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		August 11, 2010	

CHARLESTOWN TOWNSHIP, PORTAGE COUNTY, OHIO
ZONING RESOLUTION

June 7, 1997

Amended:
April 20, 1979

Amended:
April 4, 1984

Amended:
February 23, 1990

Amended:
June 9, 1990

Amended:
August 31, 1991

Amended:
January 8, 2003

Amended:
April 22, 2009

Amended:
August 11, 2010

Prepared by:
Charlestown Township
Zoning Commission



Title, Purpose and Interpretation

TITLE

SECTION
101

SECTION

This Resolution shall be known as the Zoning Resolution of Charlestown Township, Portage County, Ohio.

PURPOSE

SECTION
102

In order to promote and help protect the health, safety and general welfare of the residents of Charlestown Township, Portage County, Ohio; and,

To help insure orderly growth and development, and

To protect and conserve property and property values, and

To provide adequate light, air quality, and access to property;

The Board of Township Trustees has found it necessary and advisable to adopt a Zoning Resolution, which will regulate the generalized use of land, buildings, and structures.

Therefore, for the purpose stated above, the Board of Township Trustees divides the area of Charlestown Township into districts, as indicated herein. It provides for the administration and enforcement of such regulations under authority derived from Sections 519.01 to 519.99, inclusive, of the Ohio Revised Code.

INTERPRETATION

103

SECTION

- A. By interpretation and application, the provisions of this Resolution, and any and all amendments thereto, shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare of the community. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations or resolutions, the more restrictive, or that requiring the higher standards, shall govern.

- B. It is the privilege of any person purchasing a lot in this township, to consult with the Charlestown Township Planning Committee, before the purchase is finalized, for advice as to whether said lot is acceptable for building a home, or for a manufactured home.

Interpretation of Terms

For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.
4. The word "used" or "occupied" include the words "intended", "designed" or "arranged to be used or occupied".
5. The word "lot" includes the words "plot" or "parcel".

DEFINITIONS

1. **Abandonment** - A voluntary discontinuance of a use of a period of Two (2) years or more shall constitute abandonment.
2. **Accessory Use or Structure** - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle use or structure.

2A. **ADDITION:** The expansion of existing space. ¹

-
3. **Agriculture** - The use of land for farming, dairy farming, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce.

¹ Amended April 4, 1984

4. **Antenna** - Any structure or device used for the purpose of collecting or transmitting electromagnetic signals, including but not limited to directional antennas, such as panels, microwave dishes, satellite dishes and omnidirectional antennas, such as whip antennas. ²
5. **Basement** - A story all or partly underground, but having at least one-half (1/2) of its height below the average level of the adjoining ground.
6. **Billboard** - Any permanent structure leased for advertising.
7. **Building** - Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.
8. **Building Height** - The vertical distance measured from the average elevation of the proposed finished grade, at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and the mean height between eaves and ridge for gable, hip and gambrel roofs.
9. **Building, Principal** - A building in which is conducted the main or principal use of the lot on which said building is situated.
10. **Business, General** - Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community. Also, supply the more durable and permanent needs of the whole community. General business uses include, but need to be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.
11. **Conditional Use** - Require a conditional use permit and approval of the Board of Zoning Appeals.
12. **Dwelling Unit** - The space within a building comprising living, dining, sleeping rooms, and storage areas, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees for residential purposes.
13. **Dwelling, Single - Family** - A building consisting of a single dwelling unit.
14. **Dwelling, Two - Family** - A building consisting of Two (2) dwelling units.
15. **Floor Area, Useable** - Measurement of useable floor area shall be the sum of the square footage of the horizontal areas of the building. Measured from the interior faces of the exterior walls; excluding basements, garages, elevator, and stair bulkheads, attic space, terraces, breezeways, open porches, and exterior stairs.

16. **Garage, Private** - A detached accessory building, or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats owned by the occupants of the premises. Camping vehicles need not be stored in said garage but must be parked off of the highway right-of-way.
17. **Garages, Auto Service Shop** - A building or portion of a building in which repairs are made on motor vehicles.
18. **Golf Course** - A tract of land designed with at least nine holes for playing a game of golf and improved with trees, fairways, greens and hazards. A golf course may include a clubhouse, shelters and driving ranges as accessory uses, but shall not include miniature golf courses, or other similar commercial enterprises.³
19. **Home Occupation** - Any use or profession conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the principal use, the dwelling unit or accessory building, and does not change the character thereof.
20. **Industry, Light** - Manufacturing or other industrial uses, which are usually, controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements. Such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.
21. **Junk Motor Vehicle** - A licensed inoperable automobile, truck or other vehicle, not housed, that remains on any premises more than fifteen (15) days shall be deemed a JUNK vehicle. Any automobile, truck or other vehicle not housed, which does not have a current set of license plates displayed in such a way to permit operation of said vehicle on public roads shall be deemed a JUNK vehicle.⁴
 - 21A. **Junk Yard** - Any land, building, structure, or combination thereof used for the abandonment, storage, heaping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials. Or for the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles, or other vehicles not in running condition, or parts thereof, or not currently licensed.
22. **Lot** - A lot of record of sufficient size to meet the minimum requirements of this Resolution for use, coverage, and area. To provide such yards and other open spaces as are herein required and having frontage on an improved street, which meet the minimum standards of the Portage County Subdivision Regulations.

³ Amended January 8, 2003

⁴ Amended February 23, 1990

23. **Lot Area** - The computed area contained within the lot lines, as defined herein, exclusive of any portion of the right-of-way of any public or private street or any public open space.
24. **Lot, Corner** - A lot as the junction of, and abutting upon Two (2) intersecting streets.
25. **Lot, Double Frontage** - A lot having frontage on Two (2) streets, as distinguished from a corner lot.
26. **Lot Frontage** - All sides of a lot adjacent to a street shall be considered frontage. The frontage shall be measured along the street right-of-way.
27. **Lot Line, Front** - The line separating a lot from the street right-of-way on which the lot abuts.
28. **Lot Line, Rear** - The lot line(s) opposite and most distant from the front lot line.
29. **Lot Line, Side** - Any lot line other than the front or the rear lot line.
30. **Miniature Golf** - A theme-oriented commercial facility, typically comprised of nine or 18 putting greens, each with a "cup" or "hole" where patrons in groups of one to four pay a fee to move in consecutive order from first hole to the last. ⁵
31. **Manufactured Home** - A building unit or assembly of closed construction fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 41 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. ⁶
32. **Modular Home** - Factory-built housing certified as meeting the local and State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes. ⁷
33. **Non-Conforming Use** - A building, structure or use of land lawfully occupied or used at the time of the enactment of this Resolution. Or any amendment thereto, which does not conform to the regulations of the district in which it is located.
34. **Right-of-way** - A strip of land taken or dedicated for use as a public way and including the roadway, curb, lawn strips, sidewalks, lighting, and drainage

⁵ Amended January 8, 2003

⁶ Amended January 8, 2003

⁷ Amended January 8, 2003

facilities. It may include special features required by the topography, such as grade separation and landscaped area. Where the right-of-way line is not established, the right-of-way shall be assumed to be Sixty (60) feet, Thirty (30) feet on either side of the roadway center line.

35. **Sign** - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. For the purpose of this Resolution, the word sign does not include the flag or insignia of any government, governmental agency, or charitable, religious, or educational institution.
36. **Small Energy System**- A renewable energy system to provide for energy needs, designed to serve single subject development or property. The purpose of a small energy system is to be an accessory use of the property. A small energy system should not have the ability to generate more than 100kW per day of the subject property or units of a development.⁸
37. **Small Solar Energy System** - Any solar collector or other solar energy device, or any structural design feature whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, or water heating or for electricity that may be mounted on a building or on the ground and is an accessory use of the property.⁹
38. **Small Wind Energy System** - A wind energy system consists of a wind turbine, a tower and associated controls or conversation electronics which is intended to primarily reduce on-site consumption of utility power. A small wind energy system should not have the ability to generate more than 5MW per day and the majority of the energy produced is used on the subject property our unit of the development. The purpose of a small energy system is to be an accessory use of the property.¹⁰
39. **Solar Energy** - Radiant energy (direct, diffuse, or reflected) received from the sun.¹¹
40. **Solar Energy Dual Purpose** - Solar energy is collected to create energy from structures that are generally permitted, examples could be fences or walls. This would include exterior lighting for patios and walkways. Dual-purpose structures should look primary like a fence, wall or light fixture and not the opposite for the purpose of generating electricity while blending into the landscape. The appearance of the structure should be commonly recognizable with the production of electricity interwoven or embedded into the structure not to dominate the appearance.¹²
41. **Structure** - Anything constructed, erected, or moved into position so as to require location on the ground, or attached to something having permanent

⁸ Amended August 11, 2010

⁹ Amended August 11, 2010

¹⁰ Amended August 11, 2010

¹¹ Amended August 11, 2010

¹² Amended August 11, 2010

location on the ground. Including building, manufactured homes, signs, and billboards, but not including fences or walls used solely for fences.

42. **Street, Private** – A street, highway, road or alley which affords principal means of access to abutting property, but which has not been dedicated to the public.
43. **Street, Public** – A street, highway, road or alley, which allows principal access to abutting property, and has been dedicated to the public.
44. **Use** – The principal purpose, for which a lot or a building is designed, arranged, intended or for which it is or may be occupied or maintained.
45. **Variance** – A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest nor in conflict with the intent and purpose of this Resolution. Where owing to conditions peculiar to the property and not the result of the action of the applicant. A literal enforcement of the regulations would result in unnecessary and undue hardship, not solely financial and provided that the granting of a variance shall not, in effect, constitute a rezoning of the parcel in question.
46. **Wind Energy Turbine** – The blades and associated mechanical and electrical conversion components whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.¹³
47. **Wireless Telecommunication Service Facility** - A facility, consisting of equipment, structures, parking area, and accessory development, involved in transmitting and/or receiving electromagnetic signals. ¹⁴
48. **Wireless Telecommunication Services** - Licensed wireless telecommunications services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public. ¹⁵
49. **Wireless Telecommunication Tower** - Any structure including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of supporting one or more antenna, or similar apparatus. ¹⁶
50. **Wireless Telecommunication Tower, Multi-User** - A tower to which is attached the antennas of more than one wireless telecommunication service provider or governmental entity. ¹⁷
51. **Wireless Telecommunications Tower, Single-User** - A tower to which is attached only the antenna of a single user, although the tower may be

¹³ Amended August 11, 2010

¹⁴ Amended January 8, 2003

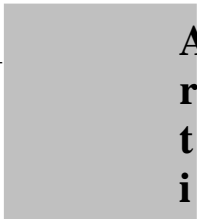
¹⁵ Amended January 8, 2003

¹⁶ Amended January 8, 2003

¹⁷ Amended January 8, 2003

designed to accommodate the antennas of multiple users as requested in this resolution.¹⁸

- 52. **Yard** - An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided herein.
- 53. **Yard, Front** - A yard extending between side lot lines across the front of a lot and from the front lot line to the nearest portion of any existing or proposed building or structure.
- 54. **Yard Rear** - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the nearest portion of any existing or proposed building or structure.
- 55. **Yard, Side** - A yard extending between the side lot line and the nearest portion of any existing or proposed building or structure and extending from the front yard to the rear yard.
- 56. **Zoning Map** - The "Official Zoning Map of Charlestown Township, Portage County, Ohio".



Establishment and Purpose of Districts

INTENT AND TYPES OF DISTRICTS

SECTION

301

For the purpose of this Resolution, the following districts are hereby established for Charlestown Township, Portage County, Ohio. In addition, the specific purpose of each district shall be stated.

- O-C= Open Space.

- R-1= Residential Rural
- R-2= Residential Manufactured Home Parks
- B=Business

OFFICIAL ZONING MAP

SECTION

302

The districts established in Article 3, Section 301 of this Resolution, as shown on the Official Zoning map, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

USES EXEMPT FROM REGULATIONS

SECTION

303

A. Agriculture Uses

Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or use of buildings or structures incidental to agriculture use of the land upon which said building or structures are located. Including a roadside stand offering for sale only agricultural products, which are produced on the premises and no Zoning Certificate, shall be required for such use, buildings, or structures. Farm dwelling units, however, shall conform to the regulations contained in this Resolution.

B. Nothing contained in this Resolution shall prohibit the use of any land for railroads and for public utilities. Or the use of building or structures incidental to railroads or the public utilities, or use of land upon which said building or structures are located.

REQUIRED COMPLIANCES

SECTION

304

No building, structure or land shall be used or occupied. And no building or structure, or part thereof, shall be erected, constructed, reconstructed, moved or structurally altered; except in conformity with all the regulations herein specified for the district in which it is or is proposed to be located. Uses, which are omitted from these regulations, not being specifically permitted, shall be considered prohibited until, by amendment, or such uses are written into this Resolution. The regulations for each district set forth by this Resolution shall apply uniformly to each class of kind of structure or land.

ZONING PERMIT

SECTION

305

No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use without a permit issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Resolution. Unless the Zoning Inspector received a written order from the Board of Zoning Appeals, that, upon appeal, a conditional use has been permitted, or a variance granted, as provided by Resolution.

PROHIBITED USES

SECTION

306

A. No use shall be permitted or authorized to be established that, is/or may become hazardous, noxious, or offensive; due to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, electrical interference, refuse matter, and/or water-carried wastes; or which will interfere with the use and enjoyment of properties within the township.¹⁹

B. Junk Motor Vehicles and Junk Yards, refer to page 7, number 21 & 21A.²⁰

GENERAL REGULATIONS PER LOT

SECTION

307

A. **One Principal Building Per Lot**

No more than One (1) principal building shall be permitted on any One (1) lot. Every principal building shall be located on a lot having frontage on a public street or a private street, meeting the minimum construction standards required by the Portage County Subdivision Regulations.

B. **State Road Drives**

All lots fronting upon a state highway must provide a turn-around for their access drives.²¹

¹⁹ Amended January 8, 2003
²⁰ Amended April 22, 2009
²¹ Amended August 31, 1991

GENERAL REGULATIONS OF STRUCTURES AND CONSTRUCTION

308

SECTION

A. Construction

a1. All construction must begin within 6 months of obtaining a zoning permit.²²

a2. All construction must be completed within a two (2) year period (including exterior finished) of the zoning permit issuance.²³

B. Temporary Buildings

Temporary buildings for use incidental to construction work may be erected in any district herein established; however, such temporary building or buildings shall be removed upon the completion or abandonment of the construction work.

C. Accessory Buildings

Accessory buildings shall not be located within Ten (10) feet of any rear and/or side lot line.

²² Amended April 22, 2009

²³ Amended April 22, 2009



District Regulations

R-1=401 R-2=402 O-C=403 B=404

RESIDENTIAL I

SECTION

401

PURPOSE

SECTION

401.1

This district is established to permit low density, residential development in order to promote the continuation of the predominately rural character in this district.

USES

SECTION

401.2

Within Residential I District no building, structure, or premises shall be used except for one or more of the following uses:

A. Permitted Uses

1. Single-family dwelling unit
2. Two-family dwelling unit
3. Manufactured home dwelling unit (See B)
4. Accessory uses or buildings incidental to any of the above-permitted uses, but not including the conduct of a business or industry.

B. Manufactured Home Dwelling Units

A manufactured home for residential purposes may be permitted in this district as the principal building to be used as a single family dwelling unit and subject to C1, 2, 3 and 4.

1. Conditions and Regulations

- a. All manufactured homes shall have adequate health facilities available. Including running water and toilet facilities inside the manufactured home. It shall be connect to a sanitary sewage system approved by the Portage County Health Department.
- b. All manufactured homes shall have a minimum of (1400) Fourteen Hundred square feet of useable floor space. ²⁴
- c. The location of the manufactured home must meet all existing setback, yard requirements, and other applicable regulations set forth in this Resolution for principal buildings in the district in which the manufactured home is to be located.
- d. All manufactured home foundations and concrete slabs must conform to the Portage County Building Codes and be skirted from the ground to the floor with material that has no more than ten (10) percent openings. ²⁵
- e. Only One (1) commercially manufactured unit per lot. Any additions to manufactured homes must be specifically designed and manufactured as manufactured home additions. Accessory buildings shall not include manufactured homes or trailers of any type. ²⁶

C. Conditionally Permitted Uses

1. Governmentally owned and/or operated buildings or facilities subject to Section 701.2 B2, B3, and B4.
2. Churches and institutions of an educational, religious, or philanthropic nature subject to Section 701.2 B1, B2, B3, and B4.
3. Governmentally or privately owned and/or operated picnic areas, parks, tennis courts, golf courses, swimming facilities and other similar recreational facilities are subject to Section 701.2 B1, B2, B3 and B4.
 - a. Outside restrooms, i.e., camping, must be no closer than two hundred (200) feet from any residential home or dwelling, and

²⁴ Amended April 22, 2009

²⁵ Amended January 8, 2003

²⁶ Amended April 4, 1984

must conform to all Portage County Health Department Regulations.

27

4. Home Occupations, provided such use does not involve any extension or modification of said dwelling or accessory building, and does not constitute more than Twenty-five percent (25%) of the principal building; in which would involve any outward evidence of such use, except no more than one sign as authorized in Article 6 - Sign Regulations.
5. Oil and/or gas drilling and operations necessary for the extraction and skimming. Subject to section 701.2(A) and 701.2(B) 5 through 21. ²⁸
6. Extracting operations for sand, clay, stone, gravel, and other natural resources. Subject to 701.2(A) and 701.2(B) 5 through 21. ²⁹
7. Subject to section, 701.2(A) and 701.2(B), location of an accessory mobile home permitted for hardship cases, shall be limited to the rear or side of the existing dwelling. It must conform to existing side and rear yard requirements set forth in this resolution for accessory building in the district in which the mobile home is to be located. This accessory building and the land thereof shall not be used for rental purposes. ³⁰
8. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures, subject to Article 7, Section 702.2 Wireless Communication Towers.

LOT REQUIREMENTS

SECTION

401.3

A. Minimum Lot Area

1. One and one-half (1 ½) acres per single-family dwelling unit.
2. Two and one-half (2 ½) acres per two-family dwelling unit.

B. Minimum Lot Frontage

1. Single-family dwelling - One hundred (100) feet.
2. Two-family dwelling - One hundred fifty (150) feet.

YARD REQUIREMENTS

²⁷ Amended January 8, 2003

²⁸ Amended April 21, 1979

²⁹ Amended April 21, 1979

³⁰ Amended February 23, 1990

SECTION

401.4

A. Minimum Front Yard Depth – Sixty (60) feet.

B. Minimum Rear Yard Depth – Twenty (20) feet.

C. Minimum Side Yard Width – Twenty (20) feet.

BUILDING HEIGHT

SECTION

401.5

A. Maximum building height – thirty-five (35) feet.

MINIMUM USABLE FLOOR AREA

SECTION

401.6

A. Each single-family dwelling unit shall have a minimum of Fourteen Hundred (1400) square feet of usable floor area per dwelling unit.³¹

B. Each two-family dwelling unit shall have a minimum of Two Thousand Six Hundred (2600) square feet of usable floor area per dwelling unit.³²

RESIDENTIAL II

SECTION

402

Manufactured Homes

PURPOSE

SECTION

402.1

This district is intended to permit higher density residential development of manufactured homes within existing manufactured home park areas where central sewer is available. It is further the intention to insure a higher quality of living for all residents and to protect property values by allowing manufactured homes in manufactured home parks.³³

³¹ Amended April 22, 2009

³² Amended April 22, 2009

³³ Amended February 23, 1990

USES

SECTION

402.2

Within a Residential II District no building, structure, manufactured home, or premises shall be used except for one or more of the following:

A. Permitted Uses

1. Single-family dwelling unit.
2. Two-family dwelling unit.
3. Accessory uses or buildings incidental to any of the above permitted uses, but not including the conduct of a business or industry.

B. Conditionally Permitted Uses

1. Governmentally owned and/or operated buildings or facilities subject to Section 701.2 B2, B3 and B4.
2. Churches and institutions or an educational, religious, or philanthropic nature subject to Section 701.2 B1, B2 and B3.
3. Governmentally or privately owned and/or operated picnic areas, parks, tennis courts, golf courses, swimming facilities. Are subject to Section 701.2 B1, B2, B3 and B4.³⁴
4. Home occupations, provided such use does not involve any extension or modifications of said dwelling or accessory building and does not constitute more than Twenty-five percent (25%) of the principal building. In which, would involve any outward evidence of such use, except not more than one sign as authorized in Article 6 – Sign Regulations.

CONDITIONS AND REGULATIONS

SECTION

402.3

- A. All manufactured homes shall have adequate health facilities available. Including running water and inside toilet facilities in the manufactured home. It shall be connected to a sanitary sewage system approved by the Portage County Health Department.
- B. All manufactured homes shall have a minimum of Fourteen Hundred (1400) square feet.³⁵

³⁴ Amended January 8, 2003

³⁵ Amended April 22, 2009

- C. The location and the manufactured home must meet all state and local regulations and other applicable regulations set forth in this Resolution in the district.
- D. All manufactured homes foundations and concrete slabs must conform to the Portage County Building Codes and must be skirted from the ground to the floor with material that has no more than ten (10) percent openings.

36

OPEN SPACE

SECTION

403

PURPOSE

SECTION

403.1

This district is established for the following purposes:

- A. To preserve and protect the values of distinctive geologic, topographic, botanic, historic or scenic area.
- B. To conserve natural resources such as rivers, valleys and tracts of forest land.
- C. To reduce the problems created by intensive development of having excessively high water tables or which are subject to flooding; or which are topographically unsuited for intensive development.

USES

SECTION

403.2

Within an O-C Open Space District no building, structure or premises shall be used except for one or more of the following:

A. Permitted Uses

1. Single-family dwelling.
2. Manufactured Home - A manufactured home for residential purposes may be permitted in this district as the principal building to be used as a single-family dwelling unit and subject to:

- a. All manufactured homes shall have adequate health facilities available. Including running water and toilet facilities inside the manufactured home. It shall be connected to a sanitary sewage system approved by the Portage County Health Department.
 - b. All manufactured homes shall have minimum of Fourteen Hundred (1400) square feet of usable floor space. ³⁷
 - c. The location of the manufactured home must meet all existing setback, yard requirements and other applicable regulations set forth in this Resolution for principal buildings in the district in which the manufactured home is to be located.
3. Wildlife refuge and game preserve.
 4. Accessory uses or buildings incidental to any of the above - permitted uses but not including the conduct of business or industry.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may grant Conditional Zoning Permits for the uses listed herein, subject to the general requirements of Article 7 - Conditional Zoning Permits and to the specific requirements of Article 7 referred to below:

1. Governmentally owned and/or operated building or facilities subject to Section 701.1 B2, B3 and B4.
2. Churches and institutions of an educational, religious, or philanthropic nature subject to Section 701.2 B1, B2 and B3.
3. Governmentally or privately owned and/or operated picnic areas, parks, tennis courts, golf courses, swimming facilities are subject to Section 701.2 B1, B2, B3 and B4. ³⁸
 - a. Outside restrooms, i.e., camping, etc. must be no closer than Two hundred (200) feet from any residential home or dwelling and must conform to all Portage County Health Department Regulations.
4. Home occupations, provided such use does not involve any extension or modifications of said swelling or accessory building and does not constitute more than Twenty-five percent (25%) of principal building. In which would involve any outward evidence of such use, except not more than One (1) sign as authorized in Article 6 - Sign Regulations.
5. Oil and/or gas drilling and operations necessary for their extraction and skimming. Subject to section 701.2(A) and 701.2(B) 5 through 21. ³⁹

³⁷ Amended April 22, 2009
³⁸ Amended January 8, 2003
³⁹ Amended April 21, 1979

6. Extracting operations for sand, clay, stone, gravel and other natural resources. Subject to Section 701.2(A) and 701.2(B) 5 through 21. ⁴⁰
7. Subject to Section 701.2(A) and 701.2(B), the location of an accessory mobile home permitted for hardship cases shall be limited to the rear or side of the existing dwelling. It must conform to the existing side and rear yard requirements set forth in this resolution for accessory buildings in the district in which the manufactured home is to be located. This accessory building and the land thereof shall not be used for rental purposes. ⁴¹

LOT REQUIREMENTS

SECTION

403.3

- A. **Minimum Lot Area** - per dwelling unit Five (5) acres.
- B. **Minimum Lot Frontage** - Two Hundred (200) feet.

YARD REQUIREMENTS

SECTION

403.4

- A. **Minimum Front Yard Depth** - Eighty (80) feet.
- B. **Minimum Rear Yard Depth** - Fifty (50) feet.
- C. **Minimum Side Yard Width** - Twenty-five (25) feet.

BUILDING HEIGHT

SECTION

403.5

- Maximum Building Height** - Thirty-five (35) feet.

FLOOR AREA

SECTION

403.6

- Minimum Usable Floor Area**

⁴⁰ Amended April 21, 1979

⁴¹ Amended February 23, 1990

Each single-family dwelling unit shall have a minimum of Fourteen Hundred (1400) feet of usable floor area. ⁴²

BUSINESS

SECTION

404

PURPOSE

SECTION

404.1

This district is established to provide for uses principally to accommodate light industry, restaurants, or the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. It is intended that the design of this district will encourage groupings of establishments located on a unified site, provided adequate off-street parking facilities, as well as an efficient and safe method of handling vehicular and pedestrian traffic.

USES

SECTION

404.2

Within a Business District, no building, structure, or premise shall be used, except for one more of the following uses:

A. Permitted Uses

1. Personal services, including dry cleaning and laundry agency, barber and beauty shop, and tailor and dressmaker shop.
2. Florist and gift shop.
3. Office, including professional, financial, insurance, real estate, educational, civic social labor, and non-profit organization.
4. Farm equipment sales and service.
5. Automobile sales and service, including gasoline service station.

6. Light industry.
7. Signs as regulated by Article of this Resolution.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Permits for the uses listed herein, subject to the general requirements of Article 7 (Conditional Zoning Permits) and the specific requirements of Article 7 referred to below.

1. Governmentally owned and/or operated buildings or facilities subject to Section 701.2 B1, B2 and B4.
2. Churches and institutions of an educational, religious or philanthropic nature, subject to Section 701.2 B1, B2 and B3.
3. Wireless telecommunications service facilities, subject to Article 7, Section 702.2 Wireless Communication Towers. ⁴³

LOT REQUIREMENTS

SECTION

404.3

Minimum Lot Frontage - Sixty (60) feet.

YARD REQUIREMENTS

SECTION

404.4

A. Minimum Front Yard Depth - Twenty-five (25) feet.

B. Minimum Rear Yard Depth - Twenty (20) feet.

C. Minimum Side Yard Width - None, except when adjacent to a residential district in which case there shall be a minimum of Thirty (30) feet on the side adjacent to the residential district.

MAXIMUM BUILDING HEIGHT

404.5 SECTION
Thirty-five (35) feet

PARKING AND LOADING REQUIREMENTS

404.6 SECTION
A. PARKING

Adequate parking facilities based on the formula of One (1) parking space for each One (1) employee, plus One (1) parking space for each one hundred-fifty (150) square feet of retail floor area, or fraction thereof, shall be provided outside the street right-of-way to meet all the parking needs. Variances in parking requirements may be granted by the Board of Zoning Appeals in such cases where it can be shown that the above formula does not accurately reflect the actual number of cars on the premises at one time.

All parking areas shall be separated from the street right-of-way and from any abutting residential district by a Ten (10) foot strip of land, landscaped and appropriately maintained.

B. LOADING

Every building used for commercial purposes shall have sufficient provisions for truck loading and unloading so that such activity may be conducted completely outside the street right-of-way.

Non-Conforming Uses

REGULATIONS

SECTION

500

The lawful use of any structure or land existing at the effective date of this Resolution, or any amendment thereto, may be continued, although such use does not conform to the provisions of the Resolution, provided the following conditions are met:

- A. No non-conforming use may be re-established where such non-conforming use, or normal activities or operations of such use, have been voluntarily discontinued for a period of Two (2) years.
- B. No non-conforming use may be extended beyond the limits of the structure(s) or land clearly owned, designed and allotted to such non-conforming use subsequent to the date on which this Resolution becomes effective, except that upon obtaining a zoning certificate from the Zoning Inspector, a non-conforming use may be extended up to Twenty-five (25%) percent of the original area of the non-conforming structure.
- C. Nothing in this Resolution shall prevent, and the Trustees must allow, the reconstruction, repairing, rebuilding and/or continuing use of any non-conforming structure damaged by fire, collapse, explosion, or Acts of God, after the effective date of this Resolution, provided the area of such use is not increased or extended or reduced more than Twenty-five (25%) percent of the original area of the non-conforming structure.
- D. No non-conforming use shall displace, in part or whole, a conforming use but may be substituted.
- E. Nothing in this Resolution shall prohibit the completion or construction and use of a non-conforming structure for which a building permit has been issued prior to the effective date of this Resolution, provided that construction is commenced within Ninety (90) days after the issuance of such permit, and the entire building shall have been completed within Two (2) days after the issuance of said building permit.

Sign Regulations

PURPOSE

SECTION

601.1

The purpose of this Article is to provide for the use, location and size of the signs throughout the Township in an orderly manner that will promote traffic safety, provide adequate identification of uses, and minimize the confusion and unsightliness of the use of an excessive number of signs or signs of excessive size.

SIGNS PERMITTED IN ANY DISTRICT

SECTION

601.2

A Zoning Certificate shall be required if a sign exceeds Nine (9) square feet. The following signs are permitted in any district provided that no sign, except as in C below, extends into any highway or street right-of-way:

- A. One (1) non-illuminated sign advertising the sale or lease of the lot or building not exceeding Nine (9) square feet in area on any lot.
- B. Signs appropriate to a public or semi-public building for the purpose of displaying the name and activities or service therein provided, not larger than a total of Thirty-two (32) square feet, restricted to the premises.
- C. Signs incidental to legal process and necessary to the public welfare.
- D. Non-illuminated signs not larger than Nine (9) square feet in area are permitted in any district when the use of the sign is in direct relation to the use of the premises.

TEMPORARY SIGNS

SECTION

601.3

The Zoning Commission may permit in any district the placement of temporary signs within the Township for a period not to exceed Thirty (30) days. Such signs shall be limited to advertising of civic and political activities and activities of non-profit organizations within the Township. ⁴⁴

SIGNS PERMITTED IN BUSINESS DISTRICT

SECTION

601.4

A Zoning Permit shall be required for all business signs. Such signs are permitted only in the Business District, subject to the following Regulations:

A. Location

1. Business signs may be fixed flat against the wall of buildings or may project not more than Four (4) feet. The bottom of a projecting sign shall be at least Ten (10) feet above the finished grade of the building.
2. No business sign shall be erected closer than One hundred fifty (150) feet to any intersection with the exception of those signs incidental to legal process and necessary to the public welfare.
3. All business signs erected beyond One hundred fifty (150) feet of any intersection must be erected so as not to obstruct view or cause a traffic hazard.

B. Construction

1. No business sign shall be constructed so as to be a nuisance or be detrimental to the surrounding land uses.
2. Maximum size of business signs shall be One hundred (100) square feet per side with a total sign area not to exceed Two hundred (200) square feet, exclusive of base, poles or other types of support.

C. Illumination

1. Any business sign illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) may not duplicate in the electric light of such sign, any colors appearing in a traffic control signal, nor have any blinking, flashing or revolving light.
2. Any illuminated business sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.

FEEES

SECTION

601.5

The schedule of fees shall be posed in the office of the Zoning Inspector.

SIGNS NOT PERMITTED

SECTION

601.6

- A. Billboards - See Article 2 - Definitions.
- B. No transport vehicle shall be utilized as a sign.

Conditional Zoning Permits

PURPOSE

SECTION

701

It is recognized that certain kinds of uses are of a unique nature relative to location design, size or method of operation. These uses may require varying degrees of restrictions, depending upon the characteristics of the adjacent and surrounding area of the district. Such uses are designated as “Conditionally Permitted”, as outlined in the regulations of each district, and are permitted through the issuance of a “Conditional Zoning Permit”. The standards set forth in the Article are established to provide the Zoning Board of Appeals with a guide in determining whether such a permit should be issued. The “Conditional Zoning Permit” shall contain such conditions and safeguards as are deemed necessary for the protection of surrounding properties and the general welfare of the entire community, including conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, concentration of population, etc.

PROCEDURES FOR MAKING AN APPLICATION

SECTION

701.1

A. Submission

An application shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on a special form for that purpose. The appropriate fee as listed in the Schedule of Fees shall accompany each application.

B. Data Required With An Application

1. Form supplied by the Zoning Inspector, completed by the applicant.
2. Site plan, plot plan and/or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, and proposed structures, the type of bindings and their uses, plus parking, loading and landscaped areas.

3. Complete plans and specifications for all proposed development and construction.
4. A statement supported by substantiating evidence regarding the requirements enumerated in Sections 701.2 (A) and (B), inclusive.
5. A list of the names and current address of all contiguous property owners shall be supplied by the applicant.

C. Review By The Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development, as presented on the submitted plan specifications, in terms of the standards established in this Resolution.

D. Hearing

After adequate review and study of an application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least One (1) publication in a newspaper of general circulation in the Township, and Certified mail notification to all contiguous property owners, at least Ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.

E. Issuance and Revocation of a Conditional Zoning Permit

Only upon conclusion of hearing procedures relative to a particular application may the Board of Zoning Appeals issue a "Conditional Zoning Permit". Such permits may be subject to review by the Board

of Zoning Appeals every 24 months. See Footnote¹. The breach of any condition, safeguard or requirements shall, upon notice of the breach and a public hearing, invalidate the permit granted.

F. Denied "Conditional Zoning Permit"

No application for a "Conditional Zoning Permit" which has been denied by the Board of Zoning Appeals of the Township shall be resubmitted until the expiration of One (1) year, or more, after such denial unless newly discovered evidence is sufficient to justify reconsideration by the Board of Zoning Appeals.

BASIS OF DETERMINATION

SECTION

701.2

The Board of Zoning Appeals shall establish that general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Board of Zoning

Appeals may also impose such additional conditions and safeguards deemed necessary for the general welfare, health and safety, for the protection of individual property rights, and for ensuring that the intent and objectives of the Resolution will be observed.

A. General Standards For All Conditional Zoning Permits

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

1. Will be harmonious with and in accordance with, the general objectives, or with any specific objectives of the Township Zoning Resolution of current adoption.
2. Will be appropriate in appearance and harmonious with the existing or intended character of the general vicinity.
3. Will not hazardous or disturbing to existing or future neighboring uses.
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
5. Will not create excessive additional requirements at public cost for public facilities and services.
6. Will not be offensive due to excessive smoke, fumes, glare, odors, or noise of any nature.
7. Will be in compliance with the Portage County Subdivision Regulations, when applicable, the Board of Health Standards, and the County Building Code.
8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
9. Will be developed with consideration given to minimizing removal of trees and change of topography.
10. Will not result in the destruction, loss, or damage of natural, scenic, or historic features or major importance.

B. Specific Regulations Pertaining to Certain Conditionally Permitted Uses (including Oil, Gas and Mining)

1. All structures and activity areas shall be located at least Sixty (60) feet from all property lines.
2. To secure the optimum effect of transition from a residential to a non-residential district, the Board of Zoning Appeals shall have the power to determine the need for and amount of plant materials, walls or fences, or any combination of these along any property line of the land under consideration. The plans and specifications, including density and height figures for the overall site development, shall include the proposed arrangement of such plantings and structures.
3. There shall be no more than one directional advertisement oriented to each abutting road identifying the activity.
4. All permitted facilities shall be maintained in a neat, orderly condition so as to prevent injury to any single property, and individual, or to the community in general.
5. All structures and activity areas shall be located at least Three hundred (300) feet from any dwelling and Two hundred (200) feet away from the center line of all roadways. All wells when established will be required to use electric jacks on pumps.⁴⁵
6. Loudspeakers or amplifiers, which cause a hazard or annoyance, shall not be permitted. See Footnote³⁷.
7. All points of entrance or exit shall be located no closer than Two hundred (200) feet from the intersection of two or more thoroughfares. See Footnote³⁷.
8. There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity. Caution, danger, or some such sign must be present when applicable as ruled on by the board of Zoning Appeals. See Footnote³⁷.
9. No lighting shall constitute a nuisance and shall in no way impair safe movement to traffic or any street or highway. No lighting shall shine directly on any adjacent Properties. See Footnote³⁷.
10. Such uses shall not require uneconomical extensions of utility service at the expense of the community. See Footnote³⁷.
11. Such uses should be properly landscaped to be harmonious with surrounding residential areas. See Footnote³⁷.
12. All fixed or mobile machinery and/or equipment and area in direct use shall be enclosed by a cyclone fence Six (6) feet or more

in height. All fencing will be in place within One hundred twenty (120) days of granting the conditional permit. At the end of One hundred twenty (120) days the developer or operator must show just cause to the Board of Zoning Appeals for any extension of the time period. Fences shall be adequate to prevent trespassing and shall be placed no closer than Fifty (50) feet to the top or bottom of any slope. No sand or gravel shall be removed or stored or overburden stored within One hundred (100) feet of any lot line not owned or controlled by the developer or operator or said business, or his agent, nor shall mineral extraction business be conducted closer to any lot line or street so that areas contiguous and adjacent thereto do not have adequate lateral support. See Footnote³⁷.

13. All work conducted in connection with such operations shall be done between the hours of 6:00 AM and 9:00 PM, with the exception of oil and/or gas well drilling operations. See Footnote³⁷.
14. No rehabilitated slope shall exceed an angle with the horizontal of Forty-five (45) degrees. See Footnote³⁷.
15. All areas within any development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blending with the general surrounding ground from so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion, or any other potential deterioration. Such operations shall be conducted so as not to leave or cause to exist spoil banks. See Footnote³⁷.
16. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevents hazards or damage to other properties in the community. Subject to Section 701.2(B) 19. See Footnote³⁷.
17. All mud, sand, gravel and petroleum products shall be removed from all thoroughfares and washed away progressively to guarantee the safety of all motorists and pedestrians. Subject to Section 701.2(B) 19. See Footnote³⁷.
18. All permitted installations shall be maintained in a neat and orderly condition so as to prevent injury to any single property and individual or to the community in general. Subject to Section 701.2(B) 19. See Footnote³⁷.

19. As regards to extracting operations for sand, clay, stone, gravel and other natural resources, to guarantee the restoration, rehabilitation, and reclamation of mined-out areas and the safety of all concerned, every applicant granted a mining permit as herein provided, shall furnish proof of any state-required restoration bond, proof of any county restoration or road bond of Twenty-five thousand dollars (\$25,000.00) to the Trustees of Charlestown Township as to guarantee that such work will be done in a satisfactory manner. The Township Trustees prior to the issuance of the permit shall approve plans and specifications of proposed restoration. See Footnote³⁷.
20. As regards to extracting operations for sand, clay, stone, gravel and other natural resources, a plan showing provisions for control of erosion and sedimentation during and after the development, construction, extraction or other use of the mining site shall be proposed. Such plans shall show proposals for restoration, rehabilitation, and reclamation, and shall be accompanied by documentation indicating the review and recommendations of said plan by Portage County Soil and Water Conservation District, and Division of Lands and Soils of the Department of Natural Resources, or other competent agency or soil scientist.

Specific regulations, effective erosion and sediment controls shall be planned and applied according to the following principles:

- a. The smallest practical area of land should be exposed at any time during development, construction, extraction or any other use. See Footnote³⁷.
- b. When land is exposed during development, use, extraction, etc. the exposure should be kept to the shortest practical period of time. See Footnote³⁷.
- c. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development, etc. See Footnote³⁷.
- d. Sediment basins (debris, basins, distilling basins, salt water pits or silt traps) shall be installed and maintained to remove sediment from run off water from land undergoing development, use, etc. Temporary sediment basins will be enclosed by a Four (4) foot woven wire fence. Permanent sediment basins will be enclosed by Six (6) foot cyclone fence. Any sediment basin still in existence after One hundred twenty (120) days will be considered a permanent sediment basin, subject to any extension of the One hundred twenty (120) day period that may be granted by the Board of Zoning Appeals. See Footnote³⁷.

- e. Provisions shall be made to effectively accommodate increased runoff caused by changed soil and surface conditions during and after development, use, etc. See Footnote³⁷.
 - f. The permanent final vegetation and structures shall be installed as soon and as practical as determined by the Board of Zoning Appeals in the development, use, restoration, rehabilitation, etc. See Footnote³⁷.
 - g. The development, extraction or use plan shall be fitted to the topography and soils as to create the last erosion potential. See Footnote³⁷.
21. It is the purpose of these conditions to guarantee the safety of all residents and that all conservational and environmental efforts are made to maintain the natural habitat of the district involved, and to be harmonious with all surrounding property owners and in the best interests of Charlestown Township. See Footnote³⁷.

OIL AND GAS

SECTION

702.1

A. **Maintaining oil and gas well installations in a neat and orderly fashion to prevent injury:**

- 1. All equipment is to be free of mud prior to entering the highway so that no deposit is left on the highway.
- 2. No loading or unloading of oil or water is to be made from the road.
- 3. The blocking of roads is prohibited at all times.
- 4. All permitted installations shall be maintained in a neat, orderly condition.
- 5. All areas shall be rehabilitated in accordance with all state and other local regulations.
- 6. There shall be no deliberate or purposeful spillage of salt water. Any salt water contained, shall be captured and disposed of according to state law.
- 7. Contamination of surface or ground water by substances resulting obtained or produced in connection with exploration drilling or the production of oil and gas is prohibited.

8. All storage tanks shall be dyked or drain valves locked to prevent spillover, which may damage surrounding properties.

B. Noise, Dust and Fumes

1. At all times, any equipment and machinery shall be operated and maintained in such a manner so as to minimize dust, noise and vibration.
2. All permanent pumps and/or compressors shall be electrically operated whenever practical to minimize noise upon adjacent properties.

C. Distance from Buildings

1. All gas wells, oil storage tanks, separator units and compressor stations shall be placed not nearer than Three hundred (300) feet from any building, nor closer to a road right-of-way than One hundred (100) feet.
2. New Construction: No residential or public building or structure shall be erected with Two hundred (200) feet of any existing gas well, oil storage tank, and separator unit or compressor station. No road right-of-way shall be constructed within One hundred (100) feet of any existing gas well, oil storage tank, and separator unit and compressor station.

D. Driveway Construction Materials

1. Prior to establishing a driveway from a township road to a drill site, the operator shall contact the township trustees and establish a location and proper size steel casing necessary for said driveway. Said casing is to be heavy steel to withstand the heavy equipment and large enough to carry all water coursing through the ditch, consistent with local pipe sizes.
2. All driveways to the separator units, oil storage tanks or wellheads shall be slag or paved with asphalt or concrete.

E. Distance of Open Fires from Wells and Tanks

No open fires shall be permitted within Two hundred (200) feet of any gas well or storage tank except as otherwise provided by law or regulations.

F. Zoning Inspector May Order Clean-ups

The Zoning Inspector may inspect the well site at any time and order compliance with all local regulations.

G. Sanitary Facilities for Workers at the Site

Sanitary facilities shall be provided at the drill site and shall be in accordance with the standards of the Portage County Health Department.

H. Certificate of Compliance

Before drilling begins, a photo copy of the permit issued by the state shall be submitted to the Township Zoning Inspector along with a signed and notarized Certificate of Compliance stating that the operator give his full and unconditional agreement to comply with all valid health, safety and welfare regulations pertaining to the drilling or operation of oil and/or gas well, which has been adopted by the Board of Trustees of Charlestown Township.

I. Site Plan and Property Owner Notification

Before drilling begins a site plan must be submitted to the Zoning Inspector. A site plan of the lot(s) shall be drawn to scale showing the exact dimensions and area of the lot(s) and must include the following

1. Location of all proposed gas wells, oil storage tanks, separator units and compressor stations.
2. Distance of all proposed gas wells, oil storage tanks, separator units and compressor stations from any and all lot lines.
3. Location of surrounding structures and road right-of-way within Two hundred fifty (250) feet of all proposed gas wells, oil storage tanks, separator units and compressor stations.
4. Name and address of the subject property owner(s) as well as the names and addresses of all adjoining and contiguous property owners as they appear on the county auditor's current tax list of treasurer's mailing list.

WIRELESS COMMUNICATION TOWERS ⁴⁶

SECTION

702.2

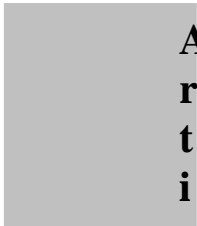
A. Wireless Communication Towers

1. Existing towers must be utilized first, if at all possible, before a new tower or towers may be constructed.
2. A site location should be preferred that offers natural or man-made barriers that would lessen the impact of the wireless telecommunication tower on adjacent areas.

3. All permitted installations/facilities shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual or the township in general.
 4. Access roads shall be maintained in a dirt free and dust free condition.
 5. No towers shall be erected at a distance closer than the height of the tower plus Fifty (50) feet from any structure, road, highway, or property line, excluding any building or road, which is necessary to the express use of the tower.
 6. Only freestanding wireless communication towers are permitted.
 7. An Eight (8) foot high security fence shall be placed around the tower base and any structures accompanying the service facility.
- B. Wireless Communications Service Facilities are subject to the following conditions:
1. A proposed wireless telecommunication facility application is to include a plot plan at a scale of not less than one inch is equal to One hundred (100) feet and shall indicate the location(s) of all buildings which Three hundred (300) feet of the proposed facility. The applicant shall also include as part of the application, a landscaping plan that indicates how the wireless telecommunication facility will be screened from adjoining properties. All wireless telecommunication service facilities shall be designed to promote facility and site sharing.
 2. All applications for wireless telecommunication service facilities, as part of the application review process, shall include a plan of reclamation for both the tower facility and tower site, in the event the facility is no longer functioning in the fashion as originally intended. The reclamation plan should include the removal and disposal of all obsolete and/or abandoned equipment, as well as the reclamation of the area with vegetation to prevent erosion. As part of the plan of reclamation, the owner or operator shall be required as a condition of issuance of a permit to post a cash, security bond, or other financial guarantee which is acceptable to the Township Trustees of no less than One hundred dollars (\$100.00) per vertical foot from the natural grade of the wireless communication tower. This bond shall insure that an abandoned, obsolete or destroyed wireless communication antenna or tower shall be removed within six months of cessation of use and abandonment and reclamation of the area with vegetation to prevent erosion. In addition, any co-locator shall be required to provide its own financial guarantee to the township, which insures the removal and disposal of all obsolete and/or abandoned equipment, and the reclamation of the tower site,

which shall be in place during the period of time that the co-locator occupies the tower.

3. The application shall include conclusive technical evidence as to why the wireless telecommunication tower and facility must be located where it is proposed to be located and no alternative choice can be considered, in order to service the applicant's service area.
4. Existing towers must be utilized, as multi-user wireless telecommunication towers, if at all possible, before a new tower may be constructed. The applicant must provide written evidence that all wireless telecommunication service facilities that supply service within the proposed service area have been approached about the feasibility of co-location opportunities at their respective sites. The operators of the existing facilities shall be requested to respond in writing to the inquiry within Thirty (30) days. The findings of the applicant shall be presented to the Board of Zoning Appeals to aid in determining the need for a new wireless telecommunication tower/facility. Facilities, which are not proposed to be multi-user sites, shall provide a written explanation why the subject facility is not a candidate for co-location.
5. All wireless telecommunication towers shall be less than Two hundred (200) feet in height above the finished grade. The intent of this height restriction is to avoid the necessity for lighting of the tower. All applicants shall be required to construct or locate a base tower structure foundation that is designed to be built up to, but not including, Two hundred (200) feet above the finished grade. Such structure shall be designed to have sufficient structural capacity to allow for at least Three (3) providers to be located on the structure when constructed to the maximum allowable height.
6. All transmission and receiving equipment shall be stored inside a building constructed for the purpose. The wireless telecommunication facility shall also be designed to show that the applicant has enough space on its site plan for an equipment building large enough to accommodate at least Three (3) users. If an equipment building is initially constructed to accommodate only One (1) user, space shall be reserved on site for equipment building expansions to accommodate up to at least Three (3) users. Underground equipment shelters are encouraged especially in non-industrial districts. The maximum size of an equipment building shall be Three hundred (300) square feet for One (1) provider and shall in no circumstances be more than Seven hundred fifty (750) square feet in total.



Administration and Enforcement

AMENDMENTS

SECTION

801

ZONING INSPECTOR

SECTION

801.1

A Zoning Inspector shall be employed to enforce this Zoning Resolution. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.

- A. At one of the open meetings of the Township Trustees, the Zoning Inspector must submit to them a monthly written report of his activities.

SUBMISSION OF APPLICATION

SECTION

801.2

All application for zoning permits shall be submitted to the Zoning Inspector who may issue zoning permits when all applicable provisions of the Resolution have been met. All applications for Conditional Zoning Permits shall be made to the Zoning Inspector and submitted to the Board of Zoning Appeals, which may issue Conditional Zoning Permits in accordance with Article 7 of this Resolution.

ZONING PERMITS REQUIRED

SECTION

801.3

- A. Before constructing, changing the use of, or altering any building, or before changing the use of any parcel, application shall be made to the Zoning Inspector for a zoning permit. The application shall include the following information:

1. A plot plans drawn to scale showing the exact dimensions of the lot to be built upon.
 2. The location, dimensions, height and bulk of structures to be erected.
 3. The intended use.
 4. The yard, open are, and parking space dimensions.
 5. Evidence that the responsible health authority has approved the proposed sanitary sewage disposal facilities for the use for which the zoning permit has been requested.
 6. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.
- B. No zoning permit shall be granted to build any structure within the confines of the unincorporated area of the township which has ingress or egress to the highway, until the owner of such property has secured a permit from the State Department of Transportation, the County Engineer, or the proper Township official (whichever authority has jurisdiction), for permission to install a culvert of the proper size and specifications required by said State Department of the Transportation, County Engineer, or proper local Township official (whichever authority has jurisdiction), and completed proper installation of such culvert.
- C. Within Ten (10) days after the receipt of an application, the Zoning inspector shall issue a zoning permit if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee as indicated on the Schedule of Fees.
- D. The Zoning Certificate shall be void at the expiration of Six (6) months after the date of issuance unless construction is started. If no construction is started, or the use is changed within Six (6) months of the date of the permit, a new permit and fee is required upon application.

SCHEDULE OF FEES, CHARGES, EXPENSES

SECTION

801.4

The Board of Trustees of Charlestown Township shall, by resolution, establish a schedule of fees, charges, expenses and a collection procedure for zoning permits, amendments, appeals, variances, Conditional Use Permits, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution required investigations, inspections, illegal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended by the Board of Township

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

BOARD OF ZONING APPEALS

SECTION

801.5

There is hereby created a Board of Zoning Appeals, which shall be appointed by the Township Trustees and shall have the powers to follow procedures prescribed by the Ohio Revised Code and by this Resolution.

A. Powers and Duties - The Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 519.01 to 519.99, inclusive to the Revised Code or of this Resolution, which is adopted pursuant thereto.
2. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, not solely financial, and so that the spirit of the Resolution shall be observed and substantial justice done.
3. To grant Conditional Zoning Permits for the use of land, buildings or other structures if such certificates for specific uses are provided in the Zoning Resolution.
4. Concerning Variances: to grant Conditional Zoning Permits for the use of land, buildings, and other structures, and to have the authority to impose additional conditions deemed necessary for health, safety, and welfare.

In exercising the above mentioned powers, the Board of Zoning Appeals may affirm or modify any appealed decision of the Zoning Inspector, and to that end shall have all powers of the Zoning Inspector from whom the appeal is taken.

B. Appeals and Applications

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or affected by any decision of the Zoning Inspector, or by any officer of the Township. Such appeal shall be taken within Twenty (20) days after the decision, by filing with the Zoning Inspector and the Board of Zoning Appeals, a notice of appeal. All appeals and applications made to the board of Zoning Appeals shall be in writing and on forms prescribed therefore. Every appeal or application shall refer to the

specified provision of the Resolution, and shall set forth the interpretation that is claimed by the applicant, the details of the variance that is applied for and the ground on which it is claimed that the variance should be granted as the case may be. The board shall provide for at least One (1) publication in a newspaper of general circulation in the Township and Certified Mail notification to all contiguous property owners, at least Ten (10) days prior to the date of the hearing. Every decision of the Board of Zoning Appeals shall be by resolution, each of which shall contain a full record of the findings of the board of Zoning Appeals by case number under one or another of the following headings: Interpretation, Conditional Zoning Permits, or Variance, together with all documents pertaining thereto.

AMENDMENTS

SECTION

801.6

- A. Amendments or Supplements to this Resolution may be initiated by:
1. Motion of the Township Zoning Commission.
 2. Passage of a resolution by the Board of Township Trustees.
 3. Filing of an application by one or more of the owners of leases of property within area proposed to be changed or affected by proposed amendment or supplement with the Township Zoning Commission.
- B. Upon the adoption of such motion, certification of such resolution or filing of such application, the Township Zoning Commission shall:
1. Set a date for public hearing, which date shall be not less than Twenty (20) days nor more than Forty (40) days after adopting, certifying or filing the initiating action.

Notice of said hearing shall be given by the township Zoning Commission by publication in One (1) or more newspapers of general circulation in the Township, at least Fifteen (15) days before the date of the hearing. Notice shall contain the time and place of the public hearing, and a summary of the proposed amendment of supplement.
 2. If the proposal is to rezone or redistrict less than Ten (10) parcels of land, notice shall be mailed, by Certified Mail, to all property owners within, contiguous to, or across the street or highway from, the area proposed to be changed, at least Twenty (20) days prior to the date of the hearing. Said notice shall be mailed to such owners at the address appearing on the current tax duplicate

of the county. The failure of delivery of such notice shall not invalidate any amendment or supplement.

3. Within Five (5) days after the adoption, certification or filing for amendment or supplement, the Township Zoning Commission shall transmit a copy thereof, together with text and map pertaining thereto, to the Portage Planning Commission. The Portage Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and may submit recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing on the proposed amendment or supplement. Failure of the Planning Commission to make a recommendation shall in no way invalidate the proposed amendment or supplement.
- C. After such hearing, the Township Zoning Commission shall, within Thirty (30) days, recommend approval or denial of the proposed amendment or supplement or the approval of some modification thereof, and certify such recommendation together with the motion, resolution, application, the text and map pertaining thereto, and the recommendation of the Portage Planning Commission, to the Board of Township Trustees.
- D. The Board of Township Trustees shall upon the receipt of such recommendation:
1. Set a date for public hearing on such proposed amendment or supplement, which shall not be more than Thirty (30) days from receipt thereof.
 2. Give notice of such public hearing by publication in One (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing. Such notice must contain the time and place of the public hearing, and a summary of the proposed amendment or supplement.
 3. Within Twenty (20) days after such 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 of the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, a unanimous vote of the Board shall be required.
- E. Effective Date, Referendum
1. The amendment or supplement as adopted by the Board of Trustees shall become effective Thirty (30) days after the date of such adoption unless within Thirty (30) days after its adoption there is presented to the Board of Township Trustees a petition signed by a number of qualified voters residing in the

unincorporated area of the Township equal to not less than Eight percent (8%) of the total Vote case for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment supplement at the next primary or general election.

2. No amendment or supplement for which a referendum vote has been requested shall be put into effect unless a majority of the vote case on the issue is in favor of the amendment or supplement.
3. Upon certification by the Board of Elections that the voters have approved the amendment, it shall be effective immediately.

ENFORCEMENT

SECTION

802

VIOLATIONS

SECTION

802.1

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.

INSPECTION

SECTION

802.2

The Zoning Inspector shall inspect each alleged violation and shall in writing order correction of all conditions, which are found to be in violations of this Resolution.

CORRECTION PERIOD

SECTION

802.3

All Violations shall be corrected within a period of Thirty (30) days after written order is issued or for a longer period of time as indicated by the Zoning Inspector and Township Trustees. Any violations not corrected within a specified time period shall be reported to the County Prosecutor who shall initiate prosecution procedures.

PENALTIES

SECTION

802.4

The owner or owners of any building or premises or part thereof where anything in violation of this Resolution shall be placed or shall exist, and any tenant or occupant of such building or premises, and any architect, builder, or contractor who shall assist in committing any such violation, and any person who shall violate any of the provisions of this Resolution or fail to comply therewith, shall for each violation of non-compliance, be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than Twenty-five dollars (\$25.00), nor more than One hundred dollars (\$100.00). Each day of existence of such violation or failure to comply shall constitute a separate offense.

PREVENTION OF VIOLATIONS

SECTION

802.5

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used in violation of this Resolution or any land is or is proposed to be, used in violation of Sections 519.01 to 519.99, inclusive, of the Revised Code of Ohio, or if any regulations or provisions adopted by the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to the other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, constructions, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this Section.



Wind and Solar Energy Regulations⁴⁷

Section**901.01**

Purpose

The purpose of this section is to accommodate a single generation/small wind energy system in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the system. In addition, this regulation provides a conditionally-permitted process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

Section**901.02**

Certification

- A. The foundation, tower, and compatibility of the tower with the rotor and rotor-related equipment shall be certified in writing by a structural engineer registered in Ohio that they conform to good engineering practices and complies with the appropriate provisions of the Ohio Building Code.
- B. The electrical system shall be certified in writing by an electrical engineer, registered in Ohio, that it conforms to good engineering practices and complies with the standards of the utility company.
- C. The rotor overspeed control system shall be certified in writing by a mechanical engineer, registered in any state, that it conforms to good engineering practices.

Section

901.03

Height

The wind energy system is measured as the vertical distance from the ground level to the tip of a wind generator blade when the tip is at its highest point, and shall not exceed the following maximum height requirements.

A. Wind Towers

1. Properties less than 1/2 acre in size-maximum 45 feet
2. Properties between 1/2 acre and one acre in size-maximum 80 feet
 3. Properties greater than 1 acre to 2 1/2 acres-maximum 100 feet
 4. Properties greater than 2 1/2 acres to 5 acres-maximum 120 feet
 5. Properties greater than 5 acres in size-maximum 170 feet
6. Properties within 10,000 feet of an airport must comply with FAA height standards and regulations.

B. Building-mounted units

1. Wind turbines may be affixed to the building or the roof, providing that:
 - a. The total height of the wind turbine is less than 20 feet above the highest point of the building. * Refer to section 403.5 – Building Height
 - b. The base of the wind turbine cannot be seen from the road right-of-way

C. Towers

1. A wind turbine may be attached to an existing tower, providing that:
 - a. The tower is designed to accommodate the wind turbine.

Section

901.04

Noise

The wind energy system shall not exceed the sound level (decibels) specified in Schedule 901.04A when measured at the property line.

Schedule 901.04A – Maximum Permitted Sound Levels (Decibels)

Octave band, cycles/second	Sound level measured at the property lines cannot exceed the following:
0-75	72
75-100	67
150-300	59
300-600	52
600-1200	40
1200-2400	46
2400-4800	34
Over 4800	32

Octave band, cycles/second sound level measured at the property lines. All towers shall be painted a non-contrasting gray, blue, white, green, or similar color, minimizing its visibility, unless otherwise required by the Federal Aviation Administration (FAA). The

applicant has the responsibility of determining the applicable FAA regulations and securing the necessary approvals. Copies of letters must be included as part of the application process.

Section

901.05

Location and Setbacks

A. A single wind energy system shall only be located in the rear yard portion of any lot with a principle building. Exceptions is when the wind system is attached to a building the base of which cannot be viewed from any roadway.

1. Tower setbacks
 - a. Shall be located at least 1.1 times its height from any public road right-of-way
 - b. Shall be located at least 1.1 times its height from any overhead utility lines, except those lines directly servicing the subject property.
 - c. Shall be located at least 1.1 times its height from all property boundaries.
 - d. May be located as close as 20 feet to the property boundaries of the installation site, providing that:
 - i. The tower is a tilt-down or crank-up monopole design, which must pull down or retract towards the installation site and away from all adjoining properties
 - ii. The tower does not utilize buy wires.
 - iii. The total height cannot exceed 80 feet.
2. Guy Wire Anchors setbacks
 - a. If guy wires are utilized as part of the tower design, then the guy wire anchors shall be placed at least 50 feet from any abutting property boundaries.
 - b. The minimum distance a wind turbine may be from the property boundaries, if it is located on a building, must equal a distance that is equal to the total height of the wind turbine from the ground.

Section

901.06

Safety Features

- A. The small wind energy system turbine shall be required to have an automatic over speed control to render the system inoperable when the winds are in excess of the speed the system is designed to accommodate.
- B. The small wind energy system shall be required to have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.

Section

901.07

Lighting

As required by law, a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the tower. If lighting is required by the FAA regulations, white strobe lights shall not be permitted at night unless FAA permits no other alternatives. No lighting shall be constructed, placed, or maintained in a manner that will constitute a nuisance to any surrounding property and shall in no way impair safe movement of traffic on any street or highway.

Section

901.08

Advertising

No advertising is permitted anywhere on the facility, with the exception of signage being utilized for product identification and warnings.

Section

901.09

Warnings

A. A clearly visible warning sign concerning voltage must be placed at the base of the pad-mounted transformers and substations.

B. The small wind energy system shall be required to have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.

Section

901.10

Maintenance

A. The design and location of the wind energy system shall ensure that all maintenance can be conducted from the installation site.

B. A small wind energy system that is not functional shall be repaired by the owner or removed within 24 consecutive months.

C. The owner is solely responsible for removal of the system and all costs, financial or otherwise.

Section

901.11

Blade Clearance

The clearance or the distance between the blades of a wind turbine and the ground shall be no less than 15 feet.

Section

901.12

Liability

The property owner shall demonstrate proof of liability insurance or may be asked to sign a waiver of liability when making an application with the township zoning.

Section

901.13

Fencing

A. The base of the tower must be designed so it is not climable for a distance of 15 feet, as measured from the ground.

B. All access doors to wind turbines and electrical equipment shall be locked to prevent entry by non-authorized persons.

Section

901.14

Electrical Interference

The small energy system shall not cause any radio, television, microwave, or navigation interference. If a disturbance problem is identified, the applicant shall correct the problem within 30 days of being notified of the problem.

Section

901.15

Solar Energy Systems - Purpose

Small solar systems shall be permitted in all zoning districts in accordance with the requirements of this section.

Section

901.16

Allowable Number Of Panels

Any number of solar panels may be in operation on a single site in accordance with this section.

Section

901.17

Height

A. Solar panels shall comply with the maximum permitted height of the zoning district.

B. Attachment to existing buildings, the solar panels shall comply with the maximum permitted height of the zoning district. Refer to Section 403.5.

Section

901.18

Liability

The property owner shall demonstrate proof of liability insurance or may be asked to sign a waiver of liability when making an application with the township zoning.

Section

901.19

Location

A. A solar energy system shall only be located in the rear yard portion of any lot. Exception is when solar energy system is attached to a building the base cannot be viewed from any roadway. Another exception would be fro dual-purpose solar collectors. See solar energy dual-purpose definition.

B. It is the property owner's responsibility to situate any solar collector so that a neighbor's trees or buildings now or in the future or any time of the year do not block access to the sun.

Section

901.20

Maintenance

When a system reaches the end of its useful life and con no longer function, the owner of the system shall remove the system within 24 months of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise.

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Separability

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any other part thereof, other than the part so declared to be unconstitutional or invalid.

Effective Date

This Resolution shall take effect and be in full force and effective from and after the earliest period allowed by law.

Recommended by

The Charlestown Township

Zoning Commission

Date: ____April 28, 2010____

Joseph Beutler

Chairman of the Charlestown

Township Zoning Commission

Adopted by the

Charlestown Township Trustees

Date: __August 11, 2010____

Amendments to the Charlestown Township Zoning Resolution

Adopted by Zoning Commission	Adopted by Board of Trustees	Effective Date	Sections
February 15, 1979	March 21, 1979	April 21, 1979	Sections: 401.2.C(5) 401.2 C(6) 403.2 B(5)

			403.2 B(6) 701.2 B(5 thru 21)
February 7, 1984	March 5, 1984	April 4, 1984	Definitions: #2 A #31 (formerly #28) Sections: 401.2 B(1)e (formerly listed as 401.2 B (C))
December 12, 1989	January 24, 1990	February 23, 1990	Definitions: #21 A (formerly # 19 A) Sections deleted: 401.2 B(1)c 403.2 A(2)c Sections: 401.2 C(7) 403.2 B(7) 402.1 Purpose
April 10, 1990	May 10, 1990	June 9, 1990	Sections: 401.2 B(1)b 401.6 A&B 402.3 B 403.2 A(2)b 403.6
June 1991	July 1991	August 31, 1991	Sections: 307 404.2
November, 2002	January 8, 2003	January 8, 2003	Definitions: #4, #18, #30 thru #32, #42 thru #46 Sections: 401.2 B (1)d 401.2 C (3)a 402.2 B (3) 402.3 B 403.2 B (3) 404.2 (B) 3 601.3 702.2

#33

Sections:

306 B

306 C

308 A, a1, a2

401.2

401.6 A, b

402.3 Delete all

403.2 A (2)b

403.6

801.6 B3 changed the
wording from "shall" to

may

All wording throughout in
regards to "mobile home",
be changed to manufactured

home

April 28, 2010

August 11, 2010

August 11, 2010

Defintions: #37, 38, 39,
40, and 46

Article 9, renumbered as
Article 10

Article 9, added new

Article 10, renumbered as
Article 11