a mechanism to note the existence of approved PRDs on the Zoning Districts Map, shall be an amendment to this Zoning Resolution and the Zoning Districts Map. Any subsequent action and activity authorized and outlined in this Chapter shall constitute a ministerial act, as provided for in Section 519.021(C) of the Ohio Revised Code.
- 15.4 Procedure.** Establishment of a PRD shall conform to the following procedure:
- a. Compliance with Specific and General Requirements. Approval of a PRD application shall conform to all specific requirements for PRDs as outlined in this Chapter, as well as all general standards for conditional uses as outlined in Section 20.1.d, Standards for Conditional Use. Applicants are strongly encouraged to coordinate with County staff early and often throughout the PRD approval procedure regarding applicable County requirements. Applicants are further encouraged to ensure, to the extent possible, that the Final PRD Plan conforms to County, as well as Township, requirements. The entire PRD approval procedures, including execution of a PRD Agreement, however, shall precede formal consideration by the County of any related preliminary

subdivision plan and final subdivision plat, as may be applicable. Conformance to Township zoning requirements does not excuse the need for an application to conform to all applicable County requirements.

- b. Approval Procedure Generally. Approval of a PRD application shall proceed in the same manner as a conditional use application, as outlined in Section 9.1, Conditional Use Procedures, except that review of a PRD application shall be by the Zoning Commission. Throughout the specific sequence of actions identified in this Chapter, not less than one (1) public hearing shall be conducted by the Zoning Commission. Additional public hearings may, but need not, be conducted by the Zoning Commission, at the discretion of the Zoning Commission. Notice provisions for any such public hearing held shall follow those outlined in Section 4.2.m of this Zoning Resolution. Before holding the public hearing as required, in addition to the above requirements, such amendments shall also be subject to the additional notice requirements listed in Section 4.2, n and o, of this Resolution. In no case shall the Zoning Commission be required to take action on a PRD application until the next (first) regular meeting after or following initial consideration of the application.
- c. Specific Sequence of Actions. The specific sequence of actions on a PRD application shall include determination of eligibility, action on the preliminary PRD plan and modifications, and action on the final PRD plan and modifications, and which shall have the following effects and limitations:
1. Determination of Eligibility. A determination of eligibility by the Zoning Commission, subject to Chapter 9, shall entitle the applicant to prepare and submit a preliminary PRD plan within six (6) months of the date of such determination. If no preliminary PRD plan is submitted within six (6) months of the date of such determination, such determination shall expire and become void.
 2. Preliminary PRD Plan Approval. Approval of the preliminary PRD plan and modifications by the Zoning Commission shall entitle the applicant to submit a final PRD plan within one (1) year of the date of such approval. If no final plan is submitted within one year (1) of the date of such approval, such approval shall expire and become void.
 3. Final PRD Plan Approval. Approval of the final PRD plan and modifications by the Zoning Commission shall constitute the “final determination”, as provided for in Section 519.021(C) of the Ohio Revised Code, and shall entitle the applicant to commence construction within one (1) year of the date of such approval, pending conformance to approval

conditions, if any, and execution of a PRD Agreement. If construction has not commenced within one year (1) of the date of such approval, pending conformance to approval conditions, if any, and execution of a PRD Agreement, such approval shall expire and become void.

- d. PRD Agreement. The final PRD plan approval, including all associated conditions of approval imposed thereon by the Zoning Commission, shall be documented in a PRD Agreement, in a form acceptable to the Township Attorney, between the Board of Township Trustees and the applicant. If, when acting upon a PRD Agreement, the Board denies or modifies the Zoning Commission's decision and/or conditions, the unanimous vote of the Board shall be required. The PRD Agreement shall be executed prior to commencement of any construction, including site work and earthmoving activities. Execution of the PRD Agreement shall authorize the Zoning Inspector to sign a preliminary subdivision plan and final subdivision plat certifying a PRD's conformance to all current Township zoning requirements. The Zoning Inspector shall not sign a preliminary subdivision plan or final subdivision plat certifying a PRD's conformance to all current Township zoning requirements until such time as the PRD Agreement has been executed. Among other provisions, the PRD Agreement shall enable the approved final PRD plan to be revised to conform to applicable County requirements, and shall include provisions and time limitations regarding commencement and completion of construction.
- e. Zoning Districts Map Notation. Following the final PRD plan approval and execution of the PRD Agreement, the Zoning Districts Map shall be modified, in a manner as provided in Chapter 7, Zoning Maps and Districts, to note the status of the property in question as an approved PRD. Since the underlying zoning of the property in question will not change as a result of such action, such modification of the Zoning Map shall be treated as a ministerial action, rather than as an amendment to this Zoning Resolution, as provided for in Section 519.021(C) of the Ohio Revised Code.
- f. Revision of Approved Plans. The Applicant may at any time following final PRD plan approval, submit a revised final PRD plan for review and approval by the Zoning Commission. The applicant shall also submit a statement indicating the conditions which made the previous final PRD plan unachievable. The Zoning Commission shall have the sole discretion to approve, approve with conditions or disapprove a revised final PRD plan. Action by the Zoning Commission on a revised final PRD plan shall be preceded by an additional public hearing, including notice as outlined in Section 2.2 of this Zoning Resolution, as well as mail notice to all current owners of lots or units, if any exist, within the PRD. A revised final PRD plan approval, including all associated conditions of approval

imposed thereon by the Zoning Commission, shall be documented in a revised PRD Agreement, in a form acceptable to the Township Attorney, between the Board of Township Trustees and the applicant. If, when acting upon a revised PRD Agreement, the Board denies or modifies the Zoning Commission's decision and/or conditions, the unanimous vote of the Board shall be required.

- g. Commencement of Construction. Construction of a PRD, or any improvement therein, may commence at any time following final PRD plan approval and execution of a PRD Agreement, but not prior to any related and required engineering, condominium, and/or subdivision approval, provided that construction shall be commenced for each phase of the PRD within one (1) year of the schedule set forth in the final PRD plan approval. Improvements to infrastructure including, but not limited to paving of roads and installation of all utilities and drainage improvements, etc., shall be completed prior to commencement of building construction in a PRD or phase thereof, as may be applicable. Mitigation of other issues and impacts shall require a plan delineating funding and timing, as well as other applicable information as determined by the Zoning Commission, of installation of any required improvements. For the purposes of this Chapter, "commencement of construction" shall mean sustained progress resulting in, by way of example, construction of utilities, roads, foundations, or similar substantial improvements.
- h. Reconsideration and Revocation. In the event that construction has not commenced or been completed within the required time period specified in the PRD Agreement, and a revised phasing plan has not been submitted, the Zoning Commission may reconsider and revoke the final PRD plan approval for the undeveloped portion of the PRD. Action by the Zoning Commission to reconsider or revoke final PRD plan approval shall be preceded by an additional public hearing, including notice as outlined in this Zoning Resolution, as well as mail notice to all current owners of lots or units, if any exist, within the PRD. Revocation of final PRD plan approval, including all associated conditions of revocation imposed thereon by the Zoning Commission, shall be documented in a revised PRD Agreement, in a form acceptable to the Township Attorney, between the Board of Township Trustees and the applicant. If, when acting upon a revised PRD Agreement, the Board denies or modifies the Zoning Commission's decision and/or conditions, the unanimous vote of the Board shall be required.

15.5 Eligibility. To be eligible for consideration for PRD approval, and prior to a determination of eligibility being made by the Zoning Commission, the applicant shall provide documentation demonstrating that the following criteria will be met:

- a. Concept. The overall design and all uses proposed in connection with a PRD shall be consistent with and promote the intent of the PRD concept, as well as with specific PRD design standards set forth in this Chapter. To this end, the applicant must prepare, submit, and present a concept plan showing the general characteristics of the proposed PRD, including overall size, layout, number of lots and/or units, building envelopes, vehicular and pedestrian circulation system (paths, sidewalks, trails, natural features crossings, trailheads, etc.) amount, location and type of open space, types of amenities (lighting, benches, bike racks, picnic pavilions, scenic overlooks, etc.), natural features (endangered plant and animal species, floodplains, riparian corridors, steep slopes, tree stands, wetlands, etc.), and any other unique attributes.
- b. Parallel Concept Plan. A PRD shall result in a recognizable and substantial benefit to ultimate users of the PRD, and the community, and shall result in a higher quality of development than could be achieved under conventional zoning. To this end, the applicant must prepare, submit, and present a parallel concept plan showing how the subject property might be developed under conventional zoning.
- c. Size. A PRD shall include a minimum amount of 25 acres of contiguous land, confirmed in a legal description prepared as part of a boundary survey performed by a registered professional surveyor, depending upon the underlying residential or agricultural zoning district.

Any modification to these acreage requirements shall consider whether the subject site has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements crossing it.
- d. Public Services. A PRD shall not exceed the capacity of existing available public services, including but not limited to utilities, roads, police and fire protection services, and educational services, unless the PRD contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the PRD is completed. The applicant shall provide written documentation confirming the availability of public water and sanitary sewer services, including a listing of all fees required by applicable service providers, prior to a determination of eligibility being made by the Zoning Commission.
- e. Comprehensive Plan. A PRD shall not conflict with the Comprehensive Plan. Any modification to this requirement shall consider whether inclusion of uses which are not called for in any applicable Comprehensive Plan and/or deviation

from the Future Land Use Map are justified in light of the current planning and development objectives of the Township.

15.6. Districts and Uses. A PRD shall comply with the following standards:

- a. Districts. A PRD may be located in any A, R-1 or R-2 District, subject to additional eligibility, review, and approval requirements as provided for in this Chapter.
- b. Uses. Uses permitted in a PRD shall include all permitted and conditional uses in the underlying District, with conditional uses in the underlying District being conditional uses in the PRD, and with minimum floor area in a PRD not less than, and maximum height in a PRD not greater than, the minimum floor area and maximum height, respectively, in the underlying District, all unless otherwise specified in this Chapter.

15.7 Density. A PRD shall comply with the following standards:

- a. Gross Area. Gross Area equals the gross acreage of the development parcel as identified by legal description and confirmed by applicable tax maps.
- b. Environmental Features Area. Environmental Features Area equals the area encumbered by water (creeks, streams, lakes, ponds, etc.), regulated wetlands, steep slopes, or other existing or proposed features that would prevent construction of a building or use for residential purposes, as determined by the Zoning Commission. The applicant shall provide a detailed table quantifying all items comprising the Environmental Features Area in a PRD on the preliminary PRD plan.
- c. Modified Gross Area. Modified Gross Area equals Gross Area minus fifty (50) percent of Environmental Features Area.
- d. Net Buildable Area. In determining the density achievable in the underlying district, only the net buildable area of the site shall be considered. Net Buildable Area equals eighty five (85) percent of Modified Gross Area, to account for necessary road rights-of-way and easements.
- e. Right-of-Way Credit. The area of any land to be dedicated as additional right-of-way to existing roadways surrounding a PRD shall be credited to the Net Buildable Area after calculation.

- f. Overall Density. The overall density of residential uses within a PRD shall not exceed the lesser of the density achievable in the underlying District, or the density that is recommended by the Comprehensive Plan (or the average density that is recommended by the Comprehensive Plan, if the Comprehensive Plan recommends a density range), except as specifically provided for in this Chapter. The density achievable in the underlying District shall be calculated by dividing the net buildable area as defined above by the minimum lot area required in the underlying District, and the density that is recommended by the Comprehensive Plan shall be calculated by multiplying the net buildable area by the density that is recommended by the Comprehensive Plan.
- g. Density Increase. In cases where the Zoning Commission determines that the applicant has provided sufficient evidence to justify a density increase, the Zoning Commission may, but shall not be required to, permit a maximum density of up to one hundred twenty-five (125) percent of the overall density of residential uses within a PRD, subject to the requirements for modifications enumerated in this Chapter. An applicant seeking a density increase shall provide a detailed list of all proposed amenities, including but not limited to enhanced architectural elements, additional open space, lighting, benches, bike racks, scenic overlooks, paths, and boardwalks, as well as active recreation facilities, in order to assist the Zoning Commission in determining whether or not to grant a density increase. The question of whether or not to grant a density increase shall be addressed as part of the Zoning Commission's review of the preliminary PRD plan.

All information listed above shall be identified on the preliminary PRD plan.

15.8 Design. A PRD shall comply with the following standards:

- a. Building Location. Where feasible, as determined by the Zoning Commission, buildings in a PRD shall comply with the following building location requirements:
 - 1. Buildings in a PRD shall be located at or near the edges of open fields, to minimize the visual impact of development. Buildings shall not be located in the middle of open fields. Existing tree lines shall be identified on the preliminary PRD plan and, to the extent feasible and practical, preserved in an undisturbed state.
 - 2. Buildings in a PRD shall not be located on the tops of ridge lines, or in areas with slopes that exceed thirty five (35) percent.

3. Buildings in a PRD shall not be located in regulated wetlands or floodplains, and shall be located so as to minimize impact on existing trees and other native vegetation. Existing wetlands in a PRD, if any, as well as wetlands to remain, be filled, and/or mitigated, shall be represented on the preliminary PRD plan. Such information shall be represented graphically and in table form, with table data represented in acres.
 4. Any modification to these requirements shall consider whether other building locations are more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site conditions.
- b. Building Setbacks. Building in a PRD shall comply with the following building setback requirements:

1. The following table lists several setback requirements for building in a PRD:

<u>Type</u>	<u>Setback (feet)</u>
Along perimeter, adjacent to a major thoroughfare*	100
Along perimeter, adjacent to another public road*	75
Along perimeter, but not adjacent to a road*	50
Along an internal road, whether public or private	25
Along a creek or stream	per Chapter 22
Along a lake, ponds, regulated wetlands or storm water management basin or easement if not part of a riparian setback per Chapter 22	25

*Includes tree preservation buffer per Section 15.15(g)

2. Structures in a PRD shall not be permitted in any of the setbacks noted above unless the Zoning Commission finds such placement of structures to be necessary and appropriate, as well as complementary to the character of the PRD

3. Notwithstanding Sections 15.8.b.1 and 15.8.b.2 above, the minimum side and rear yards for all buildings in a PRD shall be based on sound planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the exclusive use of residents of the PRD.
 4. Any modification to these setback requirements shall consider whether other setbacks would be more appropriate because of the topography, existing trees and/or other vegetation, proposed grading and/or landscaping, and/or other existing or proposed site features.
 5. Typical or exact proposed building envelope details shall be identified on the preliminary PRD plan, to ensure that building setback requirements can be met.
- c. Building Separation. Buildings in a PRD shall comply with the following building separation requirements.
1. Any principal structure in a PRD shall be located at least ten (10) feet from any side lot line.
 2. Any accessory structure in a PRD shall be located at least six (6) feet from any side lot line.
 3. Typical or exact proposed building envelope details shall be identified on the preliminary PRD plan, to ensure that building separation requirements can be met.
- d. Lot Size Reduction. In cases where the Zoning Commission determines that the applicant has provided sufficient evidence to justify a lot size reduction, the Zoning Commission may, but shall not be required to, permit a reduction in minimum lot size for single family detached residential dwelling units in a PRD below that which is permitted in the underlying District, subject to the requirements for modifications enumerated in this Chapter. An applicant seeking a lot size reduction shall provide a detailed list of all proposed lots, including but not limited to area, width, and frontage for each lot, as well as the overall minimum and average lot size, in order to assist the Zoning Commission in determining whether or not to grant a lot size reduction. The question of whether or not to grant a lot size reduction shall be addressed as part of the Zoning Commission's review of the preliminary PRD plan. All information listed above

shall be identified on the preliminary PRD plan. The following minimum averages shall govern and limit lot size reduction in a PRD:

Limitation	(Underlying District)	
	R-2	R-1
Lot Area (SF)		
Minimum	7,260	10,890
Minimum Average	10,890	21,780
Lot Width (F)		
Minimum	60	70
Minimum Average	70	80
Lot Frontage (F)		
Minimum	60	60
Minimum Average	60	60

For an Agricultural district, refer to the underlying Residential limits.

Notwithstanding the above limitations, all lots in a PRD shall have dimensions and proportions which are regular and will accommodate development. The depth-to-width ratio for all lots in a PRD shall generally not exceed three-to-one. The inclusion of oddly shaped, irregular, and/or otherwise unbuildable lots shall be avoided to the greatest extent feasible. The Zoning Commission shall have the sole discretion to approve, approve with conditions or disapprove a lot size reduction.

- f. Private Community Septic System. Every PRD shall include a private community septic system approved by the county health department as adequate to support the number of residences and other facilities in the PRD. Such system shall be located within the PRD.
- g. Private Community Water Supply. Every PRD shall include a private community water supply system approved by the county health department as adequate to support the number of residences and other facilities in the PRD. Such system shall be located within the PRD.
- h. Storm Water Management. Every PRD shall include a privately-maintained system approved by the county health department as adequate to manage storm water within the PRD. Such system shall be located within the PRD.

15.9 Open Space. A PRD shall provide and maintain usable open space, accessible to all residents of the PRD, subject to the following requirements:

- a. Minimum Required. A minimum amount of the gross area of a PRD shall be set aside for common open space, regardless of whether or not the PRD includes a request for a density increase and/or a lot size reduction. The minimum amount of open space in a PRD, depending upon the underlying zoning district, shall be as follows:
1. In an R-2 District, not less than thirty (30) percent.
 2. In an R-1 District, not less than thirty five (35) percent.
 3. In an A-1 District, not less than the underlying residential district.

To ensure that all open space requirements have been met, all open space areas shall be identified on the preliminary PRD plan. Such information shall be represented graphically and in table form, with graphic representation to include locations and identification as active or passive, and with table data represented in acres.

- b. Location. Open space in a PRD shall meet one (1) or more of the following objectives:
1. Preservation of distinctive natural features and rural characteristics.
 2. Preservation of land devoted to agricultural use.
 3. Minimization of impact from development on wetlands, rivers, and other environmentally sensitive areas.
 4. Maintenance of rural open space character along major thoroughfares.
- c. Limitation. Any pervious land area that is available for the common use of all residents of a PRD may be included as part of required open space, except as follows:
1. Required open space in a PRD shall not include the area of any public or private road, the area of any easement providing access to the PRD, or the area of any required setbacks, except for major thoroughfare setbacks.
 2. Not more than fifty (50) percent of required open space in a PRD shall include the area of water bodies.

3. Not more than sixty five (65) percent of required open space in a PRD shall include the area of regulated wetlands.
 4. Up to one hundred (100) percent of required open space in a PRD may include preserved natural areas provided, however, that those areas accommodate walking or similar passive leisure pursuits to the extent environmentally feasible.
 5. Not more than fifty (50) percent of required open space in a PRD shall be used for active recreation and ancillary facilities such as swimming pools and tennis courts, associated parking, etc.
 6. Not more than seventy five (75) percent of required open space in a PRD shall be used for golf courses, provided remaining open space accommodates walking or similar passive leisure pursuits.
- d. Irrevocability. Required open space in a PRD shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public or private body acceptable to the Township, assuring that the open space will be developed according to the plan for the PRD. Such conveyance shall include the following:
1. Indication of proposed use(s) of the required open space in a PRD.
 2. Indication of how all leisure and recreation needs of the population residing in or using a PRD will be accommodated.
 3. Provision for privately owned open space in a PRD to be maintained by property owners with an interest in the open space.
 4. Provision of maintenance standards and a maintenance schedule.
 5. Provision of notice of possible Township assessment to property owners in a PRD for the cost of maintenance of open space in the event that it is inadequately maintained and/or becomes a public nuisance, or in the event that other facilities are not maintained.
 6. Recordation with County Auditor's Records Division, to provide notice of restrictions to all persons having interest in property contained in the PRD.

15.10 Frontage and Access. A PRD shall provide for frontage and access in accordance with the following requirements:

- a. Paved Access. A PRD shall front onto a paved road, and all means of access to the PRD shall be via roads which provide continuous paved connections between the PRD and all nearest major thoroughfares. If such roads are not paved, the PRD shall provide for such roads to be paved and improved as otherwise required in conjunction with the PRD.
- b. Drive Separation. No entrance or exit drive to a PRD shall be closer than four hundred (400) feet to any road intersection, as measured between the center line of the entrance or exit drive to the PRD and the center line of the road intersection.
- c. Lot Access. Each residential lot in a PRD shall have frontage on, and each residential dwelling unit shall have direct access to, an approved public road, or an approved private road that has been designed to the same standards as would be required for an approved public road, or an approved private road that has been constructed to some other standard as deemed appropriate by the Township. In determining the appropriateness of a standard, the Township may seek a recommendation from the County Engineer or a consulting engineer. Any cost of seeking such recommendation shall be borne by the applicant. This section shall not be interpreted as a means to circumvent road or other requirements enumerated in the Crawford County Subdivision Regulations. Appropriate coordination by the applicant with applicable County officials relative to applicable County standards and requirements shall be expected as part of the PRD review and approval process.
- d. Limitation. Individual residential dwelling units in a PRD shall not have direct access onto a major thoroughfare, collector road, or any other road maintained by the County or the State.
- e. Through Traffic. A PRD should be designed so that through traffic is discouraged from traveling on residential streets.

15.11 Roads and Driveways. Site disruption caused by road and driveway construction and associated grading required for construction in a PRD shall be minimized. Accordingly, as feasible, the PRD shall comply with the following standards:

- a. Existing Contours. Roads in a PRD shall follow existing contours, to minimize cut and fill.

- b. Linear Features. Where a PRD includes linear features such as existing access roads, tree lines, or straight rows of standing stones, roads shall follow those features, to minimize visual impact.
- c. Open Fields. Roads in a PRD shall not be located in open fields, to preserve rural open space character, except where the crossing of an open field is necessary to comply with some other standard enumerated in this Chapter.
- d. Common Driveways. Use of common driveways to serve up to four (4) units in a PRD may be permitted, but only if determined by the Zoning Commission to be appropriate and necessary to minimize environmental impacts and/or reduce the number of curb cuts onto roads. This section shall not be interpreted as a means to circumvent access or other requirements enumerated in the Crawford County Subdivision Regulations. Appropriate coordination by the applicant with applicable County officials relative to applicable County standards and requirements shall be expected as part of the PRD review and approval process.
- e. Continuation of Streets. Streets in a PRD shall provide for continuity with existing development and adjacent properties where future development is likely and/or possible, as determined by the Zoning Commission. The applicant shall be responsible for providing all required street easements. The full cost of providing such easements shall be borne by the applicant.
- f. Typical Road Sections. Typical road section details for all proposed road types in a PRD shall be identified on the preliminary PRD plan.
- g. Ownership. Intended ownership (public or private) of all proposed streets within a PRD shall be identified on the preliminary PRD plan.

15.12 Traffic Impact. A PRD shall be designed to minimize its traffic impact on surrounding uses. In determining whether the PRD has met this requirement, due consideration shall be given to access to major thoroughfares, resulting increases in traffic congestion, proximity and relation to intersections, adequacy of driver sight distances, location of and access to off-street parking, required vehicular turning movements, and proposals to alleviate traffic congestion, traffic safety concerns, and other traffic impacts. A traffic impact study shall be submitted with the preliminary PRD plan for any proposed PRD containing more than fifty (50) units or lots. In such cases, the applicant shall be required to provide a traffic impact study prepared by a traffic or transportation engineer, selected by or acceptable to the Zoning Commission and with a minimum of three (3) years of experience preparing traffic impact studies. The resume and qualifications of the person who prepared the traffic impact study shall be included in the study. The full cost of the study shall be borne by the applicant.

15.13 Pedestrian Circulation. A PRD shall provide pedestrian access and circulation meeting the following requirements:

- a. General. Paths, trails, and/or sidewalks shall be provided in a PRD, capable of providing at least the same linear footage of pedestrian circulation that would have been provided by sidewalks along all perimeter roads surrounding, and along both sides of all roads in a PRD. To ensure that pedestrian circulation requirements have been met, all proposed paths, trails, sidewalks, natural feature crossings, trailheads, and crosswalks and signage shall be identified on the preliminary PRD plan. Such information shall be represented graphically and in table form, with graphic representation to include locations and details including typical sections, and with table data represented in linear feet. Any proposed pedestrian circulation improvements inside rights-of-way shall conform to all applicable County requirements. Any proposed pedestrian circulation improvements outside rights-of-way and/or not governed by any County requirements shall conform to subsections b through g, inclusive, below.
- b. Natural Feature Crossings. Where any of the above elements intersect with a river, creek, stream, regulated wetland or other natural feature, a boardwalk and/or bridge shall be provided.
- c. Trailheads. Trailheads shall be provided in areas where proposed paths intersect with internal streets. At minimum, trailheads shall include signage which draws attention to the proposed trailheads and warns vehicles of increased pedestrian traffic. Trailhead details shall be identified on the preliminary PRD plan.
- d. Crosswalks and Signage. Crosswalks and safety signage shall be provided at all intersections in a PRD. Typical crosswalks and signage details shall be identified on the preliminary PRD plan.
- e. Responsibility. A Homeowner's Association shall be responsible for the proper installation and maintenance of all proposed pedestrian circulation elements in a PRD. Refer to standards for establishment of a homeowners association.
- f. Modifications. The Zoning Commission may, but shall not be required to, permit modifications to the location and quantity of proposed pedestrian circulation elements in instances where topographic or other natural features would prohibit the reasonable installation and/or maintenance of such elements.

15.14 Utilities. All utility lines in a PRD shall be installed underground in accordance with all requirements of applicable service providers. Utilities in a PRD shall provide for continuity with existing developments and adjacent properties where future development

is likely and/or possible, as determined by the Zoning Commission. The applicant shall be responsible for providing all required utility easements. The full cost of providing such easements shall be borne by the applicant.

15.15 Natural Features, Landscaping, and Lawns. A PRD shall be designed to promote preservation of natural resources and natural features.

15.16 Existing Structures. A PRD shall comply with the following standards regarding existing structures:

- a. Preservation. If a PRD contains existing structures deemed by the Zoning Commission to be of historic, cultural, or architectural significance (such as farm structures), and/or where those structures are deemed by the Zoning Commission to be suitable for rehabilitation, those structures shall be retained, preserved, and included in the PRD. To ensure that preservation requirements have been met, all existing structures shall be identified on the preliminary PRD plan.
- b. Rehabilitation. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted and encouraged in a PRD.

15.17 Control and Reserves. As part of a PRD, a homeowners' association, community association, condominium association or similar legal entity shall be created. Such association or entity shall be responsible for completing the PRD, or assuring completion of the project, in conformity with this Zoning Resolution. The Township Attorney shall confirm that membership in the association is mandatory for all purchasers of lots or units, as applicable, in a PRD. The Association shall be responsible for maintenance, control, and insurance of common areas and tree preservation buffers. The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions which indicate that the PRD can be completed as proposed and that cumulative financial reserves have been secured and designated for that purpose, and further, that all portions of the PRD that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the Township Fiscal Officer.

15.18 Applicable Regulations. A PRD shall comply with all applicable Federal, state, and local laws and regulations, including but not limited to general provisions, conditional use requirements, and site plan review requirements, as well as subdivision and/or condominium requirements, where applicable.

15.19 Additional Considerations. In addition to other requirements for review of a PRD, the Zoning Commission shall take into account the following considerations, which may be relevant to a particular project: perimeter setbacks and berming; thoroughfare, drainage, and utility design; underground installation of utilities; the extent to which sidewalks, trails, open space, playgrounds, and other areas used by pedestrians are insulated from roads, drives, and parking areas used by vehicles; achievement of an integrated development with respect to signage, lighting, landscaping, and building materials; and noise reduction and visual screening.

15.20 Phasing. Where a PRD is to be constructed in phases, it shall be designed so that each phase, when completed, is capable of standing on its own in terms of the presence of services, facilities, and open space, and contains the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PRD and the residents of the surrounding area. If proposed as a part of a PRD, improvements to be completed in the first phase of the PRD shall include but not be limited to sewer and water treatment and storm water management facilities and other infrastructure, as determined by the Zoning Commission, such as golf courses, improvements to common areas, and community centers and facilities.

15.21 Preliminary PRD Plan Contents. A preliminary PRD plan shall contain, at a minimum, the following information, drawn to scale on one (1) or more sheets:

- a. All information required in Section 9.1.b, Application for Conditional Use.
- b. Environmental Features Area information, as noted in Section 15.7b, above.
- c. Location of existing tree lines, existing wetlands, and typical or exact proposed building envelope details, proposed building design elements, sample exterior building elevations, and list of all proposed lots, as noted in this resolution.
- d. Open space information, as noted in Section 15.9, above.
- e. Conformance to frontage and access requirements, as noted in Section 15.10, above.
- f. Typical road section detail for all proposed road types, and intended ownership (public or private) of all proposed streets, as noted in Section 15.11, above.
- g. Traffic impact study, if applicable, as noted in Section 15.12, above.
- h. Locations and details for all proposed paths, trails, sidewalks, natural feature crossings, trailheads, crosswalks, and signage, as noted in Section 15.13, above.

- i. Landscape plan and limits of proposed clearings, as noted in Section 15.15, above.
- j. Location of existing structures, as noted in Section 15.16, above.
- l. Statement of requested modifications, as noted in Section 15.23, below.
- m. Sufficient additional information as determined by the Zoning Commission to determine compliance with this Chapter, as it relates to the preliminary PRD plan.

15.22 Final PRD Plan Contents. A final PRD plan shall conform to the approved preliminary PRD plan and shall contain, at a minimum, the following, information, drawn to scale on one (1) or more sheets:

- a. All information required in Section 9.1.b, Application for Conditional Use.
- b. All information required in Section 15.21, Preliminary PRD Plan Contents.
- c. An approved preliminary PRD plan, as may have been revised to conform to any conditions imposed by the Zoning Commission as a part of such preliminary PRD plan approval.
- d. Draft PRD Agreement, which shall include a performance guarantee, as set forth in Section 2.3.d of this Resolution.
- e. Sufficient additional information as determined by the Zoning Commission to determine compliance with this Chapter, as it relates to the final PRD plan.

15.23 Modifications. A PRD application shall clarify and highlight and list on the preliminary PRD plan all requested modifications to any of the PRD requirements enumerated in this Chapter. The Zoning Commission may permit modifications to any of the PRD requirements enumerated in this Chapter, subject to any specific limitations for any specific requirements also enumerated in this Chapter, and upon finding that the modification will result in a substantial benefit to future PRD residents and users and the community as a whole. In making this determination, the Zoning Commission shall give due consideration to the following:

- a. Innovative Design. The modification shall provide for extraordinary design excellence including but not limited to energy-efficient or other innovative design, open space above and beyond the minimum and additional amounts required, additional improvements to assure vehicular and pedestrian safety,

and/or additional landscaping or other site features to assure a long-term aesthetically pleasing appearance.

- b. Public Services. The modification shall provide for the inclusion of certain public services, including but not limited to sanitary sewers and a public water supply, to enhance the long-term viability of the PRD, and to allow for more efficient use of land.
- c. Community Character. The modification shall provide for land and/or facilities that contribute to and/or enhance community character, examples of which include but are not limited to parks, schools, community centers, and civic buildings.
- d. Compatibility. The modification shall provide for an arrangement of uses and densities that enhances the compatibility of the PRD with existing or planned uses on adjacent land.

15.24 Homeowner Association, Ownership Standards. Common space within the development shall be owned, administered and maintained by any of the following methods, either individually or in combination, and subject to approval by the township:

- a. Offer of Dedication. The township shall have the first offer of dedication of undivided common open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The township may, but not be required to, accept undivided common open space provided:
 - 1. Such land is accessible to all residents of the township;
 - 2. There is no cost of acquisition other than incidental costs related to the transfer of ownership;
 - 3. The township agrees to maintain such lands.

Where the township accepts dedication of common open space that contains improvements, the township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.

- b. Homeowners Association. The undivided common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following provisions:
 - 1. The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.

2. The association shall be organized by the developer and shall be operated by the developer before the sale of any lots within the development.
3. Membership in the association is mandatory for all purchases of homes therein and their successors. The conditions and timing of transferring control of the association from the developer to homeowners shall be identified.
4. The association shall be responsible for maintenance of insurance and taxes on the undivided common open space, enforceable by liens placed by the township on the association. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
5. The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.
6. In the event of transfer within the methods permitted of undivided common open space land by the homeowners association, or the assumption of maintenance of undivided common open space land by the township, notice of such pending action shall be given to all property owners within the development.
7. The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
8. The homeowners association may lease common open space lands to any other qualified person or corporation for operation and maintenance of common open space lands, but such lease agreement shall provide:
 - A. That the residents of the development shall at all times have access to the common open space lands contained in the PRD, except croplands during the growing season.
 - B. That the undivided common open space lands shall be maintained for purposes set forth in this section; and

- C. That the operation of common open space lands and facilities may be for the benefit of the residents only, or may be open to all residents of the township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the township, all residents in the township shall have access to such identified paths/walkways.
9. The lease shall be subject to the approval of the homeowners association and any transfer or assignment of the lease shall be further subject to the approval of the board of the association. Lease agreements shall be recorded with the Crawford County Recorders office and notification shall be provided to the township trustees within thirty (30) days of action by the board.
- c. Condominiums. The undivided common open space and associated facilities may be controlled through the use of condominium agreements. Such agreements must be approved by the township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a “common element.”
- d. Dedication of Easements. The township may, but shall not be required to, accept easements for public use of any portion or portions of undivided common open space land, the title of which is to remain in ownership by condominium or homeowners association, provided:
1. Such land is accessible to township residents;
 2. There is no cost of acquisition other than incidental transfer of ownership costs;
 3. A satisfactory maintenance agreement is reached between the developer, association and the township.
- e. Transfer of Easements to a Private Conservation Organization. With the permission of the township an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:
1. The organization is acceptable to the township and is a bona fide conservation organization with perpetual existence;
 2. The conveyance contains appropriate provisions for the proper reverter or retransfer in the event that organization becomes unwilling or unable to continue carrying out its function; and

3. A maintenance agreement acceptable to the township trustees is entered into by the development and the organization.

15.25 Maintenance of Open Space

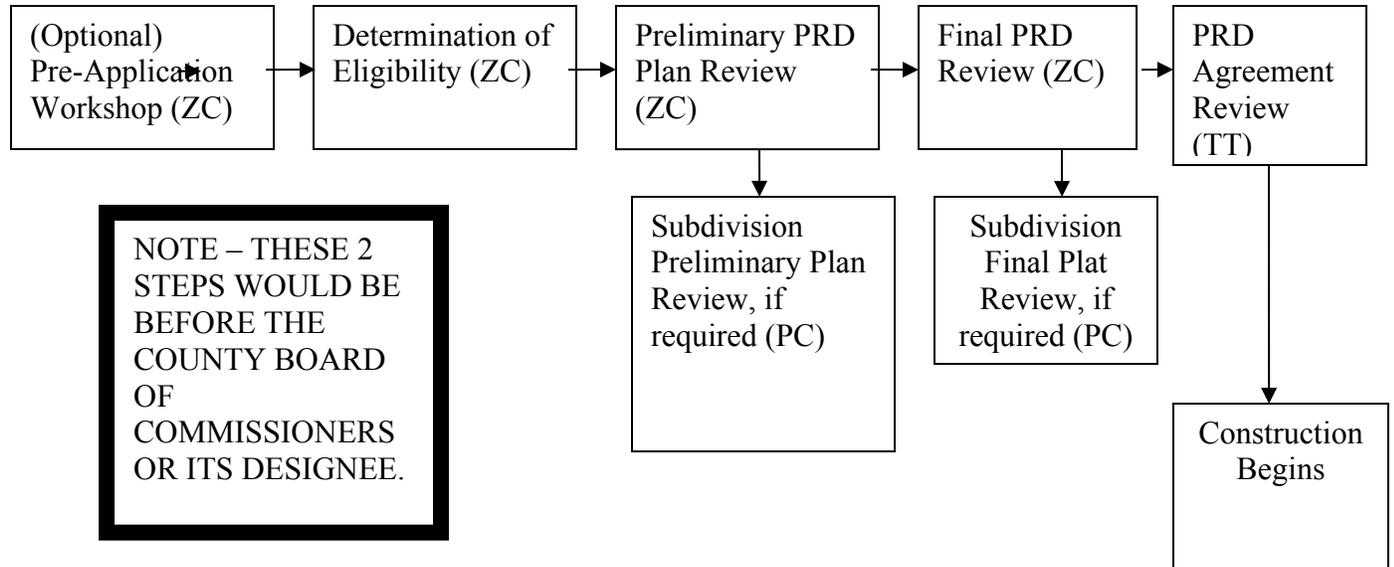
- a. The ultimate owner of open space shall be responsible for all monies required for operations, maintenance or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
- b. In the event that the organization established to own and maintain common open space shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan, the township trustees may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.

At such hearing the township trustees may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the township trustees, in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space. Before the expiration of said year, the township trustees shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call for a public hearing upon notice to such organization or to the residents of the PRD to be held by the township trustees, at which hearing such organization or the residents of the PRD shall show cause why such maintenance of said common space in reasonable condition by the township trustees shall not, at the election of the township trustees, continue for a succeeding year. If the township trustees determine such organization is ready and able to maintain said common space in reasonable condition, the township trustees shall cease to maintain said common space at the end of said year. If the township trustees shall determine such organization is not ready and able to maintain said common open space in a

reasonable condition, the township trustees may, at their discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the township trustees in any such case shall constitute a final administrative decision subject to review as provided by law.

The cost of such maintained by the township trustees shall be assessed against the properties within the PRD that have a right of enjoyment of the common open space and shall become a tax lien on said properties. The township trustees, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the Crawford County Recorder upon the properties affected by such lien within the PRD.

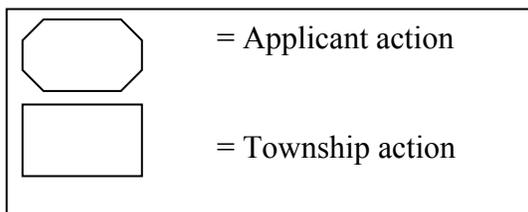
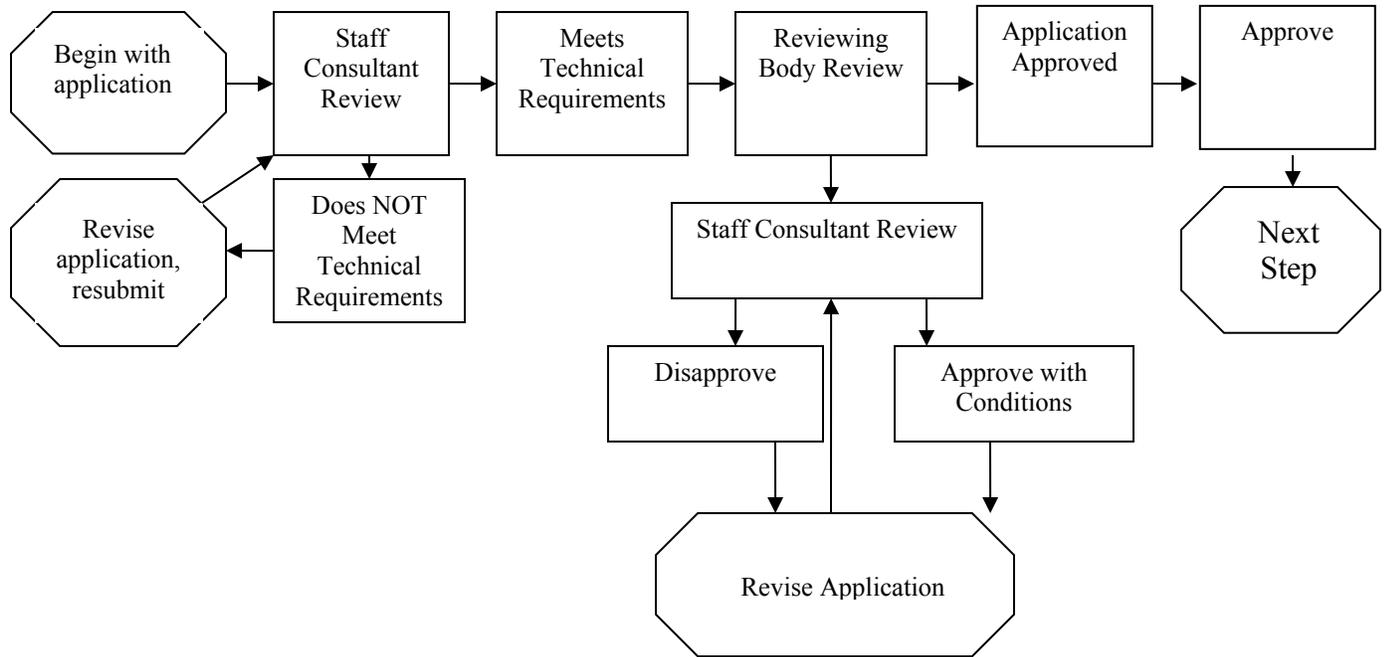
15.26 PRD REVIEW PROCEDURE, (SUMMARY OF ALL STEPS)



NOTE – THESE 2 STEPS WOULD BE BEFORE THE COUNTY BOARD OF COMMISSIONERS OR ITS DESIGNEE.

ZC = Zoning Commission
TT = Township Trustees
PC = Regional Planning Commission or County Board of Commissioners or its designee

TYPICAL PRD REVIEW PROCEDURE STEPS



15.28 PRD Density Calculation Worksheet

Property owners are encouraged to use this worksheet to calculate how many dwelling units MAY be permitted in a PRD on a development parcel. The Zoning Resolution requires, however, that the final determination on all matters relative to PRDs shall rest with the Zoning Commission.

1. **Gross Area (GA)** is the total acreage of the development parcel. This is a number that should be readily available to a property owner using either the acreage listed on the development parcel's legal description or the acreage listed on applicable tax maps.

$$GA = \underline{\hspace{2cm}}$$

2. **Environmental Features Area (EFA)** is that portion of the Gross Area which is encumbered by water, regulated wetlands, steep slopes or other features otherwise undesirable for residential building construction as determined by the Zoning Commission. This information should be supplied by property owner and quantified on a plan prepared by a surveyor, engineer or other professional qualified to recognize and identify these features. For density calculation purposes, however, it can help to start with a conservative (high) estimate of Environmental Features Area with the understanding that the actual Environmental Features Area won't be known until plans are prepared.

$$EFA = \underline{\hspace{2cm}}$$

3. **Modified Gross Area (MGA)** is a calculated number meant to give some, but not full, density credit to the Environmental Features Area portion of a development parcel. It is determined by subtracting fifty percent (50%) of the Environmental Features Area from the Gross Area.

$$MGA = GA - (0.50 \times EFA); \underline{\hspace{2cm}} - (0.50 \times \underline{\hspace{2cm}}) = \underline{\hspace{2cm}}$$

4. **Net Buildable Area (NBA)** is a calculated area used to determine Overall Density on a development parcel. It is determined by calculating eight-five percent (85%) of the Modified Gross Area.

$$NBA = 0.85 \times MGA; 0.85 \times \underline{\hspace{2cm}} = \underline{\hspace{2cm}}$$

5. **Right-of-Way Credit** is a credit to the Net Buildable Area, after calculation, in recognition that additional right-of-way dedication may be required for existing roadways surrounding or within a development parcel. If any land is to be dedicated as additional right-of-way to surrounding or other existing roadways as part of the proposed PRD, that area may be credited to the Net Buildable Area after calculation.

$$NBA = NBA + Credits; \underline{\hspace{2cm}} + \underline{\hspace{2cm}} = \underline{\hspace{2cm}}$$

6. **Overall Density (OD)** is a calculated number which represents the maximum number of units that could be permitted in a particular PRD, if approved. Overall Density is the lesser of two calculations.

OD#1 is based on the density achieved in the underlying zoning district (using minimum lot area).

OD#1 = NBA/(minimum lot area in zoning district); _____/_____ _____

7. **Density Increase** is a calculated number which represents a *possible (not automatic)* credit to the Overall Density. The **maximum possible** Density Increase is determined by identifying fifty percent (50%) of the Overall Density. A Density Increase may, but need not, be granted by the Zoning Commission. A Density Increase must be justified based on standards in the Zoning Resolution and the final determination rests with the Zoning Commission.

Density Increase - 0.50 x OD; 0.50 x _____ = _____

NOTE: As calculated on this worksheet, the Overall Density tells you how many dwelling units MAY be permitted in a PRD, if approved on a particular development parcel.

Also as calculated on this worksheet, the Density Increase tells you how many additional dwelling units MAY be permitted in a PRD, if approved on a particular development parcel and if the Zoning Commission determines that the maximum possible Density Increase is justified based upon stated guidelines in the Zoning Resolution.

Please note that the Zoning Commission may, also based upon stated guidelines in the Zoning Resolution, grant a reduced Density Increase or no Density Increase at all.

Please note also that the applicant is responsible for providing accurate and clear data to the Township in order to calculate the Environmental Features Area. Any calculation of Overall Density based on an ESTIMATED Environmental Features Area must be verified by the Township once the ACTUAL Environmental Features Area has been identified by the applicant.

Finally, and as noted above, while this worksheet can be used for informational purposes and to aid property owners, the Zoning Resolution requires that the final determination on all matters relative to PRDs shall rest with the Zoning Commission.

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CHAPTER 16

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CHAPTER 17

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CHAPTER 18

B-1 BUSINESS DISTRICT

18.1 Purpose. The B-1 Business District is intended to encourage the grouping of small individual retail establishments to promote convenience in serving the daily needs of persons living in adjoining areas. These groups of establishments generally occupy sites that are in proximity to the residential population to be served.

18.2 Permitted Uses. Retail, personal service, business and professional office uses providing a six (6) foot high obscuring fence and a greenbelt at least twenty-five (25) feet in width is provided on those side and rear yards abutting an R-Residential district. All lighting shall be shielded from adjacent residential districts where necessary.

- a. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods including but not limited to:
 1. Hardware Stores;
 2. Grocery Stores;
 3. Meat and Fish Markets;
 4. Candy, Nut and Confectionary Stores;
 5. Dairy Products Stores;
 6. Retail Bakeries;
 7. Florists;
 8. Toy and Gift Stores;
 9. Nurseries; and
 10. Other retail stores selling merchandise to the public.

- b. Personal service establishments including but not limited to:
 - 1. Self-service Laundries;
 - 2. Beauty Shops;
 - 3. Barber Shops;
 - 4. Shoe Repair and Shoe Shine Shops;
 - 5. Radio and Television Repair Shops;
 - 6. Pressing, Alteration and Garment Repair Shops; and
 - 7. Other similar personal service establishments.

- c. Business and professional offices including, but not limited to:
 - 1. Savings and Loan Associations;
 - 2. Business and Administrative Offices
 - 3. Medical, Professional and Dental Uses;
 - 4. Commercial Banks;
 - 3. Credit Agencies;
 - 5. Credit Unions;
 - 6. Insurance Agents, Brokers and Services;
 - 7. Real Estate Agents and Brokers;
 - 8. Offices of Physicians and Surgeons;
 - 9. Offices of Chiropractors;
 - 10. Legal Services; and
 - 11. Other similar professional services offices.

- d. Restaurants, providing that all lighting shall be shielded from adjacent residential districts and a fifteen (15) foot wide well-maintained greenbelt with obscuring year-round six (6) foot high trees or shrubs shall be placed along the parking area of all restaurants on the sides adjacent to any residentially zoned land.
- e. Hotels and Motels
- f. Gasoline service and repair stations for autos, trucks, motorcycles, etc.
 1. Such stations shall be used for the sale of gasoline, oil, minor accessories, repairs and convenience store items. No repair work will be done where the external effect such as smoke, dust, fumes or loud noises of the activity could extend beyond the property line. No outdoor dismantling, wrecking or storage of automotive vehicles and/or recreational vehicles or their parts or accessories shall be permitted.
 2. Curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than twenty (20) feet from a street intersection (measured from the intersection of the right-of-way lines) or from the adjacent residential districts.
 3. The minimum lot area shall be forty-three thousand five hundred sixty (43,560) square feet with access drives so arranged that ample space is available for motor vehicles which are required to wait.
 4. The minimum lot width shall be at least one hundred (100) feet and pump islands shall be set back at least fifteen (15) feet (measured from the street right-of-way line). All buildings and other structures shall have a front yard setback of fifty (50) feet from the street right-of-way line.
 5. Underground storage gasoline tanks shall be located not less than fifty (50) feet (or as required by state regulations) from any adjacent residential district.
 6. All lighting shall be shielded from adjacent properties.

7. Gasoline service stations shall provide an obscuring year-round fence of at least six (6) feet in height and a greenbelt at least ten (10) feet in width on those side and rear lot lines abutting a residential district.
8. If rental trucks and trailers are to be stored on the premises, a minimum lot area of forty-three thousand five hundred sixty (43,560) square feet shall be devoted exclusively to service station use. The storage of rental trailers on such premises shall be provided in addition to the minimum lot area devoted to the gasoline service station and such storage space shall be provided behind the setback line of the main building.
9. New and used motor vehicle sales.

18.3 Area and Bulk Requirements

Minimum Lot Area Requirements

Area Square Feet:	43,560
Width in Feet:	100
Minimum Road Frontage, in feet	40
Maximum Height of Buildings, in feet	40
Maximum Height of Buildings, in stories	2
Minimum Yard Setback, per lot, in feet	
Front Yard:	60
Each Side Yard:	20
Sum of the Widths:	40
Rear Yard:	25
From an Interstate, State Route or U.S. Route, in feet:	75

18.4 Repair and Maintenance. Any required greenbelt must be kept mowed and maintained. All flower beds, landscape shrubs, etc., must be kept trimmed and free of weeds. All fences shall be kept well maintained and in good repair.

18.5 Conditional Uses. The following conditional uses may be permitted subject to compliance with all conditions set forth relative to each conditionally permitted use and upon securing a conditional use certificate from the Polk Township Board of Zoning Appeals:

- a. Gasoline and or automobile service stations; subject to Conditional Use Chapter.

- b. Mini Storage Units
 - c. Sexually oriented businesses.
- 18.6 Driveways.** Only one (1) driveway for ingress and egress shall be permitted at a street, road, or highway for each two hundred (200) feet of frontage of any single parcel and shall meet the criteria established in the ODOT Access Management Handbook. The driveway of any single parcel intended for one use shall be no less than twenty four (24) feet wide at the property line and twenty six (26) feet wide at the side line of the public right-of-way and shall have proper aprons, drainage, and curbs and curvatures.
- 18.7 Maximum Building Size.** Projects proposed for the business district are limited to a building or combination of building size of less than ten thousand (10,000) square feet.
- 18.8 Buffer Area.** All buildings and premises shall be screened with dense hedges, evergreens, shrubbery, landscaped mounds, aesthetically pleasing non-transparent fences, or any combination thereof to a height of not less than six feet along the boundary of the premises bordering any residential district or use. The width of the buffer shall be not less than fifty (50) feet.
- 18.9 Parking Requirements.** The minimum required parking shall be calculated based on or according to the schedule of minimum parking requirements presented in the General Provisions Chapter.
- 18.10 General Requirements for Landscaping for Parking Lots.**
- a. Parking lots containing more than six thousand (6,000) square feet of area or twenty (20) or more vehicular parking spaces, whichever is less, shall provide interior landscaping of the peninsular or island types of uncompacted well-drained soil as well as perimeter landscaping.
 - b. All parking lots shall provide perimeter landscaping.
 - c. Interior Landscape Requirements. For every ten (10) parking spaces, the applicant shall provide not less than two hundred (200) square feet of interior landscaped areas containing at least one tree and four shrubs.
 - d. Perimeter Landscape Requirements. Parking lots shall have a perimeter landscaping of a minimum width of ten feet in width.
 - e. Landscaping may be located in setback requirement areas.

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CHAPTER 19

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CHAPTER 20

I-1 INDUSTRIAL DISTRICT

20.1 Purpose. The purpose of the Industrial District (I-1 District) is to encourage the creation of industrial park communities and to provide for establishing manufacturing operations and industrial activities in areas that will be free from the encroachment of land uses that may obstruct or interfere with the type of industries permitted in this District so that the structuring of a long-term economic base may be facilitated by providing a stable environment.

20.2 Permitted Uses.

- a. Light Industrial;
- b. Laboratories and Research Facilities;
- c. Outdoor Advertising subject to Chapter 8 of this resolution;
- d. Specialized trade businesses such as building, electrical, heating, and/or air conditioning, roofing, carpentry, and plumbing contractors; and
- e. Warehousing incidental and secondary to any permitted use which shall be permitted only after the main use has been established.

20.3 Conditional Uses The following conditional uses may be permitted subject to compliance with all conditions set further relative to each conditionally permitted use and upon securing a conditional use certificate from the Board of Zoning Appeals, subject to Chapter 9 of this resolution.

- a. Communication Towers;
- b. Mini-storage Units

20.4 Area and Bulk Requirements

Minimum Lot Area Requirements	
Area Square Feet:	65,340
Width in Feet:	100
Minimum Road Frontage, in feet	100
Maximum Height of Buildings, in feet	40
Maximum Height of Buildings, in stories	4

Minimum Yard Setback, per lot, in feet	
Front Yard:	50
Each Side Yard:	20
Sum of the Widths:	40
Rear Yard:	40
From an Interstate, State Route or U.S. Route, in feet:	100

20.5 Off-Street Minimum Parking Requirements. All manufacturing establishments shall provide adequate off-street parking space based on or according to the schedule of off-street minimum parking requirements provided in the General Provisions Chapter.

20.6 Loading and Unloading Dock Area Requirements. Any building or structure of five thousand (5,000) square feet or more of gross floor area used for any industry engaged in substantial receiving and shipping of raw material or finished goods shall have at least one (1) loading and unloading dock having not less than twelve (12) feet of width, not less than forty (40) feet of length and not less than fourteen (14) feet of height clearance. One additional loading and unloading dock shall be provided for every additional twenty thousand (20,000) square feet of gross floor area.

20.7 Landscaping for Parking Lots. All parking lots shall provide perimeter landscaping of a minimum width of fifteen (15) feet. This landscaping can be located within the rear, front and side yard setback areas.

20.8 Land Use Intensity. All uses within the I-1 District shall not exceed a 0.50 Floor Area Ratio (FAR).

20.9 Required Conditions

- a. No emission of toxic or noxious matter which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of an accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken according to state and federal guidelines.
- b. The emission of smoke or other air pollutants shall not violate state and federal guidelines. Dust and other types of air pollutants borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.
- c. There will be no emission of odors or odor-causing substances which can be detected without the use of instruments or beyond the lot lines.

- d. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- e. Exterior lighting shall be shaded whenever necessary to avoid casting direct light upon property located in any residential district or upon any street.
- f. No building or structure shall be used for residential purposes.

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CHAPTER 21

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CHAPTER 22

STORM WATER REGULATIONS

For the protection of the public health and safety, no building, structure or parking space shall be erected or improved on a lot or parcel that causes surface water run-off from such lot or parcel of a flow greater than that existing prior to such erection or improvement without providing such means to dispose of or retain such increased flow.

22.1 Drainage of Stormwater

In order to promote the public health, safety and general welfare of the residents of the Polk Township, these stormwater management regulations are hereby enacted for the general purpose of assuring the proper balance between man's use of land and the preservation of a safe and beneficial environment. More specifically, the provisions of these regulations, as amended from time to time, are intended to:

- a. Reduce property damage and human suffering; and
- b. To minimize the hazards of personal injury due to flooding.

22.2 Authority

These regulations are adopted pursuant to the power and authority vested through the Ohio Revised Code and other applicable laws and statutes of the State of Ohio.

22.3 Applicability

These regulations shall be applicable to any person, firm, corporation or business proposing to construct buildings or develop or improve land within Polk Township.

22.4 Definitions

For the purpose of this chapter certain terms and words shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular shall include the plural, and vice-versa; the words "these regulations" means "this chapter"; the word "person" includes corporation, partnership and unincorporated association of persons; and the word "shall" is always mandatory.

- a. **“100 year storm”** means rainstorms of a specific duration having a one (1) percent chance of occurrence in any given year
- b. **“10 year storm”** means that the calculated flows will occur on the average of no more than once every ten years. Since this is an average occurrence, it may be possible that higher flows occur several times in any ten-year period and then not occur again for many years.
- c. **“Base flood”** means the flood having a one (1) percent chance of being equaled or exceeded in any given year; that is, the 100 year flood.
- d. **“By-pass channel”** means a channel formed in the topography of the earth’s surface to carry stormwater runoff through a specific area.
- e. **“Channel”** means a water course of perceptible extent which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water, and which has a definite bed and banks.
- f. **“Common use”** means a storm sewer or ditch or swale which has been in use for over twenty-one (21) years or is located in a street right-of-way or is encumbered by a recent easement for stormwater purposes.
- g. **“Culvert”** means any transverse drain under a road, driveway, bridge or other means of access to the travelled portion of a highway.
- h. **“Control structure”** means a structure designed to control the volume of stormwater run-off that passes through it during a specific length of time.
- i. **“Detention basin”** means any man-made area which serves as a means of controlling and temporarily storing stormwater run-off.
- j. **“Detention storage”** means the temporary detaining or storage of stormwater in reservoirs, on rooftops, on parking lots and other areas under predetermined and controlled conditions.
- k. **“Development”** means any change of land use or improvement of any parcel of land.

- l. **“Differential run-off”** means the volume and rate of flow of drainage area which is or will be greater than that volume and rate which pertained prior to proposed development or redevelopment.
- m. **“Downhill”** means drainage to a lower area.
- n. **“Drainage system”** means a network consisting of any combination of type of open channels, holding basins and enclosed facilities to convey the run-off of natural waters.
- o. **“Dry bottom stormwater storage area”** means a facility that is designed to be normally dry and contains water only when excess stormwater run-off occurs.
- p. **“Easement”** means authorization by a property owner for use by another party or parties of all or any portion of his/her land for a specified purpose.
 - 1. **“Easement for mutual benefit”** means a storm sewer easement maintained by the property owner for flow of stormwater over owner’s property to the benefit of uphill property owners.
- q. **“Enclosed drainage system”** means a network of artificial conduits and pipe constructed to convey run-off of natural waters.
- r. **“Encroachment limit”** means the boundary of a maintenance way easement adjacent to a drainage channel within which now building or structure shall be erected or trees, bushes or other plantings planted which shall interfere with the maintenance of the drainage channel.
- s. **“Excess stormwater”** means that portion of stormwater run-off which exceeds the transportation capacity of storm sewers or natural drainage channels service the specific watershed.
- t. **“Factor of one”** means a calculation to indicate that the stormwater run-off before a project development is to remain the same after development.
- u. **“Floodplain”** means a land area adjoining a river, stream, watercourse or lake which is likely to be flooded.

- v. “**Floodway**” means the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- w. “**Freeboard**” means a factor of safety expressed as the difference in elevation between the top of the detention basis dam and the design surface water flow elevation.
- x. “**Grade**” means the slope of land around a building.
- y. “**Habitable dwelling unit**” means a dwelling unit intended for suitable human habitation.
- z. “**Natural drainage**” means channels formed by the existing surface topography of the earth prior to changes made by unnatural causes.
- aa. “**100 year peak flow**” means rate of flow of water at a given point in a channel, watercourse or conduit resulting from the base flood.
- bb. “**Open drainage system**” means a network of natural streams, constructed channels, ditches and detention-retention areas employed to convey and control the run-off of natural waters.
- cc. “**Plat**” means a legally recorded plan of a parcel of land subdivided into lots with streets, alleys and other land lines drawn to scale.
- dd. “**Positive gravity outlet**” is a term used to describe the drainage of an area by means of natural gravity so that it lowers the free water surface to a point below the existing grade or invert of storm drains within the area.
- ee. “**Project**” means any development involving the construction, reconstruction or improvement of structures and/or grounds.
- ff. “**Public right-of-way**” means any public passage, street, boulevard, road or alley.
- gg. “**Person**” means any individual, firm, partnership, association, corporation, company or organization of any kind.

- hh. **“Public ditch or storm sewer”** means a storm sewer or ditch which has been in use for the general public for over twenty-one (21) years or is within a public street right-of-way or is encumbered by a recent easement for stormwater purposes.
- ii. **“Rational method”** means an empirical formula for calculating peak rates of run-off resulting from rainfall.
- jj. **“Recognized agency”** means an agency or governmental unit that has statistically and consistently examined local, climatic and geologic conditions and maintained records as they apply to stormwater run-off.
- kk. **“Safe storm drainage capacity”** means the quantity of stormwater run-off that can be transported by a channel or conduit without have the water surface rise above the level of the earth’s surface over the conduit or adjacent to the waterway.
- ll. **“Site”** means a parcel of land under one ownership.
- mm. **“Slope”** means the grade of the land around a building over which water will flow.
- nn. **“Stormwater run-off”** means water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and which flows over the ground surface
- oo. **“Stormwater run-off release rate”** means the rate at which stormwater run-off is released from dominant to servient land.
- pp. **“Stormwater storage area”** means areas designated to store excess stormwater.
- qq. **“Structure”** means any object constructed above or below ground.
- rr. **“Tributary area”** means all of the area that contributes stormwater run-off to a given point.
- ss. **“The primary system”** means the system composed of the regulatory floodplain as shown on the National Flood Insurance Program maps.
- tt. **“The secondary system”** means the system composed of all watercourses and drainage structures, both public and private, that are not mapped as part of the primary system.

- uu. **“Uphill”** means drainage from a higher area.
- vv. **“Wet bottom basin”** means a detention basin intended to have a permanent pool.
- ww. **“Watercourse”** means any surface stream, creek, brook, branch, depression, reservoir, lake, and pond or drainage way in or into which stormwater run-off flows.
- xx. **“Yard”** means the area around a building, front, side and rear.

22.5 Compliance required; occupancy permits

- a. No occupancy permit shall be issued until these stormwater management regulations have been complied with.
- b. Occupancy permits issued under this section are conditioned upon a permit being obtained from the zoning inspector before any of the following additional work is performed which will or could obstruct the flow or passage of stormwater:
 1. Install drain tile within a ditch or swale or cover drain tile installed in a ditch or swale; or construct a bridge or culvert over or in a ditch or swale;
 2. Change the grade of land so as to affect the drainage or change the drainage pattern of any land or part thereof;
 3. Build, change, alter or enlarge or permit the building, changing, alteration or enlargement of any existing, proposed or future structure upon any parcel of land or part thereof;
 4. Change the existing or natural drainage of land so as to obstruct, impede, accelerate, channel or concentrate the flow of rain or surface waters onto or from the lands of another so as to cause damage thereto or create a nuisance thereon;
 5. Interfere with or obstruct the flow of surface water over easements both public and private or to impede the flow of surface water across public or private drainage easements or private property in a manner contrary to the drainage pattern;
 6. To construct landscaping, fences, shrubbery or trees which will change the drainage pattern;
 7. To bury and cover any utility structures, manholes or other appurtenances or any utility system with fill dirt, landscaping berms, paving, etc.;

22.6 Stormwater system composition and design

- a. The stormwater run-off management system shall be composed of:
 1. A primary system;
 2. A secondary 100 year flood system; and
 3. A secondary 10 year flood system.
- b. These regulations shall limit any activity which will adversely affect the hydraulic function of detention facilities, open channels, drainage swales or enclosed stormwater conveyance systems.
- c. Stormwater run-off retention from sites in excess of one (1) acre shall be limited to a factor of one (1) and shall conform to requirements established by the project engineer and approved by Polk Township. The project engineer shall be currently registered in the State of Ohio and maintain Professional Liability insurance. Extra retention may be required on sites abutting ditches or storm sewers not designed for a 10-year flood.
- d. When the project engineer determines that proposed development will cause or increase downstream flooding conditions during the 100-year storm, provisions shall be made to minimize such flooding conditions and shall be included in the design of storm drainage improvements. Such provisions may include downstream improvements and/or temporary controlled detention of stormwater run-off and its regulated discharge to the downstream storm drainage system.
- e. The design and construction of drainage systems shall be such that watercourse traversing the project and natural water emanating from within the project shall be carried through and off the project without injury to improvements, building sites or buildings existing or to be installed within or adjacent to the project. Drainage water entering the project shall be received and discharged at locations and as nearly as possible in the manner that existed prior to construction of the drainage facilities within the project. The design of drainage facilities within the project shall be such that they shall conform to the ultimate drainage requirements of the land uses within the project watershed.
 1. The primary system shall be constructed and maintained under a storm water management plan, approved by the Crawford County Engineers

Office, with the improvements constructed before a zoning certificate will be issued for construction of buildings.

2. The secondary 100-year flood system shall be designed to allow uphill stormwater to flow onto and through the project whenever the 10-year flood system is filled to and overflowing its capacity. It shall be designed to prevent the flooding of the main floor of buildings existing or to be constructed within the project and to further prevent the flooding of the main floor of the building downhill and uphill from the project. It may utilize open ditches, existing drainage ways, drainage swales, open channels, roadways, public rights-of-way, temporary and permanent detention basins and temporary and permanent retention of stormwater run-off in wet bottom basins, dry bottom basins, parking lots, rooftops, percolation storage or other means approved by Polk Township.
 3. The secondary 10-year flood system shall be designed to prevent the possible flooding against building walls of existing and future building construction on the site and to prevent the flooding against building walls of existing and future buildings on adjacent sites. It shall be designed to drain standing stormwater from the site within six (6) hours after the termination of any 10-year storm. When swales are not steep enough to accomplish this, a drain tile and stormwater inlet shall be constructed in the low point of yards and drained through tile to a public storm sewer or ditch. It shall utilize storm sewer, yard slop and drainage swales to contain uphill and on-site stormwater within the site which shall be discharged to a public storm sewer or ditch and not allowed to discharge onto adjacent property not part of a public ditch or storm sewers. Yards shall be graded and maintained to drain away from buildings within an eight (8) foot perimeter of buildings to swales or catch basins channeled to prevent stormwater damage to adjacent properties. Minimum grade over sod or grounds shall be one-fourth (1/4) inch per foot. Minimum grade over concrete or pavement shall be one-eighth (1/8) inch per foot.
- f. When a ditch or storm sewer drains across private property an easement shall be obtained and/or provided.
 - g. Driveways may not intersect the pavement higher than the pavement edge. This is to prevent a snow plow from catching the edge of the driveway.
 - h. Culverts under driveways shall be installed large enough and steep enough to prevent flooding of the pavement during any 10-year flood and shall be

constructed in anticipation of any downstream blockage removal and/or replacement. Culvert tile shall be corrugated metal pipe or equivalent and be a minimum of twelve (12) inches unless a storm sewer already exists along the street which is designed for 10-year flooding thereby allowing an eight (8) inch culvert tile.

- i. The top of a culvert pipe shall be located at least five (5) inches below the pavement edge to allow a swale for roadway to drain to in the event the culvert tile are extended across the lot. This may mean that the bottom of the tile is located below the bottom of the ditch or other adjacent tile. Tile shall be installed with a downhill grade of at least two (2) inches in every one hundred (100) feet of length.
- j. Parking lots for commercial, industrial or multifamily buildings shall not drain onto any township street pavement.

22.7 Easements

- a. Easements to the township for the maintenance of storm sewers shall be of width and alignment as stated in the subdivision ordinance and shall be indicated on a plat or on an easement deed and shall be accepted by the trustees.
- b. Easements for mutual benefit of owners shall be required over all ditches and swales located on sites which will accept or are designed to accept water during any 10-year flood. Natural watercourses which traverse a project shall be preserved by an easement of sufficient width, including overbanks, which shall adequately pass the project design flow. The channel and overbank widths, together with a minimum twenty (20) foot continuous maintenance way on one side shall constitute the floodway encroachment limits.
- c. Easements for mutual benefit of owners shall be provided in a form ready for recording and shall include a provision to be maintained by the property owner for the benefit of the uphill property owners with provision that any disputes shall be decided by arbitration in accordance with the rules of the American Arbitration Association.

22.8 Additional requirements

- a. Residential garage floors shall drain to the outside under the garage door or to a storm sewer drain in the garage floor.
- b. Surface drains shall be constructed along the foot of any of the natural ridges to control the flow of spring waters.
- c. Additional footer tile shall be installed at the low point of any footer located in ground indicated as a severe limitation for home sites.
- d. Roof gutters shall be required on all roofs above and within eight (8) feet of any basement or crawl space. Roof water diverters or gutters are required on roofs over walkways and driveways. Downspouts are required on gutters and drained into storm sewers or onto pavement without drainage across unpaved yards or walkways to a storm sewer and shall not drain into sanitary sewers or footer tile.
- e. Drainage to sanitary sewer is prohibited. None of the following shall be drained to a sanitary sewer: stormwater, basement floor drains without a trap primer, garage floor drains, footer tile, area wells, stormwater or subsurface water sump pumps, air conditioner condenser water to a floor drain or to the sanitary sewer pipe without a primer.
- f. Where footing drain discharge is deposited upon the surface of the ground, the place of deposit shall be in that yard area that drains directly to a street, road or ditch, or to the yard area which contains a drainage easement. Discharge of such water upon the surface of the ground shall be carried not less than eight (8) feet from the foundation of walls by means of splash blocks which shall be installed at the time of construction. Footing drain discharge shall not be permitted to a roadway unless an adequate road ditch exists to receive such discharge. Footing drain discharge shall not be directed to, over or through a road curb.
- g. Sump pumps shall not discharge onto a street pavement or within an area that could puddle and freeze on the pavement.

CHAPTER 23

FLOOD DAMAGE PREVENTION REGULATIONS

- 23.1 Application.** This chapter shall apply to all areas of special flood hazard within the jurisdiction of Polk Township. The areas of special flood hazard shall be those areas identified as such in the most recent Flood Insurance Study involving all or any portion of Polk Township as conducted or produced by the Federal Emergency Management Agency and shall include the most recent Floodway Maps and Flood Insurance Rate Maps and any revisions which are hereby adopted by reference and declared to be a part of this Resolution.
- 23.2 Compliance.** No structure shall be permitted within a flood hazard area without full compliance with this chapter and all other provisions of this Resolution.
- 23.3 Definitions.** The words defined below are defined solely for the purposes of this section on flood area controls. All words not defined below shall be given the meaning they have in common usage.
- a. **Area of Special Flood Hazard** shall mean the land and the flood plain within Polk Township subject to one percent (1%) or greater flooding in any given year;
 - b. **Base Flood** shall mean the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 100-Year Flood.
 - c. **Certificate of Elevation** shall mean the actual elevation in relation to mean sea level of the lowest floor elevation including basement of all new or substantially improved structures.
 - d. **Floodway** shall mean the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated by the Federal Emergency Management Agency Report.
 - e. **Substantial Improvement** shall mean any repair, reconstruction, addition or improvement of a structure the cost of which exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or before any damage occurred. With regard to additions, it shall be considered a substantial improvement when the first floor of the addition is twenty-five percent (25%) or more of the first floor area of the building or structure.

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23.4 Application for Certificates. Any application for a zoning permit or compliance certificate involving lands located within a flood hazard area shall include, but not be limited to, plans drawn to scale showing the nature, location, dimensions and elevations of the area in question and the location, dimensions and elevations of existing and proposed structures, existing and proposed fill, the storage of materials and existing and proposed drainage. All elevation and dimensions shown on any plan or plat submitted with the application shall be certified on the plat or plan as correct by a licensed or registered surveyor or engineer. The following information shall also be presented with the application:

- a. Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;
- b. Elevation in relation to mean sea level to which any proposed structure will be flood proofed.
- c. Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria set forth in section 23.5
- d. A description of the extent to which any water course will be altered or relocated as a result of proposed development.

23.5 Requirements. In all areas of special flood hazards, the following requirements shall apply:

- a. All new construction and substantial improvements shall be designed in a manner to assure that the flood storage capacity of the Flood Plain area shall not be diminished. In furtherance of this objective, the cubic content of all materials brought onto a development site shall be balanced by an equivalent cubic content leaving such site and documentation confirming such balance shall accompany all development plans.
- b. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- c. All mobile homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors.
- d. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage as approved by the authority having jurisdiction in Polk Township and shall be constructed so as to prevent water from entering or accumulating within electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities during conditions of flooding.
- e. All new and replacement water supply systems, sanitary sewer systems and individual waste water treatment systems shall be designed to minimize or eliminate infiltration or inflow of flood waters into the systems and discharge from the systems into flood waters and to avoid impairment to them or contamination to them or from them during flooding.
- f. All subdivision proposals, including mobile home subdivisions, shall be consistent with the need to minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage and danger to the public; and shall have adequate drainage provided to reduce exposure to flood damage. Base flood elevation data shall be provided for subdivision proposals which contain at least fifty (50) lots or five (5) acres, whichever is less.

23.6 Requirements Where Base Flood Elevation Data is Provided. In all areas of special flood hazards where base flood elevation data has been provided as set forth in this chapter or where any other base flood elevation and floodway data is available from a federal, state or other source, the following requirements shall be met:

- a. All new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- b. All new construction and substantial improvement of any business, industrial or other non-residential structure shall have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities shall:

1. Be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water.
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy in compliance with flood-proofing regulations of the authority having jurisdiction in Polk Township.
 3. Be certified by a registered professional engineer or architect that the standards of this section are satisfied.
- c. An exemption to the elevation or dry flood proofing standards may be granted for accessory structures such as sheds and detached garages containing less than five hundred seventy-six (576) square feet or less in gross floor area. Such structures must meet the encroachment provisions of this section and shall:
1. Not be used for human habitation
 2. Be designed to have low flood damage
 3. Be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.
 4. Be fully anchored to prevent flotation
 5. Have electrical, heating and other service facilities or equipment elevated or flood proofed.

23.7 Floodway Requirements. Floodways, as identified in the Flood Insurance Study referenced in this chapter or identified in other sources of flood information as specified in this chapter, are subject to the following provisions:

- a. All encroachments, including fill or new construction or substantial improvements or other development is prohibited unless a technical evaluation demonstrates that proposed encroachments will not result in any increase in flood levels during the occurrence of a base flood discharge.
- b. If the preceding paragraph is satisfied, all new construction and substantial improvements shall comply with all applicable hazard reduction provisions of this chapter.

23.8 Appeals and Applications for Variances. Appeals and applications for variances from decisions involving application of this chapter may be had or taken as otherwise provided in this Resolution.

CHAPTER 24

OIL AND GAS REGULATIONS

- 24.1 Application.** No person, partnership, corporation, or other legal entity (hereinafter “driller”) shall drill a well for the exploration of oil and gas or deepen an existing well for oil and gas within Polk Township, without first completing an application.
- 24.2 Fee.** The application may be obtained by making written application to the Polk Township Zoning Inspector upon such forms as he or she may prescribe. A separate application is required for each gas and/or oil well. A nonrefundable fee as specified by the Township Board of Trustees shall be submitted with each new application to cover the costs of administrative review. The application shall contain an agreement that in the drilling of a well, and in the restoration of the premises, all requirements of the Polk Township Zoning Resolutions shall be fully and strictly complied with. The application shall be signed by lessee(s), if any.
- 24.3 Site Plan and Vicinity Map Requirement.** Each application to drill an oil or gas well shall be accompanied by a site plan and a vicinity map of the area involved in the application. The site plan and vicinity map shall be drawn to scale showing thereon, or attached thereto, the following:
- a. The owner’s names and addresses and current lot lines of all properties within the proposed drilling unit;
 - b. The current locations, dimensions and use of all buildings and structures within the drilling unit;
 - c. The proposed location of the well and all associated appliances and facilities, such as the wellhead, piping, separators, scrubbers, tank batteries, access roads, dikes, fences and the like;
 - d. The proposed landscaping, screening and restoration plans;
 - e. The proposed locations of pipelines to be utilized to transmit the gas/or oil to off-site locations and facilities to be established at receiving facility locations.

For emergency purposes, a schematic diagram of all flow lines, connections, and shut-off valves, the diagram to be modified and resubmitted to the Zoning Inspector any time that change in the equipment or facility occurs.

- 24.4 Proof of Ownership.** Each application to drill an oil and/or gas well shall be accompanied by a statement of proof of ownership of the oil and/or gas mineral right of the entire site. This proof may take the form of signed contracts, leases, affidavits, or other documents.
- 24.5 Landscaping Plan.** The oil and/or gas well site or the associated equipment may not be located within one hundred (100) feet of an adjoining property or road. The application shall provide for effective natural screening of the oil and/or gas well and associated equipment from the residence(s). The natural screening shall consist of dense evergreen shrubs or trees placed so as to create a substantially opaque visual barrier between the well and associated equipment and the residence(s). These evergreen shrubs or trees shall be at least six (6) feet in height at the time of planting. These shrubs shall be well-maintained at all times for the life of the well.
- 24.6 Bonding Requirement.** Prior to the commencement of any drilling activities, a surety bond set by the Board of Trustees at the time such bond is issued. The bond shall be provided by a bonding company in good standing within the State of Ohio must be posted with the fiscal officer for each township road upon which a well site and access road are to be located. The surety bond shall cover the costs of any damage to Township roads during the construction phase of the well drilling.

After the well is in operation, and the well site is restored and landscaped, a surety bond, set by the Board of Trustees, issued by a bonding company in good standing with the State of Ohio, shall be required for the life of the well to ensure that the regulations of this Chapter are complied with. This surety bond shall be filed with the fiscal officer and released only upon the plugging of the well core and restoration of the site. Completion shall be determined by the Zoning Inspector after a complete inspection of the site. The bond shall be released only upon the approval of the Trustees.

- 24.7 Construction of Access Drive.** Prior to the drilling of any oil and/or gas well, a private service and emergency access drive shall be constructed. The driveway shall be used exclusively for the access to the well. The access drive shall be constructed with suitable road material to prevent mud deposits on public road and to permit emergency access to the well site during inclement weather. The driller shall be responsible for removing daily mud and debris on the public roadways caused by their operation.

If the access drive is not a common drive, it shall have a gate at or near the public road entrance. The gate shall have a locking device to prevent unauthorized entry from the public road.

The access drive shall have a minimum width of forty (40) feet at the public road right of way and shall be a minimum width of twelve (12) feet in the area outside of the public

road right of way. The access drive shall be cleared of trees, shrubs, and other vegetation to a width of fifteen (15) feet. This width requirement is necessary to permit emergency access to the well site during inclement weather.

The access drive shall not be located nearer than one hundred twenty five (125) feet from the centerline intersection of the two streets. No more than two (2) access drives shall be constructed at any well site.

When an access drive connects with a Township road, all culverts and ditching shall be done under supervision of the Polk Township Maintenance Supervisor, who shall be notified twenty four (24) hours before the access drive is to be started. The Maintenance Supervisor shall make a final inspection of the culvert and ditching after completion of all such work.

When the access drive connects with a county or state road, all culvert and ditching is subject to approval of the county or state agency.

- 24.8 Notification.** The driller shall notify the Crawford County Sheriff's Office at least twenty four (24) hours prior to moving the drilling equipment onto or off of the well site.
- 24.9 Updating of Township Information.** The driller shall continually update the information on the application. The driller shall provide the Township fiscal officer with the name, address, and telephone numbers of all persons or legal entities responsible for the maintenance and operation of each oil and/or gas well site and shall notify the township immediately of any changes in this information. The fiscal officer shall forward this information to the Zoning Inspector, the Police Department and the Fire Prevention Officer.
- 24.10 Drilling Activities.** The process of "fracturing," dressing tools, sharpening bits, operating a forge, or any other work or labor which causes noise or disturbance is prohibited, except physical drilling operation between the hours of 9:00 p.m. and 6:00 a.m. in any areas in which inhabited dwellings are within five hundred (500) feet of such operation, unless the written consent of owner or lessee(s) of such dwelling is first obtained. This written consent shall be filed with the application prescribed in this Chapter. A blow out preventer in good working order shall be provided for oil and/or gas wells.
- 24.11 Fences.** Storage tanks, separators, well installation, and other permanent producing facilities shall be entirely enclosed by a eight (8) feet high chain link fence. All fences shall be kept in good repair until the well site is abandoned and the tanks taken out of service and removed. The gate shall be padlocked. Shipping valves extended beyond the fence shall be padlocked.

- 24.12 Signs.** During the entire time of drilling or production of a gas or oil well, a metal sign identifying the site, owner/operator of the well, emergency telephone number, street name and number, as approved by the County Engineer, shall be installed on the access drive gate to facilitate emergency access. The sign shall be continually updated whenever any changes are made.
- 24.13 Security.** All gates, storage tank manholes, discharge valves, shutoff valves, and fence gates shall be padlocked. All locks at a given well site shall utilize a master key. Master keys with an identification of the well shall be provided to the Sheriffs Department and the Fire Department to ensure accesses to the well site in case of emergency.
- 24.14 Severability.** Any part of this Chapter which is superseded by any section of the Ohio Revised Code or any rule or regulation promulgated thereunder shall not affect the validity of any portion of this Chapter.
- 24.15 Pre-existing Wells.** All inactive well sites shall be restored per the current specifications of the Ohio Department of Natural Resources.
- 24.16 Storage.** No storage of oil barrels or other containers shall be allowed on the site.
- 24.17 Debris.** The site shall be kept free of debris as at all times.

CHAPTER 25

WIRELESS TELECOMMUNICATIONS FACILITIES

25.1 Purpose. The purpose of the wireless telecommunications facility chapter is to accommodate transmitters, towers and antennas for use in providing public or personal wireless services in a variety of zoned districts. Contingent upon having met specified requirements, conditions and design criteria, this chapter will address the need to minimize the visual impact of the towers and associated facilities through landscape buffering, selective design and construction, setbacks for location and removal of such facilities when no longer in use. This chapter encourages co-location of installations on common towers whenever feasible, minimizing the need for additional towers. This chapter and any other applicable chapters are directed at maintaining a balance between the Township's right to preserve its land use policies for health, safety, welfare and aesthetics while allowing the Federal government to provide for and spur competition in the telecommunications industry.

25.2 Lot and Yard Requirements. Wireless telecommunications facilities shall be a Conditionally Permitted Use in a B-1 Business District and an I-1 Industrial District.

- a. Sole use on a lot: A wireless telecommunications facility is a Conditionally Permitted Use as a sole use on a lot subject to the following conditions:
 1. Minimum lot size: Frontage of two hundred fifty (250) feet.
 2. Minimum yard requirements for a tower:
 - A. Front yard setback: The height of the tower plus three hundred (300) feet.
 - B. Side yard setback: The height of the tower or the minimum distance of two hundred (200) feet from any residential use or residential district lot line, whichever is greater.
 - C. Rear yard setback: The height of the tower or a minimum distance of two hundred (200) feet from any residential use or residential district lot line, whichever is greater.
 - D. Maximum height: Two hundred (200) feet, including antenna
 3. Minimum yard requirements for an accessory shelter.
 - A. Front yard setback: Three hundred (300) feet
 - B. Side yard setback: One hundred (100) feet
 - C. Rear yard setback: Two hundred (200) feet
 - D. Maximum height: Fifteen (15) feet
 - E. Maximum size of building: Total building space shall not exceed seven hundred fifty (750) square feet. If there are multiple users, the equipment must be sheltered in a single building unless the applicant can show a technical necessity for a separate building in

- which case multiple buildings must be designed to have the appearance of a single building.
- F. Access: The service access to the accessory building shall, whenever feasible, be provided along the circulation driveways of the existing use.
4. When combined with another use, a wireless telecommunications facility is conditionally permitted on a property with an existing use subject to the conditions of this zoning resolution.
5. When combined with an existing structure, whenever possible, an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following conditions:
- A. Maximum height: Twenty (20) feet above the existing structure so long as the combined total height of the antenna and structure does not exceed two hundred (200) feet.
- B. For other conditions, refer to paragraph 25.2.a above.
6. When located within an electric high-tension power line easement a wireless telecommunications tower facility is conditionally permitted provided the tower is incorporated into the existing high-tension power line tower structure.
7. A wireless telecommunications tower facility is conditionally permitted in the electric high-tension power line easement where the tower is not incorporated into the high-tension power line structure provided that no tower shall be located closer than one-half mile from any other such tower.
- A. Maximum height of tower: two hundred (200) feet
- B. Maximum size of accessory building: Total building space shall not exceed seven hundred fifty (750) square feet. If there are multiple users the equipment must be sheltered in a single building unless the applicant can show a technical necessity for a separate building, in which case multiple buildings must be designed to have the appearance of a single building.

25.3 General requirements. A wireless telecommunications facility is subject to the following conditions:

- a. The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be in writing an explanation of why a tower and this proposed site are technically necessary and that the wireless telecommunications antenna(s) reasonably service the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed

by the Federal Communications Commission to operate without a significant loss of communication capability within developed areas of the Township.

- b. When a tower is modified or additional equipment is to be located on an existing tower, the applicant shall provide written documentation from an Ohio Registered Engineer that the existing structure is capable of holding the modified or additional equipment and that the tower is structurally sound.
- c. All applicants shall be required to construct or locate on a base tower structure and structure foundation that is designed to be buildable up to, but not including, two hundred (200) feet above the finished grade. Such structure shall be designed to have sufficient structural loading to allow for at least three (3) antenna platforms of equal loading for three (3) separate providers of service to be located on the structure when constructed to the maximum allowable height. The wireless telecommunications facility shall also be designed to show that the applicant has enough space on its site for an equipment shelter large enough to accommodate at least three (3) users of the facility.
- d. If an equipment shelter is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment shelter expansions to accommodate up to at least three (3) users. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the Board of Zoning Appeals evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this section. As an additional condition of issuing a Zoning Certificate, the owner/ operator agrees to respond to any inquiry regarding co-location within thirty (30) days after receipt of a written inquiry.
- e. In all circumstances owners of existing towers shall promptly respond in writing to requests for co-location, but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for co-location. Copies of all written requests to collocate and all written responses shall be sent to the Township Zoning Inspector.
- f. The applicant requesting permission to install a new tower shall provide evidence there is no technically suitable space for the application's antennas and related facilities reasonably available on an existing tower within the geographic area to be served. With the Zoning Certificate application, the applicant shall list the location of every tower, building or structure that could support the proposed antenna(s) or area where it would be technically suitable to locate so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower. If another existing tower is technically suitable, the applicant must demonstrate that it has made written request to collocate on the existing tower and the co-location request was rejected by the owner of the tower. In all circumstances, owners of existing

towers shall promptly respond in writing to requests for co-location, but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for collocate an antenna(s) on another tower within the township which is owned or controlled by the applicant on reciprocal terms and the offer was not accepted. In all cases the township shall use its best efforts to encourage co-location.

- g. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that vehicular access is provided to the facility.
- h. The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance, except during construction or an emergency.
- i. The applicant shall provide at a scale of one (1) inch = fifty (50) feet a plot plan of the entire site and shall indicate all buildings and building uses, driveways, roadway, utilities, power lines, water wells and elevations within five hundred (500) feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan. The applicant shall provide a vicinity map showing the location of all towers within a two (2) mile radius of the site.
- j. Security fencing shall be eight (8) feet in height and shall surround the tower and equipment shelter, either completely or individually as determined by the Board of Zoning Appeals.
- k. The location of the tower and equipment shelter shall comply with all natural resources protection standards established in this zoning resolution.
- l. The applicant shall provide at a scale of one (1) inch = fifty (50) feet a landscaping plan of the entire site and shall indicate how the wireless telecommunications facility will be screened from adjoining uses.
- m. A buffer area of not less than ten (10) feet in depth shall be placed between the wireless telecommunications facility and the public right-of-way and any property lines. The ten (10) foot buffer area shall consist of rows of evergreen trees planted five (5) feet on center with a minimum height of six (6) feet or other plantings as deemed appropriate by the Board of Zoning Appeals.
- n. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

- o. The applicant must provide written certification from an Ohio Registered Engineer that the antenna(s) and/or tower(s) to be constructed are in compliance with all Federal, State and Local regulations pertinent to the construction.
- p. The applicant shall provide a soil report showing compliance and verifying the design specifications of the foundation for the tower.
- q. Towers and antennas shall be designed to withstand sustained winds and ice accumulation as required by the Ohio Basic Building Code.
- r. The tower shall be painted a non-contrasting gray color or blend in with the surrounding environment, minimizing its visibility.
- s. No advertising is permitted anywhere on the facility with the exception of one (1) non-illuminating identification sign no larger than two (2) square feet. A minimum number of “No Trespassing” signs will be permitted as determined by the Zoning Inspector.
- t. Lighting shall be required on any tower one hundred (100) feet above grade. The lighting shall be a red fading light or the most non-obtrusive “state of the art” lighting available unless otherwise required by the Federal Aviation Administration.
- u. The owner/operator shall provide an “Emergency Procedure Plan” identifying who will be notified and what remedy processes will be used in case of an emergency. A copy of such plan shall be kept on file with the township fiscal officer.
- v. The owner/operator shall provide a plan for periodic maintenance which details maintenance repair and dismantling procedures that comply with good industry practices.
- w. Any decision to deny a request to place, construct or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of proceedings of the township board of trustees.
- x. Underground equipment shelter(s) are encouraged and may be required by the Board of Zoning Appeals where an above-ground accessory building would substantially diminish the use and enjoyment of adjoining property.
- y. Outdoor storage of any supplies, vehicles or equipment is prohibited except during the initial construction period or to supply emergency power during a power outage.

- z. The owner/operator of the telecommunications facility shall remove a non-functioning facility within one (1) year of ceasing its use. The owner/operator of the telecommunications facility shall annually, along with a renewal of the Conditional Use Permit, file a declaration with the Zoning Inspector as to the continuing operation of every facility installed on the tower. The owner/operator of the telecommunications facility shall annually file with the Zoning Inspector proof of inspections and compliance with current codes and standards for the tower and facility as prepared and performed by an Ohio Registered Engineer.
- aa. The owner/operator of the telecommunications facility shall be required as a condition of issuance of a permit to post a cash or surety bond acceptable to the trustees of an amount to be set by the county engineer specified in the fee schedule of this resolution. Said bond shall insure that an abandoned, obsolete or destroyed wireless telecommunications antenna or tower shall be removed within one (1) year of cessation of use and abandonment. Any successor-in-interest or assignee of the owner/operator shall be required to additionally execute such bond, as principal, to insure the bond will be in place during the period of time the successor-in interest or assignee occupies the tower.

25.4 Permit fees. Permit fees shall be set by the Township Board of Trustees and are subject to change without notice.

CHAPTER 26

WIND TURBINE GENERATOR REGULATIONS

26.1 Purpose. The purpose of this amendment is to establish general guidelines for the location of wind turbine generators and anemometer towers in Polk Township. This chapter is consistent with the stated primary purpose of the township's zoning resolution: Protecting the public health, safety, comfort and general welfare of the citizens of the township. The township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the township. The township also recognizes the need to protect the scenic beauty of the township from unnecessary and unreasonable visual interference, noise radiation and that wind turbine generators may have negative health, safety, welfare and aesthetic impacts upon adjoining and neighboring uses. As such, this amendment seeks to:

- a. Protect residential and agricultural areas from potential adverse impact of wind turbine generators;
- b. Permit wind turbine generators in selected areas by on-site residential, agricultural, commercial or industrial users subject to the terms, conditions and provisions here;
- c. Ensure the public health, welfare and safety of township residents in connection with wind turbine generators; and
- d. Avoid potential damage to real and personal property from wind turbine generators or anemometer towers or the failure of such structures and related operations.

26.2 Definitions

For purposes of the regulation of residential, agricultural, commercial and industrial use of wind turbine generator:

- a. Accessory Structure shall mean structures such as sheds, pool houses, unattached garages and barns.
- b. Anemometer shall mean an instrument which measures the force and direction of the wind.

- c. Clear Fall Zone shall mean an area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods or any other condition causing the turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located, the purpose being that if the turbine should fall or otherwise become damage, the falling structure will be confined to the primary parcel and will not fall onto dwellings, any inhabited buildings and will not intrude onto a neighboring property.
- d. Cowling is a streamlined removable metal that covers the turbine's nacelle.
- e. Decibel is a unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero (0) for the least perceptible sound to one hundred thirty (130) for sound that causes pain.
- f. Nacelle is a separate streamlined metal enclosure that covers the essential mechanical components of the turbine.
- g. Occupied Structure is, for the purposes of regulation wind turbines, any dwelling, public building, school, church, community or institutional building that is maintained for permanent or temporary human occupancy, even if it is temporarily unoccupied.
- h. Primary structure for each property shall be the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals and day care facilities. Primary facilities exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.
- i. Professional engineer shall mean a qualified individual who is licensed as a professional engineer in the State of Ohio.
- j. Wind power means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator or rotor and includes the turbine, rotor, blade, tower, base and pad transformer, if any, and includes wind energy conversion systems designed to mount directly on the roof of existing buildings, including residences.
- k. Wind power turbine owner means the person or persons who own the wind turbine structure.
- l. Wind power turbine tower means the support structure to which the turbine and

rotor are attached.

- m. Wind power turbine tower height means the distance from the rotor blade at its highest point to the top surface of the wind power generating facility foundation.

26.3 Permitting Procedure - All Districts

Wind turbines shall be a conditional use in all districts under the following conditions. Any proposed construction, erection or siting of a wind turbine generator or anemometer shall be permitted only by the issuance of a conditional use permit in accordance with this resolution as amended.

- a. A permit shall be required before construction can commence on an individual wind turbine system.
- b. As part of the permitting process, the applicant shall inquire of the Crawford County Regional Planning Commission as to whether or not additional height restrictions are applicable due to the unit's location in relation to an airport.
- c. As part of the permitting process, the applicant shall inquire of the county engineer whether or not additional height restrictions are applicable due to the unit's location in relation to local airports.
- d. Applicant shall then provide the township zoning inspector with the following items and/or information when applying for a permit:
 - 1. Location of all public and private airports in relation to the location of the turbine.
 - 2. An engineering report that shows:
 - A. The total size and height of the unit
 - B. The total size and depth of the unit's concrete mounting pad as well as soil and bedrock data
 - C. A list and/or depiction of all safety measures that will be on the unit including anti-climbing devices, grounding devices and lightning protection
 - D. Data specifying the kilowatt size and generating capacity of the particular unit.
 - E. The maximum decibel level of the particular unit. This information must be obtained from the manufacturer of the turbine unit.
 - F. A site drawing showing the location of the unit in relation to

- existing structures on the property, roads and other public rights-of-way and neighboring properties.
- G. A maintenance schedule shall be required as part of the permit.
 - H. A dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
- f. A permit from this township shall be required before construction can commence on an individual wind turbine system.
- g. Applicant shall then provide township zoning inspector with the following items and/or information when applying for a permit:
- 1. Location of all public and private airports in relation to the location of the turbine;
 - 2. An engineering report that shows:
 - A. The total size and height of the unit;
 - B. The total size and depth of the unit's concrete mounting pad as well as soil and bedrock data;
 - C. A list or depiction of all safety measurements that will be on the unit including anti-climb devices, grounding devices and lightning protection, braking systems and guy wires and anchors;
 - D. Data specifying the kilowatt size and generating capacity of the particular unit;
 - E. The maximum decibel level of the particular unit. This information must be obtained from the manufacturer of the turbine unit;
 - F. Ambient noise levels at property lines;
 - G. Hazardous materials containment and disposal plan.
 - 3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public rights-of-way and neighboring properties.
 - 4. Evidence of an established setback of 1.1 times the height of the turbine and clear fall zone with manufacturer's recommendation must be attached to the engineering report.
 - 5. A maintenance schedule that outlines how the unit will be dismantled shall be required as part of the permit.
 - 6. Decommissioning plan schedule that outlines how the unit will be

dismantled shall be required as part of the permit.

7. Evidence of owner/operator and/or landowner financial responsibility.
8. Engineering report on blade throw
9. Emergency Procedure Plan

26.4 General Requirements

- a. Aesthetics. Aesthetics has been rated as a concern about wind-energy projects. While some people think turbines are pleasing to view, others likely will not agree. Taking care to place turbines in a manner that takes aesthetics into account will help the project fit more harmoniously with the community. Photographs or renderings of the completed project must accompany the permit application.
- b. Blade Size. The minimum distance between the ground and any part of the rotor or blade assembly shall be thirty (30) feet.
- c. Bonding. The developer, operator and property owner to post a surety bond or other financial assurance that is at least 115 percent (115%) of decommissioning costs (less salvage value) as calculated and certified by a registered professional engineer. Calculation of the decommissioning and salvage should be updated every three (3) years and the fund amount adjusted accordingly.
- e. Compliance with FAA Regulations
 1. Wind turbine tower systems must comply with applicable Federal Aviation Administration regulations, including any necessary approvals for installations close to airports.
 2. No wind turbine tower system shall be constructed with lights or be painted in red and white or other bright colors except when specifically required by a federal law or regulation. When lights are specifically required, strobe lights shall not be used unless specifically required by federal law or regulation.
- f. Decibel Levels. All units shall operate not more than five (5) decibels above the established ambient decibel levels at property line. This information shall be included in the engineering report described in Section 26.3 of this document. This information shall be obtained from the manufacturer of the turbine and all decibel readings, if necessary, shall be taken from the nearest neighboring

property lines. Those turbines not meeting this requirement will be issued a zoning violation and be required to shut down immediately until the required decibel levels are met.

g. Fences, Walls and Screening Devices

1. In residential districts, fences, walls and screening devices are permitted subject to the following conditions:
 - A. The requirements of Chapters 8 and 9 of this resolution.
 - B. Fences, walls and screening devices shall not exceed six (6) feet in height, measured from the surface of the ground except in the case of swimming pools which shall be completely enclosed by a fence of no less than six (6) feet.
 - C. All fences, walls and screening devices shall comply with the requirements of the BOCA National Property Code as it applies to installations and materials, but in no instance shall a fence contain barbed wire or electrical current, except as provided in Section 971.03 of the Ohio Revised Code.
 - D. No fence, wall or screening devices in excess of two and one-half (2.5) feet in height shall be extended beyond the required minimum front yard setback.
 - E. A zoning certificate shall be required prior to the erection of all fences, walls and screening devices.

2. In business or industrial districts, fences, walls and screening devices are permitted or required according to federal regulation.
 - A. Masonry walls or fences shall be provided and maintained for uses within any business or industrial district on those sides abutting residential districts. Walls and fences shall be provided in conformance with the following regulations.
 - B. In business districts, the minimum height requirement for a wall, fence or screening device is six (6) feet, measured from the ground.
 - C. In industrial districts, the minimum height requirement for a wall, fence or screening device is six (6) feet, measured from the ground.
 - D. No fence or wall shall be extended toward the front lot line beyond the front of the principal building or structure or the required minimum front yard setback.
 - E. Required fences and walls shall be located within one (1) foot of

the property line except where such fence or wall interferes with underground utilities or surface water drainage conditions.

3. Corner clearances in **all** districts:
 - A. No fence, wall, greenbelt, planting strip or any other obstruction to vision above a height of two and one-half (2.5) feet from the established street grade shall be permitted within the triangular area at the intersection of any street right-of-way lines formed by a straight line drawn between said right-of-way lines at a distance of thirty (30) feet measured from their point of intersection. No fence, wall, greenbelt, planting strip or other obstruction shall be permitted to exist in such a way as to constitute a safety hazard.
4. Height. The maximum height of any turbine shall be one hundred twenty-five (125) feet. For purposes of this particular item, maximum height shall be considered the total height of the turbine system, including the tower and the maximum vertical height of the turbine's blades. Maximum height, therefore, shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
5. Interference with Microwave Communications Systems. No wind turbine tower system shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. Written documentation addressing compliance with this requirement by an expert in microwave communications and electromagnetic interference shall be forwarded to the zoning inspector as part of the permit application.
6. Interference with Antenna-based Communications Systems. No wind turbine tower shall be installed in any location where its proximity with existing fixed broadcast, retransmission or reception antenna (including residential reception antenna) is likely to produce electromagnetic interference with its operation. Written documentation addressing compliance with this requirement by an expert in fixed broadcast communications and electromagnetic interference shall be forwarded to the zoning inspector as part of the permit application.
7. Maintenance. Wind turbines must be maintained in good working order. The owner shall, within thirty (30) days of permanently ceasing operation of a tower, provide written notice of abandonment to the township zoning inspector. An unused tower or small wind farm may stand no longer than

twelve (12) months following abandonment. All costs associated with the demolition of the tower and associated equipment shall be borne by the owner. A tower is considered abandoned when it ceases transmission for thirty (30) consecutive days. Turbines that become inoperable for more than twelve (12) months must be removed by the owner within thirty (30) days of issuance of a zoning violation. Removal includes removal of all apparatuses, supports and/or other hardware associated with the existing turbine.

8. Outdoor Storage. Outdoor storage of any supplies, vehicles or equipment is prohibited except during the initial construction period.
9. Setbacks. Any turbine erected on a parcel of land shall be setback 1.5 times the height of the tower or established clear fall zone from any road right-of-way lines, neighboring property lines, structures as well as any inhabited structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located and would not strike any structures including the primary dwelling and any inhabited structures.

The center of the tower base shall be set back from any non-participating property line, above grade utility line or road right-of-way a minimum distance of 1.5 times the tower height and five hundred (500) feet from any occupied structure on a non-participating property

Any turbine erected on a parcel shall have a setback from the center of the tower base to any non-participating property line, above-ground utility line or road right-of-way a minimum distance of 1.1 times the tower height and five hundred (500) feet from any occupied structure on a non-participating property.

10. Minimum setbacks may be waived in the event that all owners of property adjacent to the turbine agree in writing to such waiver pursuant to Rule 4906-1-3 of the Ohio Administrative Code. A copy of such waiver shall be forwarded to the zoning inspector prior to the start of any construction related to the turbine.
 - h. Tower Access. Wind turbine towers shall have either:
 1. Tower climbing apparatus located no closer than twelve (12) feet from the ground, or

2. A locked anti-climb device installed, or
 3. Complete enclosure of the tower by a locked protective fence of at least six (6) feet high. For multiple installations, a fence enclosing the entire site may be considered.
- i. Visual Impact
1. Wind turbine tower systems shall be of a design and color(s) that would incorporate the characteristics of the immediate surrounding area so as to provide a natural blending of the tower into its surrounding environment and aesthetically soften its intrusion into a residential area. Further, no advertising shall be permitted on a tower.
 2. No wind turbine tower system shall be installed in any location that would substantially detract from or block view of a portion of a recognized nature preserve designated by the Ohio Department of Natural Resources or the Crawford Park District.
 3. The tower and all visible components shall be one non-contrasting color in white, light grey, light beige, or other similar light color as approved by the zoning inspector.
 4. There shall be no advertising or lettering or signage placed on the tower or any of its components except standard manufacturer's warning or descriptive labels.
 5. Appropriate warning signs to address voltage shall be posted on a permanently mounted sign with minimum one (1) inch lettering in a contrasting color to the sign background and mounted at sixty (60) inches from finish grade to center of sign. Signage shall be located on each side of enclosing fencing, tower base or as required by insurance provider.
- j. Warning Signs. Appropriate warning signs to address voltage shall be posted which meet sign requirements of this resolution.
- k. Wiring and Electrical Apparatuses. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state and federal codes including the Crawford County building regulations and the Residential Building Code of Ohio.

26.5 Decommissioning

Once the operational life of the turbines has ended, arrangement must be in place that would ensure the removal of the structures within one year of functional service. OR

1. At the end of the turbine's useful life (as appropriately defined), or
2. If the turbine is determined to be unsafe or detrimental to health, or
3. If the turbine is in significant violation of applicable zoning requirements.

At the landowner's election, roadways and pads may remain in place.

- c. Wind turbines and ancillary structures that are not decommissioned in accordance with zoning requirements will be deemed a public nuisance.
- d. Upon decommissioning, all above-ground and subsurface structures should be removed to a depth of at least thirty-six inches (36") and the site returned, as closely as possible, to its previous state (unless otherwise directed by the landowner).

26.6 Wind Turbines - Residential. The township recognizes the importance of clean, sustainable and renewable energy sources. To that end, the township conditionally permits the use of residential wind turbines under these regulations to ensure the safety and welfare of all township residents. Each property owner will be considered for one (1) conditional use permit for a wind turbine.

26.7 Permit fees

Permits fees shall be set by the Township Board of Trustees and are subject to change without notice.

CHAPTER 27

SOLAR POWER REGULATIONS

- 27.1 Purpose.** The purpose for creating regulations governing installation of solar power panels and associated power generating equipment within Polk Township is to protect the public health and safety of the township.
- 27.2 Limitation.** As a conditional use only rooftop solar power collection systems are permitted uses in any district.
- 27.3 Definitions.**
- a. Rooftop solar power collection systems are permitted on any occupied dwelling, public building, school, church, community or institutional building that is maintained for permanent or temporary human occupancy, even if it is temporarily unoccupied.
- 27.4 Procedure.** Establishment of solar power generating equipment shall conform to the following procedure:
- a. Approval Procedure Generally. Approval of an application to install solar power generating equipment shall proceed in the same manner as a conditional use application, as outlined in Chapter 9, Conditional Use Procedures. Throughout the specific sequence of actions identified in this Chapter, not less than one (1) public hearing shall be conducted by the Board of Zoning Appeals. Additional public hearings may, but need not, be conducted by the Zoning Commission, at the discretion of the Zoning Commission. Notice provisions for any such public hearing held shall follow those outlined in Section 2.2.m of this Zoning Resolution. Before holding the public hearing as required, in addition to the above requirements, such amendments shall also be subject to the additional notice requirements listed in Section 2.2, n and o, of this Resolution. In no case shall the Zoning Commission be required to take action on an application until the next (first) regular meeting after or following initial consideration of the application.

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For Public Review

CHAPTER 28
SEXUALLY-ORIENTED BUSINESSES
AND EMPLOYEES

28.1 Preface

Ohio Revised Code Section 503.52(B)(2) mandates that the Attorney General shall provide legal guidance to townships concerning the regulation of adult entertainment establishments. This chapter is taken from a model ordinance prepared pursuant to the Attorney General's directive contained in H.B. 23 constitutes the legal guidance required to be provided by that office. While townships are free to deviate from a model ordinance, the degree of deviation will impact the Attorney General's duty to assist in the defense of the ordinance in federal court. As stated in ORC Section 503.52(E)(2):

If a township adopts a resolution without the legal guidance of the attorney general, the attorney general is not being required to provide assistance as described in this division to a prosecuting attorney.

Questions concerning model ordinances should be addressed to the Attorney General's Office.

28.2 Purpose and Intent

In enacting this resolution, pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code, the Polk Township Board of Trustees makes the following statement of intent and findings:

- a. Adult entertainment establishments require special supervision from the public safety agencies of the township in order to protect and preserve the health, safety, morals and welfare of the patrons and employees of the businesses, as well as the citizens of the township.
- b. The trustees find that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
- c. The concern over sexually-transmitted diseases is a legitimate health concern of the township that demands reasonable regulation of adult entertainment establishments by the township in the specified manner, and expanded authority for reasonable regulation of adult entertainment establishments by local governments in order to protect the health and well-being of the citizens.

- d. Minimal regulations enacted by the township are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- e. There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.
- f. The trustees desire to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And, by minimizing and controlling these adverse effects, the township seeks to protect the health, safety and welfare of the citizenry, protect the citizens from increased crime, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight.
- g. The township trustees have determined that current local zoning and other locational criteria do not adequately protect the health, safety and general welfare of the people of the township and that expanded regulation of adult entertainment establishments is necessary.
- h. It is not the intent of the trustees in enacting this act to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of adult entertainment establishments.
- i. It is not the intent of the trustees to condone or legitimize the distribution of obscene material, and the trustees recognize that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.
- j. It is the intent of the township trustees in enacting this resolution to regular in the specified manner adult entertainment establishments in order to promote the health, safety, morals and general welfare of the citizens of the township and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within the township. The provisions of this resolution have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent of the trustees in enacting this

resolution to restrict or deny, or authorize the restriction or denial of, access by adults to sexually-oriented materials protected by the First Amendment, or, to deny or authorize the denial of access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent of the trustees in enacting this resolution to condone or legitimize the distribution or exhibition of obscene materials.

28.3 Background.

Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C* (2004) 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theater, Inc.*, (1991), 501 U.S. 560; *Township of Renton v. Playtime Theaters, Inc.*, (1986), 475 U.S. 41; *Young v. American Mini Theaters* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 200) 99 F. Supp. 2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, aff'd (6th Cir. 1991, 923 F. 2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F. 3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999) 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998) 4 F. Supp. 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999) 49 D. Supp. 2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F. 3d 884; *O'Connor v. Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Déjà Vu of Nashville, Inc., et al, v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001, 2001 U.S. App. LEXIS 26008; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2 L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F. 3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F. 3d 281; *Sundance Assoc. v. Reno* (10th Cir. 1998), 139 F. 3d 804; *American Library Association v. Reno* (10th Cir. 1998), 33 F. 3d. 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 1994), 199 F. 3d 141; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1997); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma

(1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York, (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1980); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to 134th Cong. Rec. E. 3750; and also on findings from the paper entitled, "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports and other documentary evidence, and the Polk Township Board of Trustees' independent review of the same), the board of trustees finds:

- a. adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments;
- b. Certain employees of adult entertainment establishments, as defined in this resolution as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments;
- c. Sexual acts, including masturbation and oral and anal sex occur at adult entertainment establishments, especially those that provide private or semi-private booths or cubicles for viewing films, videos or live sex shows. The "couch dances" or "lap dances" that frequently occur in adult entertainment establishments featuring live nude or semi-nude dancers constitute or may constitute the offense of "engaging in prostitution" under Section 2907.25 of the Ohio Revised Code;
- d. Offering and providing private or semi-private booths or cubicles encourages such activities, which creates unhealthy conditions;
- e. Persons frequent certain adult theaters, adult arcades and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those adult entertainment establishments;
- f. Numerous communicable diseases may be spread by activities occurring in sexually-oriented businesses, including but not limited to syphilis, gonorrhea, human immunodeficiency virus infestation (HIV-AIDS), genital herpes, hepatitis

salmonella, campylobacter and shigella infections. Chlamydial, myoplasmal and urerplasmal infections, trichomoniasis, and chancrous;

- g. Since 1981 and to the present, there have been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992;
- h. A total of 10,255 AIDS cases had been reported in Ohio as of January, 1999. Ohio has required HIV cases reporting since 1990, and the reported information shows 7,969 people living with HIV (4,213) and AIDS (3,756) in the state;
- i. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody in Ohio;
- j. The number of cases of early (less than one (1) year) syphilis in the United States reported annually has risen. 33,613 cases were reported in 1982 and 45,200 cases were reported through November, 1990;
- k. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990;
- l. The Surgeon General of the United States, in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- m. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- n. Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and operators of the facilities to self-regulate those activities and maintain those facilities.
- o. The findings noted above raise substantial governmental concerns.
- p. adult entertainment establishments have operational characteristics that require or mandate subjecting them to reasonable governmental regulation in order to protect those substantial governmental concerns.
- q. The enactment of this resolution will promote the general welfare, health, morals and safety of the citizens of this township.

28.4 Conditionally Permitted Use. Sexually-oriented business shall be permitted only within B-1 business districts and only after the Zoning Commission determines that the following conditions have been complied with:

- a. No sexually-oriented business shall be established within five hundred (500) feet of any property zoned for residential use.
- b. No sexually-oriented business shall be established with a radius of one thousand (1,000) feet of any school, library or teaching facility whether public or private, governmental or commercial, which school, library or teaching facility is attended by persons under eighteen (18) years of age.
- c. No sexually-oriented business shall be established within a radius of one thousand (1,000) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- d. No sexually-oriented business shall be established within a radius of one thousand (1,000) feet of any other adult entertainment facility or within two thousand (2,000) feet of any two of the following establishments:
 1. Cabarets, clubs or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers;
 2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises;
 3. Pawnshops;
 4. Pool or billiard halls;
 5. Pinball palaces, halls, arcades or skating rinks;
 6. Dance halls or discotheques.
- e. No sexually-oriented business shall be established within a radius of one thousand (1,000) feet of any church, synagogue or permanently-established place of religious services which is attended by persons under eighteen (18) years of age.
- f. All chapters, paragraphs and subparagraphs of this resolution which apply to such a conditional use permit.

- g. No provision of this chapter or any other applicable chapter, paragraph or subparagraph may be waived by the Board of Zoning Appeals.

28.5 Definitions

- a. As used in this resolution, “**adult arcade**,” “**adult bookstore**,” “**adult novelty store**,” “**adult video store**,” “**sexually-oriented business**,” “**adult entertainment establishment**,” “**adult motion picture theater**,” “**adult theater**,” “**distinguished or characterized by the emphasis upon**,” “**nude or semi-nude model studio**,” “**nudity**,” “**nude**,” “**state of nudity**,” “**regularly features**,” “**regularly shown**,” “**seminude**,” “**state of semi nudity**,” “**sexual encounter establishment**,” “**specified anatomical areas**” and “**specified sexual activity**” have the same meanings as in Section 29077.39 of the Ohio Revised Code.
- b. **Adult arcade** means a nightclub, bar, restaurant or similar establishment which regularly features:
 - 1. Persons who appear in a state of nudity; or
 - 2. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
 - 3. Film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities.”
- c. **Employee** means a person who performs any service or work on the premises of a sexually-oriented business including but not limited to providing entertainment, performing work of a management or supervisory nature or performing support functions on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, lessee or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises. Nor does employee include a person exclusively on the premises as a patron or customer.
- d. **License** means a license to act or operate a sexually-oriented business, issued pursuant to this resolution.
- e. **Natural Person** is a subset of the generic person that refers to a single human being.

- f. **Operate** means to control or hold primary responsibility for the operation of a sexually-oriented business, either as a business entity, as an individual or as part of the group of individuals with shared responsibility.
- g. **Operate or Cause to be Operated** shall mean to cause to function or to put or keep in operation.
- h. **Operator** means any person on the premises of a sexually-oriented business who is authorized to exercise overall operational control or hold primary responsibility for the operation of a sexually-oriented business or who causes to function or who puts or keeps in operations the business. A person may be found to be operating or causing to be operated a sexually-oriented business whether or not that person is an owner, part owner or licensee of the business.
- i. **Person** means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
- j. **Sexually-oriented business** means an adult arcade, adult bookstore, adult novelty store, adult video store, sexually-oriented business, adult entertainment establishment, adult motion picture theater or adult theater as defined above.
- k. **Specified Criminal Activity** means any of the following offenses:
 - 1. Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above or under the criminal or penal code of any local jurisdiction, state or country;
 - 2. For which:
 - A. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense, or
 - B. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date if the conviction is of a felony offense.
- l. **Transfer of Ownership or Control** of a sexually-oriented business shall be any of the following:

1. The sale, lease or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business whether by sale, exchange or similar means; or
3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

28.6 License Required

- a. No person shall:
 1. Operate a sexually-oriented business defined in this resolution without a valid sexually-oriented business license issued by the township pursuant to this resolution.
 2. In connection with operating a sexually-oriented business, retain the services of a person as an employee, as defined in this resolution, who is not licensed as a sexually-oriented business employee by the township pursuant to this resolution.
- b. Any person who violates the terms above shall be guilty of a misdemeanor of the first degree for a first offense and a felony of the fourth degree for a second offense.
- c. A violation of the terms above shall be a ground for the suspension of a sexually-oriented business license as provided for in this resolution.
- d. No person shall act as an employee, as defined in this resolution, on the premises of a sexually-oriented business without having secured a sexually-oriented business employee license pursuant to this resolution.
- e. A violation of this section shall be a ground for the suspension of a sexually-oriented business employee license as provided for in this resolution.

28.7 Application for License

- a. An original or renewal application for a sexually-oriented business license shall be submitted to the township board of trustees or its designee on a form provided by the board. The township's application may require and the applicant shall

provide such information as reasonably necessary (including fingerprints) to enable the township to determine whether the applicant meets the qualifications established in this resolution.

- b. A nonrefundable filing fee shall be paid at the time of filing the application. Refer to the fee schedule for the current amount.
- c. An application for a sexually-oriented business license shall identify and be signed by the following persons:
 1. If the business entity is owned by an individual, that individual;
 2. If the business entity is owned by a corporation, each officer or director of the corporation, any individual owning or controlling more than fifty (50) percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed sexually-oriented business.
 3. If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners), and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed sexually-oriented business.
- d. An application for a sexually-oriented business license must designate one or more individuals who are to be principally responsible for the operation of the proposed sexually-oriented business, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed sexually-oriented business on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this resolution and shall be considered a licensee if a license is granted.
 1. An application for a sexually-oriented business license shall be completed according to the instructions on the application form which shall require the following:
 - A. If the applicant is:
 - (1) An individual, state the legal name and any aliases of such individual; or

- (2) A partnership, state the complete name of the partnership and all of the partners and whether the partnership is general or limited and provide a copy of the partnership agreement, if any; or
 - (3) A joint venture or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or
 - (4) A corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacities of all officers and directors, the name of the registered corporate agent and the address of the registered office for service of process.
- B. If the applicant intends to operate the sexually-oriented business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.
- C. State whether any applicant has been convicted of a specified criminal activity as defined in this resolution and, if so, the specified criminal activity involved and the date, place and jurisdiction of each such conviction.
- D. State whether any applicant has had a previous license under this resolution or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the sexually-oriented business for which the permit was denied, suspended or revoked as well as the date of the denial, suspension or revocation, and state whether the applicant has been a partner in a partnership or an officer or a fifty (50) percent or greater owner of a corporation licensed under this resolution whose license has previously been denied, suspended or revoked including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
- E. State whether any applicant holds any other licenses under this resolution or other similar regulation from this or any other jurisdiction and, if so, the names and locations of such other licensed businesses.

- F. State the location of the proposed sexually-oriented business, including a legal description of the property (i.e., permanent parcel number), street address and telephone number(s), if any.
- G. State the mailing address and residential address of each applicant and each person signing the application.
- H. Submit a recent photograph of each applicant who is a natural person taken by the county Sheriff that clearly shows the applicant's face.
- I. Submit the fingerprints of each applicant who is a natural person recorded by the county Sheriff.
- J. For any applicant who is a natural person describe and identify the location of any tattoos on such person's face, arms, legs or hands or any other anatomical area that normally would be visible when such person is on the premises of the proposed sexually-oriented business.
- K. State the driver's license number and Social Security Number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally-issued tax identification number.
- L. Submit proof that each applicant who is a natural person is at least eighteen (18) years old.
- M. Submit a sketch or diagram showing the configuration of the premises of the sexually-oriented business. The diagram shall also designate the place at which the adult business license will be conspicuously posted, if granted. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- N. The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the township can determine whether the resolution's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with sexually-oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the resolution's licensing and permitting requirements.
- O. The information gathered pursuant to the above provisions constitute protected private information and are exempt from Ohio's Public Records Act in accordance with the decision of the Sixth Circuit Court of Appeals in *déjà vu of Cincinnati v. Union Township* (6th Cir. 2005), 411 F. 3d 777).

28.8 Issuance of License

- a. Upon receipt of an application for a sexually-oriented business license, the board of trustees or its designee shall promptly request that the county Sheriff review the information provided in the application concerning the criminal background of the applicant(s) and that the county Sheriff shall transmit the results of its investigation in writing to board of trustees or its designee within five (5) days of the completion of its investigation.
- b. Within five (5) days of an application for a sexually-oriented business, the zoning inspector or its designee shall notify the township fire chief and the county health commissioner of such application. In making such notification, the board of trustees or its designee shall request that the fire chief and health commissioner promptly inspect the premises for which the sexually-oriented business license is sought to assess compliance with the regulations under their respective jurisdictions.
- c. The fire chief shall provide to the zoning inspector or its designee a written certification of whether the premises are in compliance with the township fire regulation within ten (10) days of receipt of notice of the application.
- d. The zoning inspector or its designee shall commence the inspection of the premises for which a sexually-oriented business license is sought promptly upon receipt of the application and shall complete within ten (10) days after receipt of the application a written certification of whether the premises are in compliance with the township zoning resolution, the township property maintenance code and the provisions of this resolution related to physical characteristics of the premises and whether the township has received notice from any state or county agency of the premises being in violation of any applicable state building or property codes.
- e. Within twenty-one (21) days after receipt of a completed sexually-oriented business license application, the zoning inspector or its designee shall approve or deny the issuance of a license. The zoning inspector or its designee shall approve the issuance of a license to an applicant unless he/she determines that one or more of the following findings is true:
 1. An applicant who is a natural person is under eighteen (18) years of age.
 2. An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application form that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its

Social Security Number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7(a)(1).

3. An applicant has, within the preceding twelve (12) months, been denied a sexually-oriented business license by any jurisdiction or has had a license to operate a sexually-oriented business revoked by any jurisdiction.
 4. An applicant has been convicted of a specified criminal activity as defined in this resolution.
 5. The proposed sexually-oriented business would violate or fail to be in compliance with any provisions of this resolution, the township zoning resolution or state statute or regulation.
 6. The application and investigation fee required by this resolution has not been paid.
 7. An applicant is in violation of or not in compliance with any provision of this resolution, except as provided in paragraph 28.7 subparagraph f below.
- f. If the zoning inspector or its designee determined that one or both of the following is true, the license issued pursuant to this section shall contain a requirement that the licensee correct all deficiencies specified within one hundred twenty (120) days of the date the license is issued:
1. The results of inspections of the premises by the fire chief of its designee or the health commissioner or its designee indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions.
 2. An applicant is overdue in payment of township taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business, which are not the subject of a pending appeal or other legal challenge.
- g. A sexually-oriented business license shall state on its face the name of the applicant, the expiration date and the address of the licensed sexually-oriented business. All sexually-oriented business licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

- h. The zoning inspector or its designee shall advise the applicant in writing within three (3) days of the zoning inspector or its designee decision of the reasons for any license denial. If the township finds, subsequent to denial, that the basis for the denial of the license has been corrected or abated, the applicant may reapply.

28.9 Employee License Application

- a. An application for an employee license shall be submitted to the zoning inspector or its designee on a form provided by the zoning inspector or its designee. The application may request and the applicant shall provide such information as reasonably necessary (including fingerprints) to enable the township to determine whether the applicant meets the qualifications established in this resolution.
- b. An application for an employee license shall be completed according to the instructions of the application form, which shall require the following:
 - 1. State the applicant's name and any other names, including stage names or aliases, used by the applicant.
 - 2. State the applicant's date and place of birth.
 - 3. State the applicant's height, weight, hair color and eye color.
 - 4. Submit a recent photograph of the applicant taken by the county Sheriff or its designee which clearly shows the applicant's face.
 - 5. Submit the applicant's fingerprints, recorded by the county Sheriff or its designee.
 - 6. Describe and identify the location of any tattoos on the applicant's face, arms, legs or hands or any other anatomical area that normally would be visible when the applicant is on the premises of the proposed sexually-oriented business.
 - 7. State the applicant's present residence and telephone number.
 - 8. State the applicant's present of intended business address and telephone number.
 - 9. State the applicant's driver's license number and Social Security Number.
 - 10. Submit proof that the applicant is at least eighteen (18) years old.

11. Provide a statement detailing the sexually-oriented business-related license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate a sexually-oriented business in this or any other jurisdiction, and whether the applicant has ever had a sexually-oriented business-related license, permit or authorization to do business denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation or suspension. Attach a copy of any order of denial, revocation or suspension.
12. State whether the applicant has been convicted of a specified criminal activity as defined in this resolution and, if so, the specified criminal activity involved and the date, place and jurisdiction of each such conviction.
13. The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the township can determine whether the resolution's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with sexually-oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the resolution's licensing and permitting requirements.
14. The information gathered pursuant to the above provisions constitutes protected private information and is exempt from Ohio's Public Records Act in accordance with the decision of the Sixth Circuit Court of Appeals in *Deja Vu of Cincinnati v. Union Township* (6th Cir. 2005) 411 F. 3d 777.

28.10 Issuance of sexually-oriented business employee license

- a. Upon the filing of a completed application for an employee license, the zoning inspector or its designee shall issue a license to said applicant immediately.
- b. Within five (5) days of receipt of a completed application for an employee license, the zoning inspector or its designee shall request that the county Sheriff or its designee initiate an investigation of the information provided in the application concerning the criminal background of the applicant. The county Sheriff or its designee shall document results of its investigation to an applicant unless he/she determines that nor or more of the following findings are true:

1. The applicant has failed to provide all information and documentations required for issuance of the license as requested on the application form or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose his/her Social Security Number in accordance with the provisions of the Privacy Act of 1974, Pub. L. 93-579, Section 7(a)(1).
 2. The applicant is under eighteen (18) years of age.
 3. The applicant has been convicted of a specified criminal activity as defined in this resolution.
 4. The employee license is to be used for employment in a business prohibited by local, state or federal law, statute, rule or regulation.
 5. The applicant has, within the preceding twelve (12) months, been denied an employee license by any jurisdiction or has had an employee license revoked by any jurisdiction.
- c. Within ten (10) days after completion of the criminal background investigation the zoning inspector shall either affirm the prior issuance of the license or revoke the license. The zoning inspector shall affirm the prior issuance of a license to an applicant unless he/she determines that one or more of the following findings are true:
1. The applicant has failed to provide all information and documents required for issuance of the license as requested on the application form or has provided information or documents as requested on the application that are insufficient on their face, provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, Section 7(a)(1)
 2. The applicant is under eighteen (18) years of age.
 3. The applicant has been convicted of a specified criminal activity as defined in this resolution.
 4. The employee license is to be used for employment in a business prohibited by local, state, or federal law, statute, rule or regulation.

5. The applicant has, within the preceding twelve (12) months, been denied an employee license by any jurisdiction or has had an employee license revoked by any jurisdiction.
- d. If the employee license is revoked, the zoning inspector or its designee shall advise the applicant in writing within three (3) days of the reason(s) for any such revocation.

28.11 Expiration and Renewal of License

- a. Each license issued pursuant to this resolution shall expire one (1) year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety (90) days and no less than twenty-one (21) days before the expiration date. If application is made less than twenty-one (21) days before the expiration date, the license will not be extended pending a decision on the application but will expire on its normal expiration date.
- b. An application for renewal of a sexually-oriented business license shall be submitted to the zoning inspector or its designee on a form provided by the zoning inspector or its designee. The completed renewal application shall describe any changes or additions to or deletions from the information provided in the applicant's initial license application pursuant to this resolution. Copies of any documents or material submitted in connection with the initial license application shall be revised to reflect any change in circumstances or conditions. Sketches or diagrams submitted with an initial sexually-oriented business license application may be resubmitted with subsequent renewal applications provided that the applicant certifies in writing that the sketch or diagram still depicts the premises accurately.
- c. The zoning inspector or its designee shall make a determination concerning the approval of license renewals on the same criteria and time mandates used to evaluate the applications for new licenses under this resolution.
- d. The zoning inspector or its designee shall advise the applicant in writing within three (3) days of the reason(s) for any denial of a license renewal.
- e. An application for renewal of an employee license shall be submitted to the zoning inspector or its designee on a form provided by the zoning inspector or its designee. The completed renewal application shall describe any changes or additions to or deletions from the information provided in the applicant's initial license application pursuant to this resolution. Copies of any document or material submitted in connection with the initial license application shall accompany the

completed renewal application that has been revised or requires revision to reflect any change in circumstances or conditions.

- f. When the township denies an application for renewal of a license the applicant shall not be issued another license for one (1) year from the date of denial. However, if the township finds, subsequent to denial, that the basis for the denial of the renewal license has been corrected or abated, the applicant may reapply prior to the expiration of the one (1) year period.

28.12 Inspections. Licensed sexually-oriented businesses shall be subject to periodic scheduled and unscheduled inspections conducted by the county health department.

28.13 Suspension

- a. The township shall suspend a sexually-oriented business license for a period not to exceed thirty (30) days if it determines that a licensee:
 - 1. Has violated or is not in compliance with any section of this resolution; or
 - 2. Has knowingly allowed an employee to violate or fail to comply with any section of this resolution.
- b. The township shall suspend a sexually-oriented business license for a period not to exceed thirty (30) days if it determines that a licensee or its employee or agent had refused to allow or has prohibited or has interfered with an inspection of the licensed sexually-oriented business premises as authorized by Section 28.12 of this resolution or any other inspection.
- c. The township shall suspend an employee license for a period not to exceed thirty (30) days if it determines that a licensee has violated or is not in compliance with any section of this resolution.
- d. The zoning inspector or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any suspension.

28.14 Revocation

- a. The township shall revoke a sexually-oriented business license or employee license if a cause of suspension under this resolution occurs and the license has been suspended two (2) times within the preceding twelve (12) months.
- b. The township shall revoke a sexually-oriented business license if it determines that:

1. A licensee failed to provide all information and the documents required for issuance of a license as requested on the application form or provided information or documents as requested on the application that are false;
 2. The licensee failed to comply with any requirement stated in the license pursuant to this resolution to correct deficiencies within one hundred twenty (120) days;
 3. A licensee has knowingly allowed possession, use or sale of controlled substances on the premises;
 4. A licensee has knowingly allowed prostitution, solicitation or the commission of a felony on the premises;
 5. A licensee knowingly operated the sexually-oriented business during a period of time when the licensee's license was suspended;
 6. A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises;
 7. A licensee has been convicted of a specified criminal activity as defined in this resolution during the term or the license; or
 8. A licensee is delinquent in payment to the township, county or state for any taxes or fees that were assessed or imposed in relation to the business.
- c. The township shall revoke an employee license if it determines that:
1. The licensee failed to provide all information and documents required for issuance of the license as requested on the application form or provided information or documents as requested on the application form that are false.
 2. The licensee has knowingly acted as an employee on the premises of a sexually-oriented business during a period of time when the licensee's license was suspended; or
 3. The licensee has been convicted of a specified criminal activity as defined in this resolution during the term of the license.

- d. The zoning inspector or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any revocation.
- e. When the township revokes a license pursuant to the provisions of this resolution the licensee shall not be issued another license for one (1) year from the date the revocation became effective.
- f. When the township revokes a license pursuant to the provisions of this resolution the applicant may be granted a license if the basis for the revocation has been corrected or abated and at least thirty (30) days have elapsed since the date the revocation became effective.

28.15 Appeal rights

- a. Any denial, suspension or revocation of a license under this resolution may be appealed to the township board of trustees by written notice within ten (10) days of such denial, suspension or revocation. Unless the applicant requests a longer period, the township board of trustees must hold a hearing on the appeal within twenty-one (21) days and must issue a decision affirming or reversing the denial, suspension or revocation within five (5) days after the hearing. During the time between the date of the denial, suspension or revocation of a licensee and the date of the township board of trustee's decision affirming or reversing the denial, suspension or revocation, the status quo of the license holder or applicant shall be maintained.
- b. In the event the township board of trustees affirms the denial, suspension or revocation of a new or renewal license under this resolution, the applicant may pursue an appeal to the Crawford County Court of Common Pleas pursuant to Ohio Revised Code Chapter 2506. The failure of the trustees to render a decision on the application within the time specified shall be considered an affirmation of the denial, suspension or revocation of the license and the applicant may pursue an appeal to the Crawford County Court of Common Pleas pursuant to Ohio Revised Code Chapter 2506. This appeal provision is intended to comply with the requirement for prompt judicial review stated by the United States Supreme Court in *Township of Littleton, Colorado v. Z. J. Gifts D-4* (2004) 124 S. Ct. 2219.
- c. Any licensee lawfully operating a sexually-oriented business prior to the denial of a license renewal application or the suspension or revocation of a license shall retain said license and all privileges attendant there subject to all other terms of this resolution so that the status quo of the licensee is maintained during the pendency of an appeal to the board of trustees of a decision rendered under this resolution and during the entire time required for the court to rule on the appeal pursuant to paragraph b above.

- d. Any licensee lawfully acting as an employee in a sexually-oriented business prior to the denial of a license renewal application or the suspension or revocation of a license shall retain said license and all privileges attendant thereto, subject to all other terms of this resolution so that the status quo of the licensee is maintained during the pendency of an appeal to the board of trustees of a decision rendered under this resolution and the during the entire time required for the court to rule on the appeal pursuant to paragraph b. above.
- e. In the event that any judicial review of the denial of a new or renewal license application or the revocation or suspension of a license is still pending thirty (30) days before the expiration date of any license, the licensee may file a renewal license application with the zoning inspector or its designee pursuant to this resolution. In the event that an application for renewal of license is denied and applicant seeks judicial review of that denial, the township has the right to consolidate such review with any pending judicial actions in regards to the previous denial, suspension or revocation of a license.
- f. If, during the pendency of any appeal pursued under paragraph b above, there are additional denials of a renewal license application or suspensions or revocations of that license, the township has the right to consolidate the appeal pursued under paragraph b above for the additional denials, suspensions or revocations with any pending appeal for that same license.

28.16 Transfer of license

- a. A sexually-oriented business license is not transferable from one licensee to another or from one location to another. Any purported transfer of a sexually-oriented business license shall automatically and immediately revoke that license.
- b. An employee license is not transferable from one licensee to another, but the use of the license by the individual to whom it is issued may be transferred from one licensed sexually-transmitted business to another such licensed establishment during the term of the license provided that the licensee gives written notice of such transfer to zoning inspector or its designee within fifteen (15) days of such transfer.

28.17 Additional regulations concerning the operation of a sexually-oriented business

- a. Sexual activity, live entertainment and performances
 - 1. Any employee appearing on the premises of a sexually-oriented business in a state of nudity or semi-nudity as defined by the resolution must be on

a stage that is at least twenty-four (24) inches from the floor and a distance of at least thirty-six (36) inches from all parts of a clearly designated area in which patrons will be present.

2. All live entertainment and performances in a sexually-oriented business must take place on a stage that is at least twenty-four (24) inches from the floor and a distance of at least thirty-six (36) inches from all parts of a clearly designated area in which patrons will be present.
 3. The stage shall be separated from the area in which patrons may be present.
 4. No employee, as defined in this resolution, appearing on the premises of a sexually-oriented business in a state of nudity or semi-nudity may intentionally or knowingly touch a customer or a customer's clothing or knowingly permit himself or herself to be touched by a customer or a customer's clothing.
 5. The provisions above shall not apply to an employee's use of any restroom or single-sex restroom or any single-sex dressing room that is accessible only to entertainers.
 6. Separate dressing rooms shall be provided for male and female employees. A separate restroom facility shall be provided for employees only.
 6. In addition, these provisions shall not apply to live performances in which the patron and performer are separated by an impenetrable barrier such as, but not limited to, glass or Plexiglas.
- b. **Minors Prohibited.** No person under the age of eighteen (18) years of age shall be permitted on the premises of a sexually-oriented business.
 - c. **Hours of Operation.** A sexually-oriented business shall close no later than 12:00 midnight or not later than the closing time required under its permit to sell alcoholic beverages, whichever is later. However, all sexually-oriented business must cease all specified sexual activity, as defined in this resolution, no later than 12:00 midnight and shall not re-open earlier than 11:00 a.m. or the applicable day and times allowed by the State of Ohio Liquor Control Division.

28.18 Severability clause If any section, subsection, paragraph or clause of this resolution shall be determined to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, paragraphs and clauses shall not be affected.

28.19 Interior Lighting Interior and exit lighting shall conform to the state building code.

28.20 General Provisions as outlined in Chapter 20 and elsewhere in this resolution shall apply.

CHAPTER 29

ATTACHMENTS

Attached to and made part of this resolution are the following:

29.1 Flow charts:

Figure 1 – Procedure for zoning district or text amendment of resolution

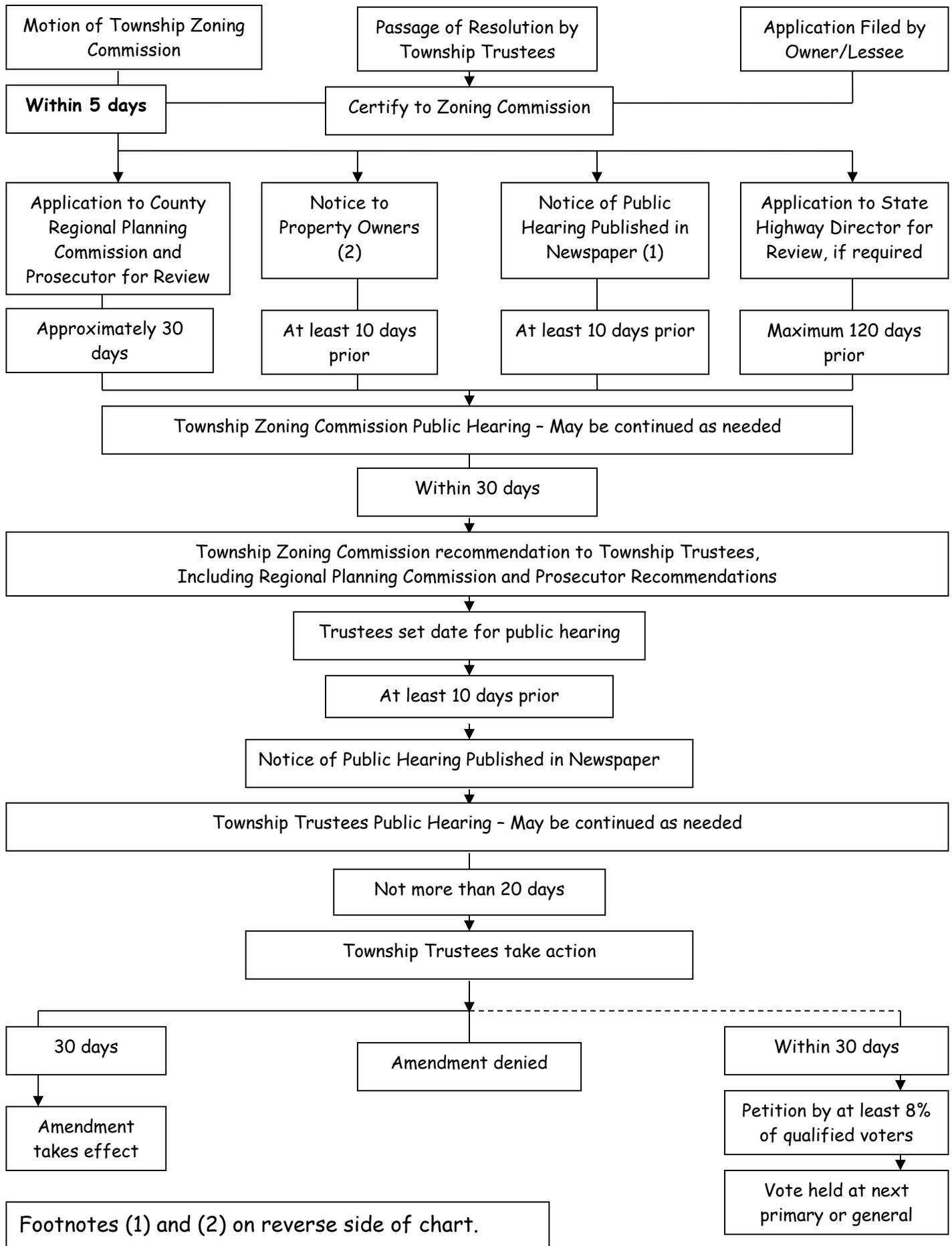
Figure 2 – Procedure for zoning permit approval

Figure 3 – Zoning enforcement process for violation

Figure 4 – Conditional Use permit procedure

Figure 5 – Procedure for appeal of Zoning Inspector decision

Figure 6 – Procedure for variance from zoning resolution



Footnotes

- (1) Notice must be published at least once in one or more newspapers of general circulation in the township at least ten days prior to the public hearing and include the time, date, place, and reason for the public hearing and all information required by ORC 512.12(C).

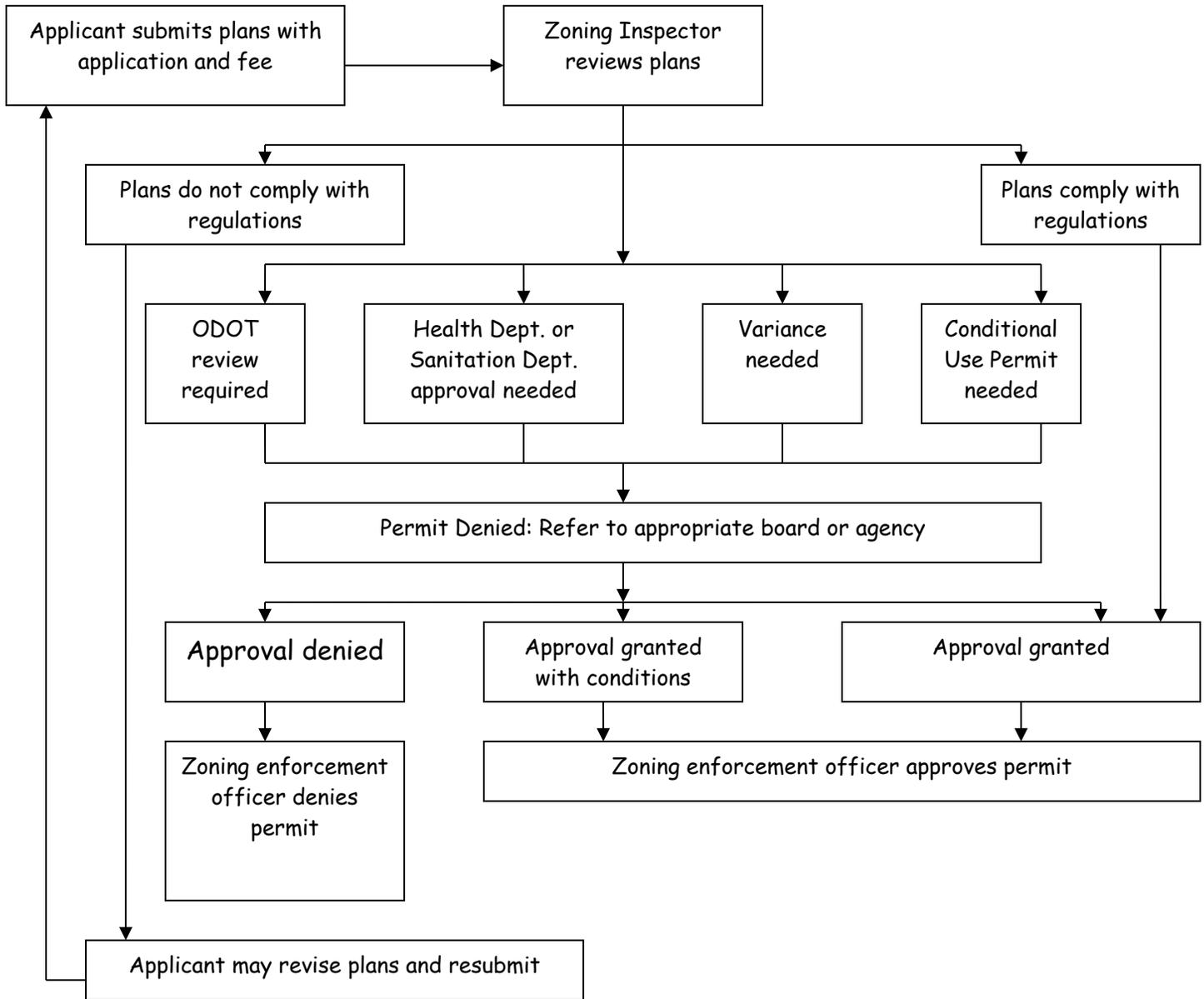
If ten or more parcels are intended to be rezoned, or if the amendment alters the text of the zoning resolution, the notice, including the time, date, and place of the hearing must be published and include all the information in ORC 5190.21(D).

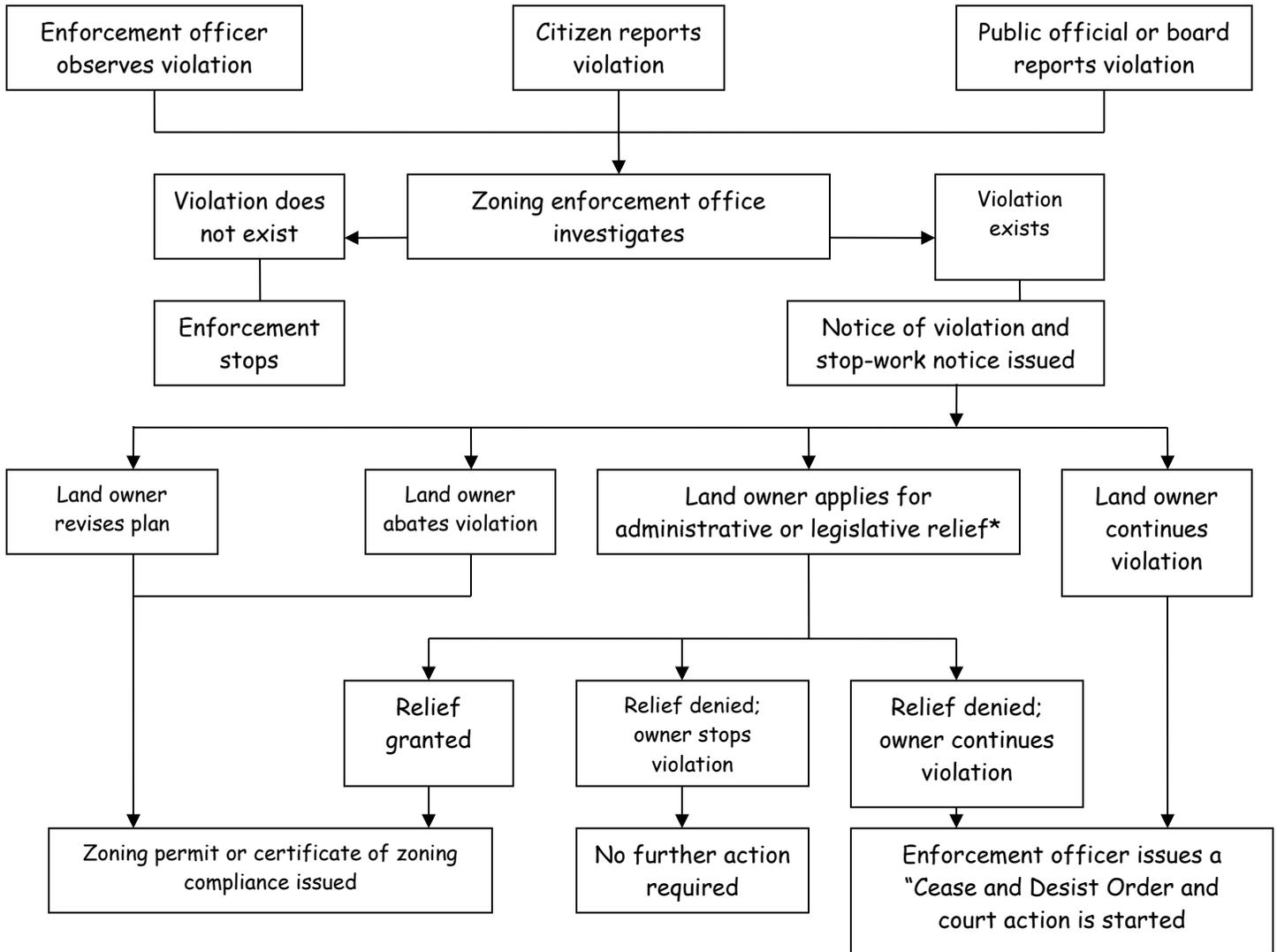
- (2) If ten or fewer parcels are intended to be rezoned, notice, including the time, date and place of the hearing must be sent to all adjacent parcels via first class mail at least ten days prior to the public hearing.

If additional information is needed before the Zoning Commission makes its decision and/or if additional hearings are needed, such hearings may be “continued.”

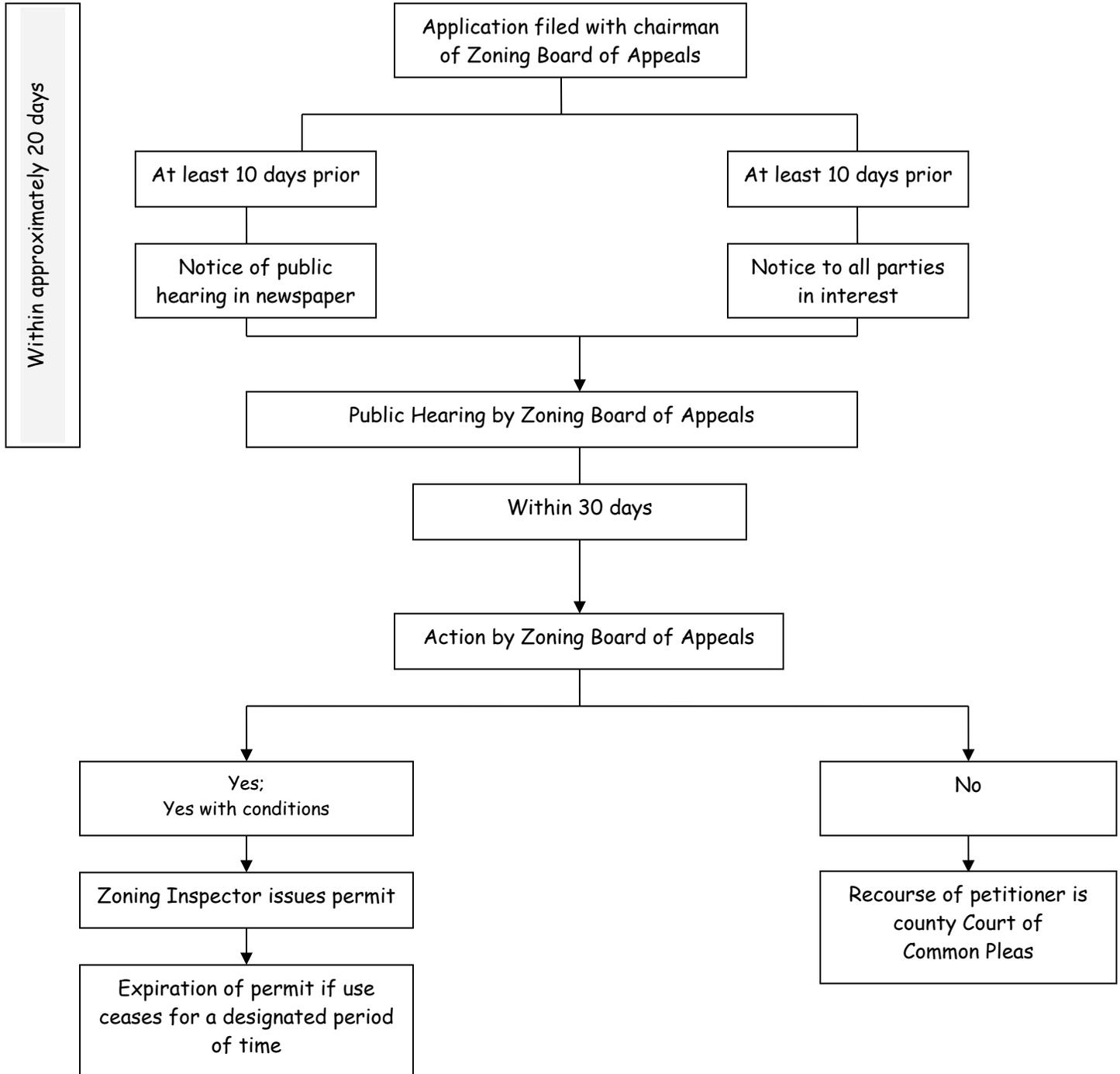
Notice must be published in at least one or more newspapers of general circulation in the township at least ten days prior to the public hearing and include the time, date, place, and reason for the public hearing and all information required by ORC 519.12(F) (ten or fewer parcels) or ORC 519.12(G) (more than ten parcels).

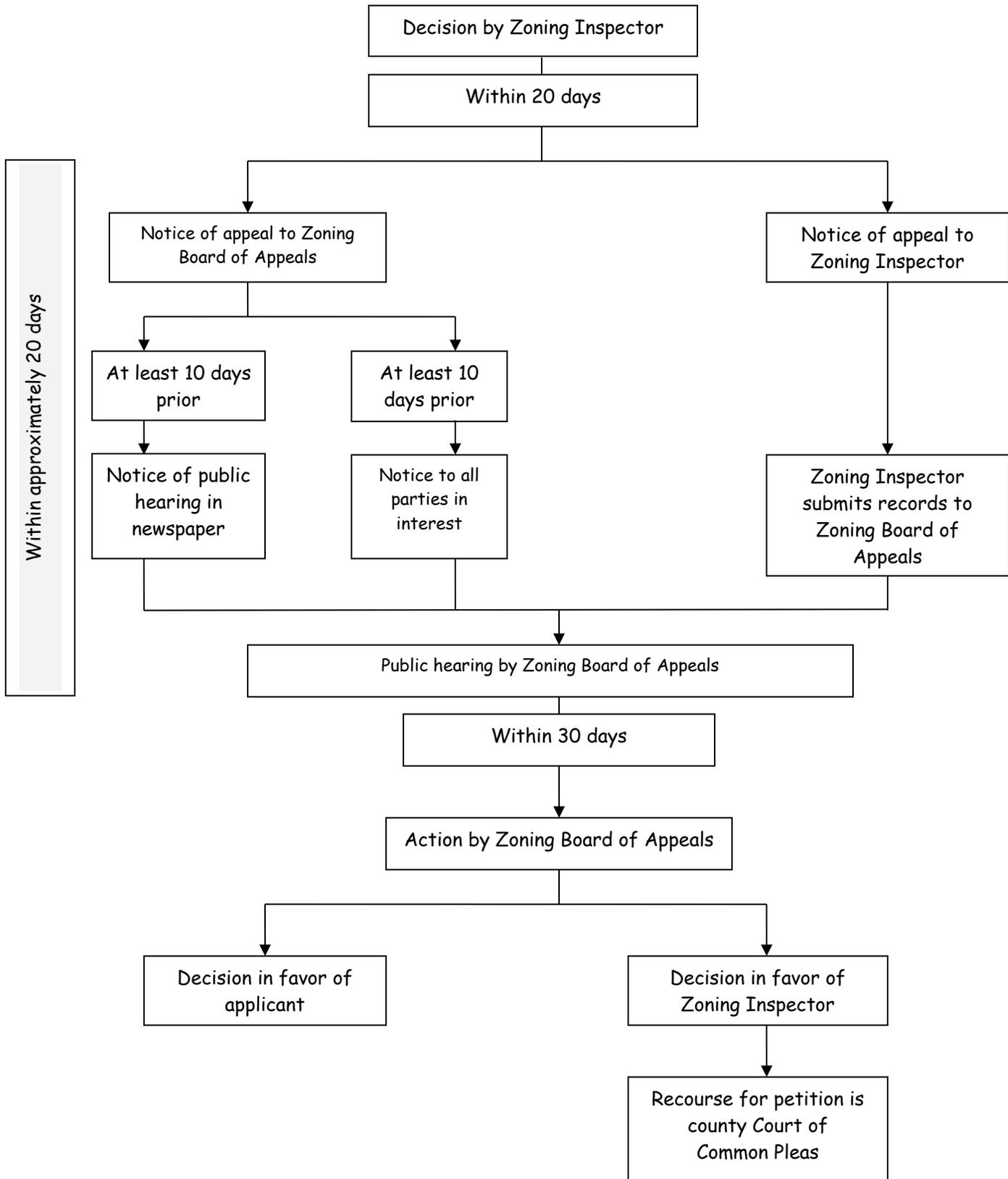
Figure 2: Procedure for Zoning Permit Approval

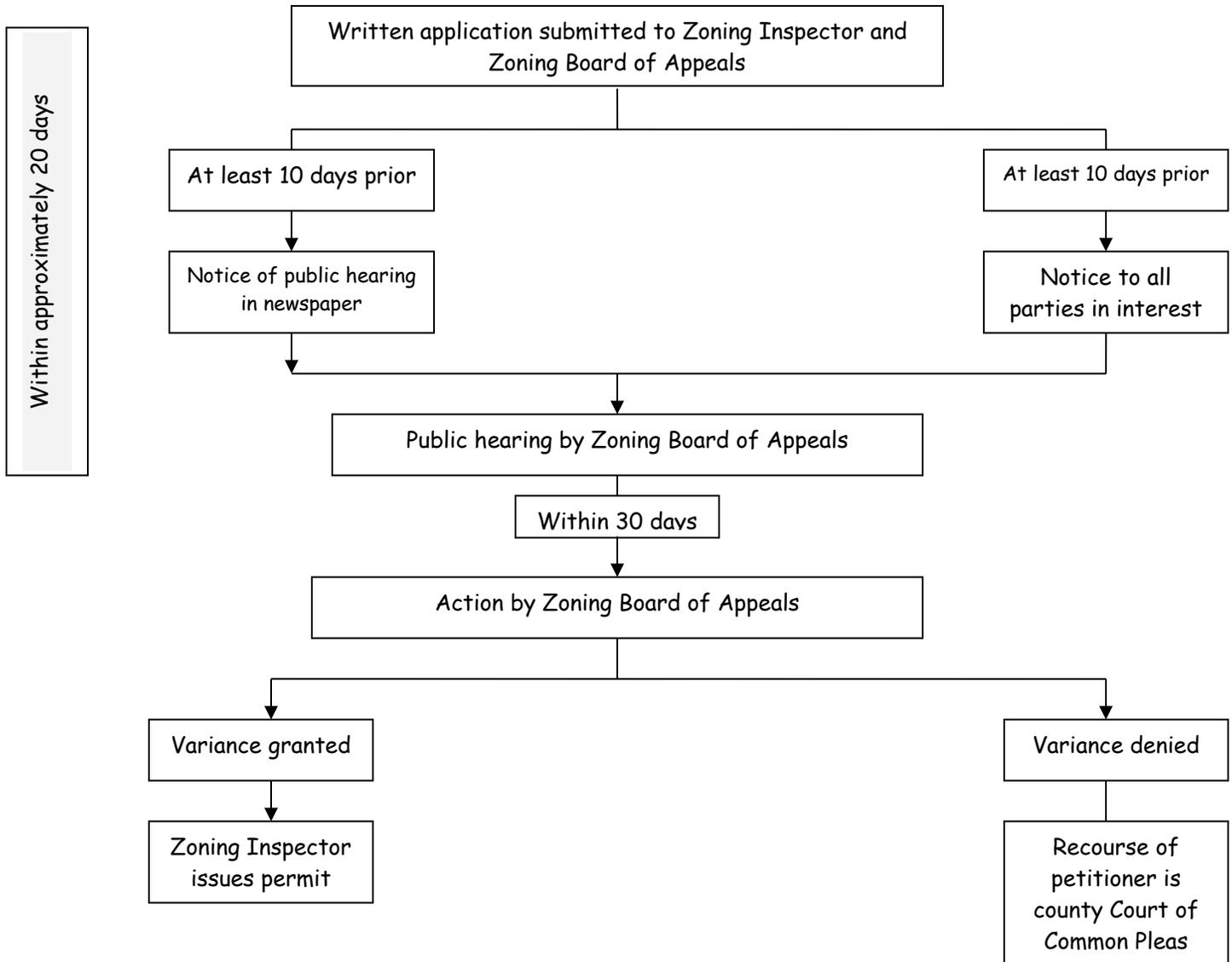




*Administrative Relief: an appeal, a conditional use permit or a variance
 Legislative Relief: a zoning amendment







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