

CHAPTER 161

GENERAL PROVISIONS

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161.01 COMPLIANCE WITH REGULATIONS.

The regulations set forth in this chapter shall apply in all zoning districts, except as may otherwise be provided herein.

The regulations for each district set forth by this Zoning Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except hereinafter provided:

- (a) There shall be no more than one (1) single family detached dwelling on a lot of record.
- (b) 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 of the regulations herein specified for the district in which it is located. (See Chapter 165 for exceptions.)
- (c) No building or other structure shall be erected or altered:
 - (1) To provide for greater height or bulk;
 - (2) To accommodate or house a greater number of families;
 - (3) To occupy a greater percentage of lot area; or
 - (4) To have narrower or smaller rear yards, front yards, side yards or other open spaces; than required herein, or in any other manner be contrary to the provisions of this Zoning Resolution.(See Chapter 165 for exceptions.)
- (d) No yard or lot existing at the time of passage of this Zoning Resolution shall be reduced in dimension or area below the minimum requirements set forth herein, nor shall any yard about any building or structure be considered as providing a yard for any other building or structure whether located on the same or another lot. Yards or lots created after the effective date of this Zoning Resolution shall at least meet the minimum requirements set forth herein.
- (e) A lot shall have frontage on a public or private road and shall be in conformity with all of the minimum area, frontage, width, setbacks (yards) and other applicable regulations contained in this Resolution or any amendment thereto in effect at the time of its recording with the county recorder. A lot of record may be divided or consolidated so as to make it more conforming; however, a lot of record shall not be divided or consolidated so as to make it less conforming with the regulations in this Resolution or any amendment thereto.

161.02 MEASUREMENT OF DISTANCES.

Except as otherwise provided in this Resolution, all prescribed distances shall be measured in a straight line. See Chapter 105 for the definitions of lot depth, lot frontage, lot line, lot multiple or double frontage, lot width, setback, and yard and the regulations contained in the applicable chapter(s) of this Resolution. In order to determine compliance with the required minimum distance between detached buildings or structures on a lot, the shortest straight line dimension measured between the exterior wall or foundation at the finished grade level of each building or structure shall be applied. See also Section 161.06 Architectural Projections.

161.03 TEMPORARY STRUCTURES AND USES.

The following temporary structures and uses may be permitted in the Rural Open Residential (R-5A), Rural Residential (R-3A), Convenience Business (CB), Professional Office (PO), Light Industry Restricted (LIR), Active Public Park (APP), Passive Public Park (PPP), and Mixed Use Planned Unit Development (MUP) zoning districts except as otherwise provided herein and subject to the following regulations in order to protect the public health, safety, and general welfare. These regulations allow for short-term structures and uses that will be compatible with, and shall not adversely impact, the adjacent area and existing uses; and, that shall be terminated and completely removed in a timely manner. If a temporary structure or use is not specifically listed herein, it shall be prohibited.

- A. General regulations: except as may otherwise be provided in this Resolution, a temporary structure or use shall:
1. Not involve the construction, addition to, or alteration of any permanent building or structure.
 2. Not be located within designated and recorded open space areas.
 3. Not displace loading/unloading spaces nor be located within a designated fire lane or a public or private road right-of-way. Existing off-street parking areas may be used to accommodate vehicles associated with a temporary structure or use. A designated area on the lot for off-street parking and loading/unloading staging shall be provided.
 4. Be permitted to be located in required yards but shall be set back a minimum of twenty-five (25) feet from lot lines, unless adjacent to a dwelling or residential district boundary or as otherwise set forth herein. If adjacent to a dwelling or residential district boundary the minimum yard shall be fifty (50) feet.
 5. Be permitted to be located in off-street parking areas, provided no more than ten percent (10%) of the parking area may be devoted to such temporary structures or uses. However, off-street parking areas shall not be used for temporary structures and uses during the months of November and December nor any time period designated by state law as sales tax free.

6. Be completely removed within two (2) consecutive days after the expiration of the time period specified herein. This includes, but may not be limited to, tents, tables, chairs, signage, merchandise, equipment, food trucks, trailers, sanitary facilities, and trash receptacles.
 7. Maintain daily hours of operation no earlier than 8:00 a.m. and no later than 8:00 p.m.
 8. Not utilize outdoor loudspeakers or generate offensive noise, music, smoke, odors, dust or fumes.
 9. Not utilize temporary outdoor generators unless noise is attenuated.
 10. Have properly enclosed trash receptacles as well as other sanitary facilities.
 11. Utilize lighting fixtures that are properly shielded and cut-off so as not to cause glare on adjacent lots and road right-of-ways and that are of a constant intensity. All lighting shall be extinguished upon closure of the temporary structure or use for the day. Any electrification shall comply with applicable fire and building safety codes.
 12. Not deposit dust and mud on adjacent roads from vehicles entering and exiting the lot.
 13. Maintain appropriate security and traffic control regarding ingress/egress, parking and pedestrian safety in consultation with the township police and fire departments.
 14. Not permit motorized amusement rides.
 15. Comply with any applicable public health, sanitary, fire, and building codes.
 16. Comply with all other applicable regulations for the zoning district in which it is located.
 17. Comply with temporary sign regulations in accordance with Chapter 173.
 18. Obtain a zoning certificate prior to the commencement of any activities on the lot upon completion of an application and submission of a site plan.
- B. Specific regulations. Temporary structures and uses shall comply with the following applicable regulations. The maximum time duration provided herein shall begin upon the date of issuance of the zoning certificate and shall not be extended.
1. Yard and garage sales:
 - a. Maximum time duration: five (5) consecutive days no more than three (3) times per calendar year.
 - b. Shall not be held on a vacant lot or on a lot with an unoccupied building.
 - c. No zoning certificate is required.

2. Trailers for office use and equipment/tool storage and sanitary facilities related to construction activities:
 - a. Maximum time duration: two (2) years or upon completion of construction, whichever is first.
 - b. Maximum total number per lot: four (4).
 - c. No advertising or other signage shall be allowed on a trailer.

3. Security fences and gates related to construction activities:
 - a. Maximum time duration: two (2) years or upon completion of construction, whichever is first.
 - b. Fencing with gates shall encircle the entire construction site.
 - c. Fencing and gates minimum height: six (6) feet.

4. Driveways, off-road parking and loading/unloading or staging areas related to construction activities:
 - a. Maximum time duration: two (2) years or completion of construction, whichever is first.

5. Portable storage containers:
 - a. Maximum time duration: forty-five (45) consecutive days no more than three (3) times per calendar year.
 - b. Maximum number per lot: four (4).
 - c. Minimum setbacks from lot lines shall apply, provided however, a portable storage container shall be located a minimum of ten (10) feet from any exterior wall of a building or structure.

6. Special events:
 - a. A temporary occasion, gathering or celebration for noncommercial purposes that is not open to the general public held on private property for invited guests by the owner of the affected premises including, but may not be limited to, graduation parties, receptions, and other social activities is a special event and no zoning certificate shall be required.
 - b. Maximum time duration: seven (7) consecutive days no more than two (2) times per calendar year.
 - c. Mobile food units, tents or trailers accessory to a special event are allowed with a maximum number of: six (6).
 - i. Specific Mobile Food Unit Regulations

In addition to the general regulations set forth in Section 161.03(A), the following specific regulations shall apply to mobile food units. In the event of a conflict, the more specific regulations herein shall apply. A person who locates and operates a mobile food unit on a lot shall:

- (1) Provide written documentation regarding the property owner's permission to locate a mobile food unit on the affected premises.
- (2) Provide written documentation that all applicable public health, safety, sanitary, fire, and building/electrical codes have been met. A mobile food unit shall not operate without prior approval by the fire department based upon an on-site inspection of the unit. Written proof of licensing shall be provided regarding compliance with county health department regulations or that a temporary license has been issued by the health department prior to operation.
- (3) The LP gas supply system for a mobile food unit shall be certified by a qualified entity and such certification shall be supplied to the fire department.
- (4) Not sell anything other than food and beverages.
- (5) Not impede or block pedestrian traffic and sidewalks, parking lot area circulation, access to loading/unloading spaces, fire lanes, and fire hydrants or other fire protection equipment, or clear sight distance at any road right-of-way intersection.
- (6) Not erect signs other than signage permanently affixed to or painted on the mobile food unit, except one (1) sandwich board and one (1) directional sign shall be permitted per mobile food unit to be placed on the premises where the mobile food unit is located and shall be completely removed while the mobile food unit is not in active use.
- (7) Park the mobile food unit in preexisting parking spaces or in an area that is accessible to fire department and emergency vehicles located a minimum of thirty (30) feet from any road right-of-way and a minimum of ten (10) feet from a permanent building.
- (8) Not provide tables and chairs to patrons.
- (9) Provide trash receptacles with closed lids.
- (10) Not park a mobile food unit in a road right-of-way or leave it unattended and unsecured at any time.

(11) Provide proof of insurance covering the mobile food unit.

7. Regulations for Mobile Food Units Not Related to Special Events:

a. The regulations herein apply to mobile food units that are not related to a special event in the Convenience Business (CB), Light Industrial Restricted (LIR) and Mixed Use Planned Unit Development (MUP) zoning districts.

b. A mobile food unit shall be classified as a temporary accessory use and a person who locates and operates a mobile food unit on a lot shall be subject to the following regulations.

i. General mobile food unit regulations:

(1) No more than three (3) per lot.

(2) Shall not be permitted to be parked while not in use or actively preparing foods and beverages for sale that day.

(3) When not in use or actively preparing foods and beverages for sale that day, the mobile food unit shall be removed from the affected lot to an off-site location or relocated on the lot where it is completely screened from view from any adjacent road right-of-way or any adjacent property owner.

(4) Parking a mobile food unit in a road right-of-way or leaving it unattended and unsecured at any time is prohibited.

(5) Proof of insurance covering the mobile food unit shall be provided.

ii. Additionally, a person who locates and operates a mobile food unit on a lot shall be subject to the following regulations as well as the applicable regulations as outlined in Section 161.03(A), except as may otherwise be specifically modified herein. In the event of a conflict, the more specific regulations shall apply:

(1) No signs shall be erected other than the signage permanently affixed to or painted on the mobile food unit, except one (1) sandwich board and one (1) directional sign shall be permitted per mobile food unit to be placed on the premises where the mobile food unit is located and shall be completely removed while the mobile food unit is not in active use.

- (2) Provide written documentation regarding the property owner's permission to locate a food truck on the affected premises.
- (3) Provide written documentation that all applicable public health, safety, sanitary, fire, and building/electrical codes have been met. A mobile food unit shall not operate without prior approval by the fire department based upon an on-site inspection. Written proof of licensing shall be provided regarding compliance with county health department regulations or that a temporary license has been issued by the health department prior to operation.
- (4) The LP gas supply system for a mobile food unit shall be certified by a qualified entity and such certification shall be supplied to the fire department.
- (5) Not sell anything other than food and beverages.
- (6) Not impede or block pedestrian traffic and sidewalks, parking lot area circulation, access to loading/unloading spaces, fire lanes, and fire hydrants or other fire protection equipment, or clear sight distance at any road right-of-way intersection.
- (7) Park the mobile food unit in the preexisting parking area that is accessible to the fire department and emergency vehicles located a minimum of thirty (30) feet from a road right-of-way and a minimum of ten (10) feet from a permanent building.
- (8) Not provide tables and chairs to patrons.
- (9) Provide trash receptacles with closed lids.
- (10) Shall comply with all required off-street parking setbacks that apply to the affected lot as required in Chapter 169. Provided, however, if adjacent to a dwelling or residential district boundary, the minimum setback shall be sixty (60) feet.
- (11) Be permitted to be located in off-street parking spaces, provided no more than ten percent (10%) of the parking area may be devoted to the mobile food unit.
- (12) Be completely removed when not in active use as provided for in the daily hours of operation in this section. This

includes, but may not be limited to, any signage and trash receptacles.

- (13) Maintain daily hours of operation no earlier than 7:00 a.m. and no later than 8:00 p.m.
- (14) The maximum time duration that a mobile food unit may be located on a lot shall be two (2) consecutive calendar days. A zoning certificate shall be valid for a maximum period of one (1) year from the date of issuance.

161.04 REQUIRED STREET FRONTAGE.

Except as may be otherwise specifically provided for in this Zoning Resolution, each lot shall abut and have frontage on a street as required by this Resolution.

161.05 ACCESSORY BUILDING OR STRUCTURE CONSTRUCTION.

No accessory building or structure shall be erected, installed or relocated prior to completion of construction of the foundation, framing, and roof of the main or principal building.

161.06 ARCHITECTURAL PROJECTIONS.

Structures that are either covered by a roof or uncovered including porches, canopies, balconies, platforms, carports, patios, decks, ramps, steps, and terraces shall be considered parts of the building to which it is attached and shall not project into the required minimum front, side or rear yard setbacks except as may otherwise be provided in this Resolution.

See also Section 161.11, Permitted Yard Obstructions.

161.07 HEIGHT LIMIT EXCEPTIONS.

The height limitations contained in this Zoning Resolution do not apply to spires, belfries, cupolas, flagpoles, water tanks, wind energy conversion systems or wind turbines, silos, grain elevators, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

161.08 SETBACK FOR CORNER LOT BUILDINGS OR STRUCTURES.

On a corner lot the principal building and its accessory buildings or structures shall be required to have the same setback distance from all street right-of-way lines as is required for the front yard in the district in which such buildings or structures are located. The Zoning Inspector shall determine the appropriate application of the required minimum front, side, and rear yard setbacks. For accessory buildings or structures see also Section 135.03(b)(9). See also Section 161.24.

161.09 VISIBILITY AT INTERSECTIONS.

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of three (3) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along such street lines twenty-five (25) feet from the point of intersection.

161.10 FENCES, GATES, AND WALLS.

Fences, gates, and walls may be erected in compliance with the following:

- (a) No part of any fence, gate, or wall shall extend beyond the boundary lines of the property being enclosed, except as provided in paragraph (i) herein.
- (b) Structural posts and supports and other devices used to mark or establish boundary lines shall be erected within the side facing the property being enclosed.
- (c) No fence, gate, or wall materials, exposed projections, nor the location or manner of construction shall constitute a hazard to the safety and welfare of the general public.
- (d) Electrical and barbed wire fencing shall be limited to agricultural use.
- (e) Fences, gates and walls in Residential (R-3A and R-5A), Professional Office (PO) and Convenience Business (CB) Zoning Districts shall not exceed eight (8) feet in height above the finished grade level, subject to lot visibility limitations and provided that in any required front yard, no fence or wall shall exceed four (4) feet in height above the finished grade level or materially impede vision of a driver and a gate shall not exceed six (6) feet in height above the finished grade level and it shall open inward. A fence or wall for a dwelling in a residential zoning district located on a lawfully existing nonconforming lot of record may exceed four (4) feet in height provided it is located behind the front of the dwelling.
- (f) The height of a fence, gate, or wall in the Light Industrial Restricted (LIR) Zoning District may exceed four (4) feet in height above the finished grade level provided the fence or wall is decorative in nature, such as wrought iron or board on board. Chain link fences are not permitted. The maximum height of a fence, gate, or wall shall not exceed ten (10) feet above the finished grade level. A gate shall open inward. In the Mixed Use Planned Unit Development District (MUP) see Article 3.3.

- (g) Fences, gates, or walls deemed unsafe, insecure or in disrepair so as to constitute nuisance or safety hazard, as determined by the Zoning Inspector, shall be repaired, replaced or taken down on order of the Zoning Inspector.
- (h) Along lot lines the unfinished side, if any, of a fence or gate including the structural supports and posts, shall face the lot upon which the fence is constructed.
- (i) Fences, gates, and walls may be constructed over a lot line provided such lot line separates contiguous lots of record that are under the same ownership.

161.11 PERMITTED YARD OBSTRUCTIONS.

Unless otherwise specifically provided for and in addition to other permitted encroachments, the following shall not be considered as obstructions when located within required yards, but are still considered obstructions within Riparian Setbacks as defined in Chapter 160:

(a) **NO ZONING CERTIFICATE IS REQUIRED FOR THE FOLLOWING:**

- (1) Mailboxes and newspaper tubes.
- (2) Permanent statuary or art objects. The minimum setback from any lot line shall be twenty (20) feet.
- (3) Swing sets and related recreational or playground equipment, except as may otherwise be provided in this resolution. Such equipment shall be set back a minimum of ten (10) feet from any side or rear lot line and shall not be located in any required front yard. If such recreational or playground equipment has walls and/or a roof, it shall not exceed forty (40) square feet by measuring its footprint using exterior dimensions.
- (4) Flag poles. A flag pole shall be set back a minimum of 1.1 times the height of the pole from any lot line and shall not interfere with any overhead utility wires.
- (5) Awnings attached to and supported by building walls.
- (6) Free standing air conditioning or heating units shall be located within five (5) feet of the building or structure they serve.
- (7) Aboveground gas or oil tanks or pumps for on-site residential use for heating or cooling not exceeding five hundred (500) gallons, shall not be located in the front yard, in front of the principal building, or within fifteen (15) feet of any side or rear lot line.
- (8) Standby or emergency generators shall not be located in the front yard, or in

front of the principal building, and shall be located within four (4) feet of the building they serve.

- (9) Detention basins, extended detention basins, retention basins, ponds, fire protection ponds, and constructed wetlands. The minimum setback from any lot line to the perimeter of a pond shall be ten (10) feet.
- (10) Exterior ornamental and security lighting fixtures. The minimum setback from any lot line shall be equal to the maximum height of the fixture.
- (11) Landscaping features and screening, including earthen mounds and retaining walls. See also Section 161.23.

(b) **A ZONING CERTIFICATE IS REQUIRED FOR THE FOLLOWING:**

- (1) Student bus shelters, to be used by persons waiting for pick-up only, with a maximum floor area of twenty (20) square feet and no more than one (1) such shelter per lot. The minimum setback from any lot line shall be ten (10) feet.
- (2) For lawfully existing nonconforming lots of record in accordance with Chapter 165, structures that are either covered by a roof or uncovered including porches, steps, terraces, ramps, decks, and patios, may project a maximum of twelve (12) feet into the required minimum front yard setback. Sidewalks may project a maximum of three (3) feet into the required minimum side yard setback. Such structures shall be considered parts of the building to which it is attached.
- (3) Modular, porous and solid or impervious pavements, aggregate stone driveways, turnarounds, trails, walkways, and sidewalks provided that they are located not less than two (2) feet to any side or rear lot line.
- (4) Fences, gates, and walls.
- (5) Permanent outdoor barbeque facilities, kitchens, detached fireplaces, and fire pits shall not be located in the front yard, or in front of the principal building, and the minimum setback shall be fifteen (15) feet from any side or rear lot line. Provided, however, if there is a chimney attached to the barbeque facility, kitchen or fireplace then the minimum setback shall be equal to the height of the chimney to any side or rear lot line, but in no case less than fifteen (15) feet.

161.12 OUTDOOR LIGHTING.

All outdoor lighting shall be of constant intensity, and shall be directed, reflected or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his/her property. The Zoning Inspector may require the submission of a photometric plan prepared by a qualified consultant demonstrating that the applicable regulations in this Resolution have been met.

- (a) To this end and to minimize light trespass:
- (1) All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause direct glare and shall be directed away from any lot lines and toward the principal building and parking area on a lot. Lighting fixtures and devices from which direct glare is visible on adjoining roads or property shall be prohibited.
 - (2) All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause glare which is hazardous to vehicle drivers or is objectionable to owners of adjacent lots.
 - (3) Lighting fixtures with lamps rated at initial lumens of two thousand five hundred (2,500) or greater must be the full cutoff type. For purposes of this regulation, a full cutoff light fixture is defined as one which emits no light above a horizontal plane drawn through the lowest part of the fixture.
 - (4) Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform, shall use a narrow cone beam of light. Only one fixture with a lamp emitting no more than one thousand eight hundred (1,800 lumens) shall be used for each flag, statue, or other object illuminated.
 - (5) Flashing lights, beacons, or search lights shall be prohibited.
 - (6) When used for security purposes or to illuminate walkways, driveways and storage areas, roadways, equipment yards and parking lots, only fully shielded cut-off style light fixtures shall be utilized.
 - (7) All outdoor light pole fixtures shall not exceed a maximum height of thirty (30) feet.
- (b) Exemptions to 161.12 (1).
- (1) All outdoor lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lantern or gas lamps, are exempt from the requirements of 161.12 (1) (f).
 - (2) All low-voltage lighting rated twelve (12) volts or less and seasonal lighting shall be exempt from the requirements of 161.12 (1).
 - (3) Holiday lighting or lighting for temporary uses permitted in this Zoning Resolution are exempt from the requirements of 161.12(1).

161.13 EXCEPTIONS TO LOT COVERAGE CALCULATIONS.

The area within detention basins, extended detention basins, and ponds shall not be used in calculating maximum lot coverage as required in this Zoning Resolution.

161.14 ADDRESS NUMBERS.

- (a) All dwellings must have address numbers posted at least twenty-four inches (24") above the finished grade within fifty feet (50') of the road right-of-way or affixed to a roadside mailbox located within thirty feet (30') of the lot. Address numbers must be clearly visible from the road. No zoning certificate is required.
- (b) All business addresses must be posted in front of or on the front of the building at least twenty-four inches (24") above the finished grade or affixed to a roadside mailbox located within thirty feet (30') of the lot. Address numbers must be clearly visible from the road. No zoning certificate is required.

161.15 ANTENNAS.

(a) Radio or television antennas including satellite dish antennas designed to receive direct broadcast satellite service, as well as direct to home satellite service, or to receive or transmit fixed wireless signals via satellite; antennas designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite; and antennas designed to receive local television broadcast signals may be permitted as an accessory structure. Provided, however, no zoning certificate shall be required if such satellite dish antennas are three (3) feet or less in diameter; or, if the mast for an antenna designed to receive local television broadcast signals is twelve (12) feet or less above the roof line of the building to which it is mounted. A ground mounted antenna shall be set back a distance equal to 1.1 times its total height measured from all lot lines to the base of the antenna. Such antennas and satellite dish antennas shall not be located in the front yard or in front of a principal building on a lot.

(b) In accordance with O.R.C Sections 519.214 and 5502.031, an antenna for amateur radio service communications may be permitted as an accessory structure and if ground mounted shall be set back a minimum distance equal to 1.1 times its total height measured from all lot lines to the base of the antenna. An antenna for amateur radio service communications shall not be located in any front yard or in front of a principal building on a lot.

161.16 ALTERNATIVE ENERGY.

(a) Solar Panels and Solar Panel Arrays

(1) A freestanding solar panel or solar panel array may be permitted as an accessory structure and shall not be located in front of a principal building and shall be in accordance with all of the minimum yards, including riparian setbacks per Chapter 160 for the zoning district in which located. The maximum height shall be ten (10) feet measured vertically from the finished grade level immediately adjacent to the mounting base of the solar panel to its

highest point. A solar panel shall be subordinate in size and height to the building it serves. The maximum lot coverage of freestanding solar panels shall be fifty (50) percent of the footprint of the affected building(s) or structure(s). A zoning certificate is required.

(2) A roof mounted solar panel or solar panel array may be permitted and shall be considered as a part of the roof structure of the affected building to which it is attached. It shall not project beyond the roof line in any direction including the peak. No zoning certificate is required.

(b) Wind Turbines

A freestanding monopole wind turbine may be permitted as an accessory structure and shall not be located in front of the principal building or in the front yard. It shall be set back a minimum of 1.1 times its height from the base of the turbine to any lot line. Height shall be measured from the finished grade level at the base of the turbine to the tip of the blade or airfoil at its highest point. No part of a wind turbine may extend over parking areas, driveways, or overhead utility lines. It shall not be illuminated. There shall be no more than one (1) wind turbine on a lot. No signage shall be attached to a wind turbine except any owner's, manufacturer's, or installer's identification and appropriate warning signage. The sign face shall not exceed four (4) square feet. A zoning certificate is required.

161.17 COMPLIANCE WITH FIRE DEPARTMENT CODES.

Prior to the issuance of a zoning certificate for any new construction of nonresidential permitted or conditional buildings, structures, or uses, the Zoning Inspector shall consult with the Township Fire Department to ensure that any applicable codes regarding, but not limited to, fire apparatus roads and access, key boxes, radio amplifiers, and gates as set forth in the most current version of Chapter 5 of O.A.C. 1301:7-7-05 will be met.

161.18 ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE).

Electric Vehicle Supply Equipment (EVSE) may be permitted in Active Public Park (APP), Passive Public Park (PPP), Convenience Business (CB), Professional Office (PO), Mixed Use Planned Unit Development (MUP), and Light Industrial Restricted (LIR) Zoning Districts; and, for nonresidential permitted and conditional uses in the Rural Open Residential (R-5A) and Rural Residential (R-3A) Zoning Districts, subject to the following regulations.

- (a) The minimum size of an EVSE space shall be nine (9) feet in width and twenty (20) feet in length.
- (b) An EVSE space shall count towards determining the minimum number of off-street parking spaces required by this resolution for the affected zoning district in accordance with Chapter 169.
- (c) The maximum number of EVSE spaces on a lot shall be two (2) or five percent (5%) of the total off-street parking spaces for the affected use as required in Section 169.06.

- (d) The EVSE space shall be designated by pavement identification markings and a permanent sign immediately adjacent thereto with a maximum face size of four (4) square feet.
- (e) EVSE shall be protected by permanent concrete filled bollards a minimum of three (3) feet in height or by full depth concrete curbing a minimum of twelve (12) inches in height.
- (f) No canopy shall be erected over any EVSE or space.
- (g) EVSE shall be located a minimum of thirty (30) feet from any building.
- (h) EVSE shall not be located within any underground parking garage or any other enclosed building or structure that is accessory to a multi-family dwelling, commercial or industrial use.
- (i) EVSE and any related above-ground infrastructure shall be located a minimum of ten (10) feet from fire access lanes, fire hydrants, or any other fire protection equipment.
- (j) A fire department emergency power disconnect shall be provided and located within fifty (50) feet of the EVSE and supporting electrical equipment, but no closer than ten (10) feet to any EVSE or cabinet, and shall conform with the following additional requirements:
 - (1) The disconnect shall be mounted at a height of sixty (60) inches above the finished grade level.
 - (2) A sign with a minimum face size of four (4) square feet with a red background and two (2) inch white lettering stating “FD Emergency Shutoff – Electric Vehicle Charging Station” shall be installed at each disconnect.
- (k) Prior to the issuance of a zoning certificate, the EVSE application shall be reviewed by the Township Fire Department and a written report provided to the Zoning Inspector that it complies with applicable provisions of the fire code.

161.19 CONDOMINIUM PLAT DRAWINGS AND DECLARATIONS.

Condominium plat drawings and declarations prepared pursuant to R.C. Chapter 5311 shall be reviewed and approved by the Zoning Inspector prior to recording in order to ensure conformity with any applicable provisions of this resolution. The Zoning Inspector, upon receipt of a plat and declaration, shall have thirty (30) days to approve or disapprove them.

161.20 INDOOR LIGHTING FIXTURES.

Indoor lighting fixtures that emit exterior light trespass or direct glare shall be prohibited.

161.21 PAVILIONS, GAZEBOS, PERGOLAS, SOFT-SIDED PORTABLE SHELTERS, BOAT OR WATERCRAFT RAMPS, DECKS AND DOCKS.

A zoning certificate shall be required for the following:

(a) Pavilions, gazebos, and pergolas are accessory structures and shall not be located in the front yard, or in front of the principal building, and shall be set back from all lot lines in accordance with the regulations for accessory buildings and structures for the affected zoning district. The maximum height shall be twenty-one (21) feet and the maximum size based upon the footprint of a pavilion, gazebo, or pergola shall be seven hundred and sixty-eight (768) square feet.

(b) Soft-sided portable shelters, made of plastic, vinyl, canvas or cloth material supported by poles permitted only in the R-5A and R-3A Zoning Districts, are accessory structures that are affixed to the ground with stakes or by other means and are supported by poles. Such shelters are only for the storage of personal property of the lot owner. A shelter shall not be located in the front yard, or in front of the principal building, and shall be set back from all lot lines in accordance with the regulations for accessory buildings and structures for the affected zoning district. The maximum height shall be eleven (11) feet and the maximum size, based upon the footprint of the shelter, shall be two-hundred (200) square feet.

(c) Boat or watercraft ramps, decks, and docks in connection with a waterbody or watercourse are accessory structures and shall not require a zoning certificate. See Section 160.05 (j).

161.22 TRASH CONTAINERS AND RECYCLING BINS.

(a) Exterior trash containers or dumpsters shall be fully screened by an opaque fence or wall with a height of six (6) feet. Such containers or dumpsters shall not be located in front of any principal building or in any front yard, or side yards and shall be a minimum of ten (10) feet from any rear lot lines. Provided, however if the rear lot line is contiguous with a residential zoning district boundary line, then the container or dumpster shall be a minimum of fifty (50) feet from such boundary line.

(b) Recycling bins for used clothing and the like shall not be located in front of any principal building or in any front or side yard and shall be a minimum of ten (10) feet from any rear lot lines. Provided, however, if the rear lot line is contiguous with a residential zoning district boundary line, then a recycling bin shall be a minimum of fifty (50) feet from such boundary line. There shall be no more than two (2) recycling bins located on a lot.

(c) Trash containers and recycling bins shall be prohibited in R-5A and R-3A Zoning Districts, except as may otherwise be permitted in this Resolution.

161.23 LANDSCAPING PLAN REQUIREMENTS.

- (a) If required by this Resolution in the CB, P-O and LIR Zoning Districts, a landscaping plan shall include the items set forth herein. The plan shall be prepared by a registered landscape architect or other qualified professional consultant and submitted along with a site plan for the affected lot.
- (b) Plan content. Three (3) hardcopy sets of plans and a pdf version shall be provided and include the following items:
 - (1) Name and seal of landscape architect or other qualified consultant, property owner's name, contact information, address of site, permanent parcel number, north arrow, date, and scale.
 - (2) Location, spacing, and identification of all existing and proposed landscaping elements, including but not limited to, trees and plants, fountains, ponds or other water features, benches, lawn ornaments, statuary, fences, walls, mounds, or other screening features in relation to existing and proposed lot lines, buildings and structures.
 - (3) Species names, common names, and size of all existing and proposed trees, shrubs, ground cover, grass, and other plant materials with appropriate symbols and legend keyed to their location on the plan.
 - (4) Area calculations and coverage for all areas devoted to landscaping.
 - (5) Contour lines at two foot (2') intervals showing any existing or proposed stormwater retention or detention facilities.
 - (6) Irrigation system plans, if applicable.
 - (7) Such other information as may be required by the Zoning Inspector to ensure compliance with this Resolution.
- (c) Landscaping elements shall be considered for the following areas.
 - (1) Adjacent to the perimeter of sites or lots to buffer, separate, and/or screen contiguous land uses.
 - (2) Adjacent to the perimeter of buildings.
 - (3) Adjacent to the perimeter of off-street parking lots to buffer, separate, and/or screen contiguous land uses, driveways, and road right-of-ways.
 - (4) Within the interior of off-street parking lots.
 - (5) Adjacent to loading/unloading areas to buffer, separate, and/or screen contiguous land uses, driveways, and road right-of-ways.
 - (6) Adjacent to outdoor dining areas or other locations on a lot utilized for permanent outdoor events to buffer, separate, and/or screen contiguous land uses, driveways, and road right-of-ways.

- (d) Landscaping design elements. Such elements shall be in accordance with the provisions of the applicable zoning district.
- (1) Adjacent to the perimeter of sites or lots, building and screening shall be provided.
 - (2) Adjacent to the perimeter of buildings, foundation plantings shall be placed within five (5) feet of any exterior walls visible from a road right-of-way. If such plantings are not deemed practical due to unique features of the site and/or building, alternatives may be considered by the Zoning Inspector.
 - (3) Adjacent to the perimeter of off-street parking lots, a planting strip shall be provided. Within the strip there shall be deciduous trees, evergreens, shrubs, or other acceptable ground cover. An alternative arrangement of perimeter materials such as fencing, walls or mounding, and water features may be considered by the Zoning Inspector.
 - (4) Within the interior of off-street parking areas, a minimum of five percent (5%) of the total area devoted to parking spaces and aisles shall have landscape islands. All landscaped areas shall be protected by curbing or other means so as to prevent vehicle encroachment.
 - (5) Adjacent to the perimeter of loading/unloading areas, plantings shall be utilized to screen such areas. An alternate arrangement such as fencing, walls or mounding may be considered by the Zoning Inspector.
- (e) Plant material specifications.
- (1) Deciduous trees: A minimum caliper of at least two and one-half inches (2.5”) measured twelve inches (12”) above the finished grade level at the time of planting.
 - (2) Evergreen trees: A minimum of six feet (6’) in height measured from the finished grade level and a minimum spread of three feet (3’) at the time of planting.
 - (3) Shrubs: A minimum of thirty inches (30”) in height from the finished grade level and twenty-four inches (24”) in width at the time of planting.
 - (4) Ground cover: Ground cover may consist of grass, aggregate material or mulch. Grass shall be planted in a species normally grown for a permanent lawn.
 - (5) Prohibited plant species: shall include any invasive plant species as set forth in O.A.C. 901:5-30-01.
- (f) Installation, Maintenance and Replacement Requirements by Property Owner
- (1) The installation of all landscaping elements as shown on the approved plan shall be completed by the applicant no later than at the time of final inspection by the Zoning Inspector of the affected property. Written documentation, signed and dated by the applicant, shall be provided to the Zoning Inspector affirming that all of the landscaping elements have been installed in accordance with the approved plan.
 - (2) All trees, shrubs, ground cover, and other plant materials shall be replaced in accordance with the approved plan by the owner if they fail to thrive. Damaged, diseased, or dead trees or other plant material shall be replaced within thirty (30) days of notification thereof by the Zoning Inspector. If the time of year or season makes such replacement impractical, then a completion schedule shall be submitted by the owner to the Zoning Inspector for review and approval.

- (3) Trees, shrubs, ground cover, and other approved plant materials shall not be planted or installed so as to interfere with public utilities, restrict pedestrian or vehicular access or clear sight distance, or otherwise constitute a traffic hazard.
- (4) The approval and installation of stormwater management and sediment control (WMSC) measures as set forth in Chapter 159 is independent of landscaping plan approval and installation of any plants trees, or ground cover as required herein.

161.24 LOT AREA, FRONTAGE, WIDTH, SETBACKS, YARDS, AND OTHER SITE DEVELOPMENT REGULATIONS.

These regulations shall apply to all zoning districts; provided, however, the specific regulations for the zoning district in which a lot is located shall also be applied.

(a) Lot Area

- (1) The area in a lot shall be expressed in acres included within its boundary lines computed exclusive of any portion of the right-of-way of any abutting public or private street. See Figure 1.
- (2) No lot shall be reduced in area, frontage, width, yards, setbacks or in any other manner that results in a nonconformity with respect to the applicable regulations for the zoning district in which it is located.

(b) Lot Frontage

- (1) Lot frontage shall be the boundary line of a lot which abuts a public or private street right-of-way. See Figure 1.
- (2) Lot frontage shall be measured between the side lot lines at the front lot line.
- (3) The front lot line and lot frontage shall be determined by the Zoning Inspector.

(c) Lot Width

- (1) Lot width for an interior lot shall be the straight-line horizontal distance, except for a lot located on the arc of a permanent cul-de-sac or curvilinear street, measured between the side lot lines at the front yard setback line. See Figure 1.
- (2) Lot width for a corner lot shall be the straight-line horizontal distance measured between the side lot line and the front lot line directly opposite at the front yard setback line. See Figure 1.
- (3) Lot width for a flag lot shall be measured in a straight-line horizontal distance measured between the side lot lines at the front building line. See Figure 7.

- (4) Lot width for a lot located on a permanent cul-de-sac or a curvilinear street shall be measured parallel to the arc or curve of the front lot line at the front yard setback line. See Figure 8.
 - (5) Lot width shall be determined by the Zoning Inspector.
- (d) Lot Yards and Setbacks
- (1) A yard shall be the open area on the same lot with a building or structure, which is unoccupied and unobstructed by any portion of the building or structure from the ground upward, except as may otherwise be provided in this Resolution. A yard may be further defined as follows. Yards shall be determined by the Zoning Inspector.
 - a. Front yard means the yard extending between the side lot lines across the front of a lot and from the front lot line to the front building line of the principal or accessory building or structure.
 - b. Side yard means the yard extending from the principal or accessory building or structure to the side lot line on both sides of the principal or accessory building or structure between the lines establishing the front and rear yards.
 - c. Rear yard means the yard extending between the side lot lines across the rear of the lot and from the rear lot line to the rear building line of the principal or accessory building or structure.
 - (2) A setback line means the line generally parallel to and measured in a straight line from any lot line, defining the limits of a front, side or rear yard in which no building or structure may be located, except as may otherwise be provided in this Resolution. Setbacks shall be determined by the Zoning Inspector.
 - a. Interior lots: An interior lot shall have frontage on a single street right-of-way, a rear lot line and at least two side lot lines. The front yard setback shall be measured from the front lot line to the front building line. The rear yard setback shall be measured from the rear lot line to the rear building line. The side yard setback shall be measured from the side lot line to each side building line. See Figure 2.
 - b. Corner lots: A corner lot shall be located at and have frontage on two intersecting street right-of-ways. The lot line that is generally parallel with the lot line along the narrowest street frontage shall be the rear lot line and the rear yard setback shall be applied from such lot line. The principal building or structure and any detached accessory building(s) should be oriented to face toward the front lot line with the narrowest street frontage, in which case, all other lot lines that are not rear and front lot lines shall be side lot lines and the side yard setback shall be measured from such lot lines to the side building line. However, if the principal building or structure is

situated on a lot so that the main entrance and/or primary façade is oriented to face toward the lot line along the widest street frontage, then the principal building or structure shall have a front yard setback measured from such street to the front building line, a rear yard setback measured from the rear lot lines to the rear building line, and a side yard setback measured from the side lot line to the side building line. See Figures 3 and 4.

- c. Double frontage lots: A double frontage lot shall have frontage on two nonintersecting street right-of-ways. The front yard setback shall be measured from all lot lines that abut a street right-of-way to the front building line. The remaining lot lines not abutting a street right-of-way shall have the side yard setback measured from each side lot line to the side building line. See Figure 5.
- d. Flag lots: A flag lot shall be located to the rear of, and shall be contiguous with, another front lot that complies with applicable regulations for the zoning district in which it is located, and it shall have frontage and access to a road through a strip of land in fee simple that shall be a part of the flag lot. The area in the access strip shall not be included in determining the minimum lot area required for the affected zoning district. There shall be no more than one flag lot located behind a front lot. Stacking of flag lots shall be prohibited. See Figure 6. The width of the access strip shall be sixty (60) feet along its entire length. No buildings shall be permitted within the access strip and it shall remain unobstructed to allow ingress/egress. The front yard setback shall be measured from the rear lot line of the contiguous front lot to the front building line. The rear yard setback shall be measured from the rear lot line to the rear building line. The side yard setback shall be measured from each side lot line to the side building line. See Figure 7.
- e. Cul-de-sac or Curvilinear Street Lots: A lot with frontage on the arc of a permanent cul-de-sac or curvilinear street shall have the required street frontage measured at the street right-of-way on the arc of the cul-de-sac or curvilinear portion of the street right-of-way. The front yard setback shall be measured from the street right-of-way and shall be parallel to the arc of the right-of-way to the front building line. The rear yard setback shall be measured from the rear lot line to the rear building line. The side yard setback shall be measured from each side lot line to the side building line. See Figure 8.
- f. Other Lot Configurations: For any type of irregular lot not addressed in this section, the Zoning Inspector shall determine the location of the front, side, and rear yard setbacks.

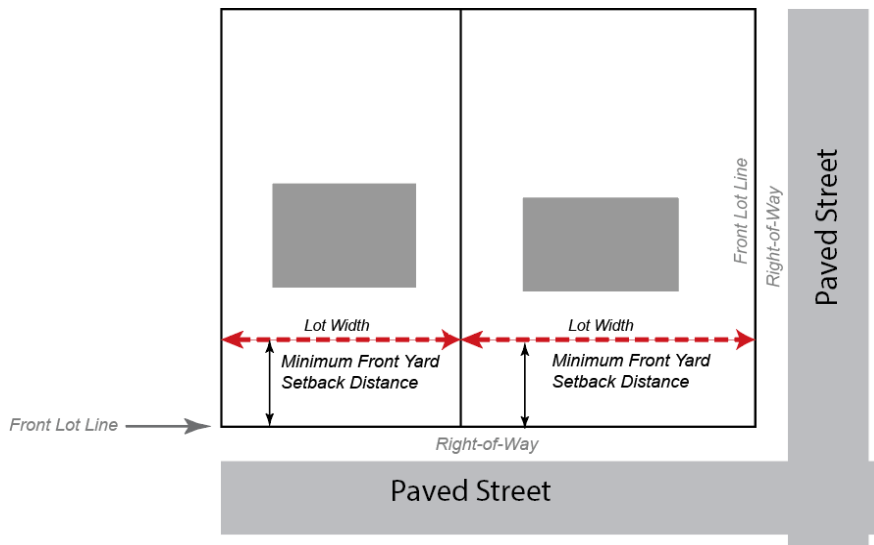


Figure 1: Illustration of the location for measuring the lot width on a typical interior lot (left) and on a corner lot (right).

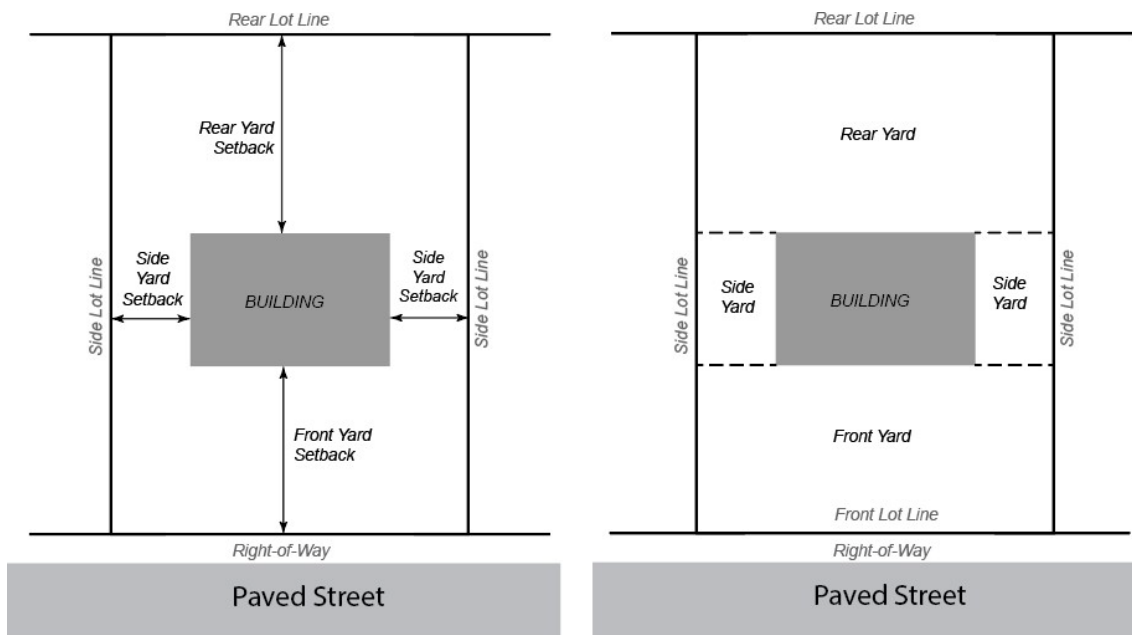


Figure 2: Typical lot lines and setback locations for an interior lot (left image) and typical yard locations (right image).

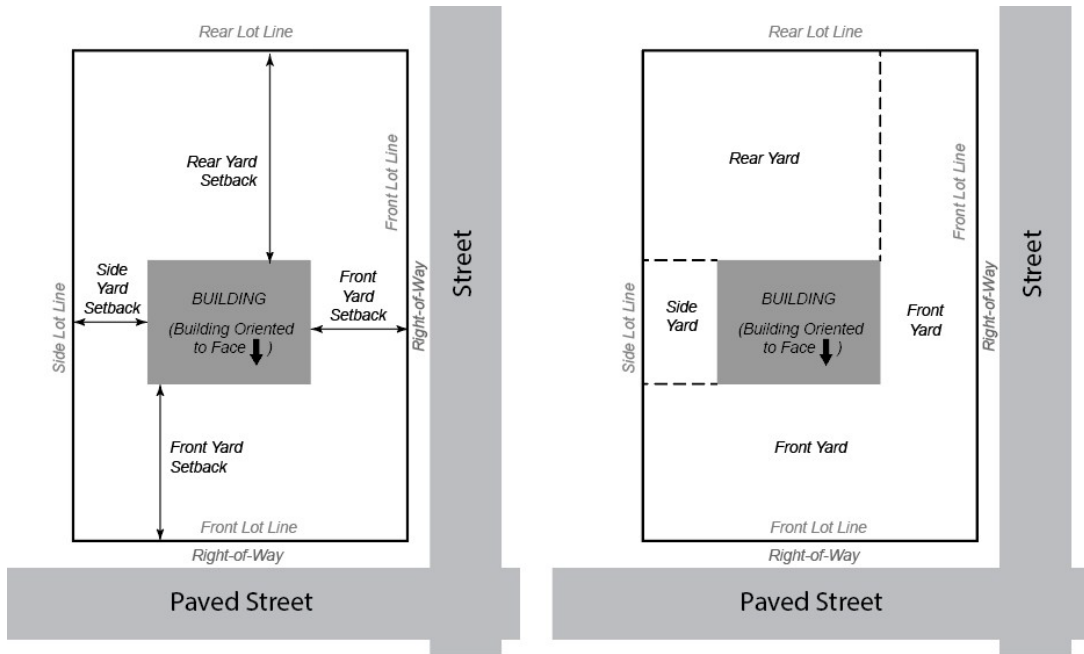


Figure 3: Typical lot lines and setback locations for a corner lot with the building oriented toward the narrow street frontage (left image) and typical yard locations (right image).



Figure 4: Typical lot lines and setback locations for a corner lot with the building oriented toward the wider street frontage (left image) and typical yard locations (right image).

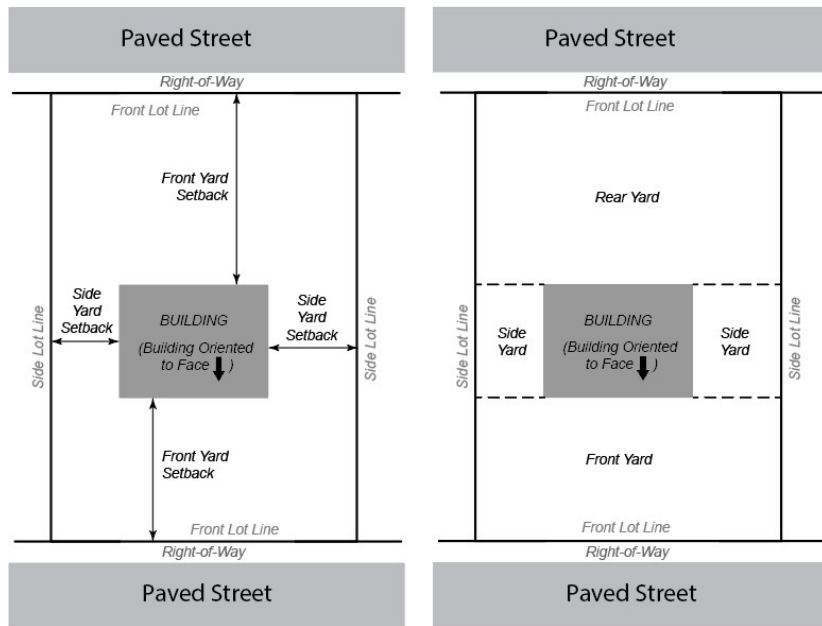


Figure 5: Typical lot lines and setback locations for a double frontage (through) lot (left image) and typical yard locations (right image). Please note the location of the rear yard for the purpose of accessory use location.

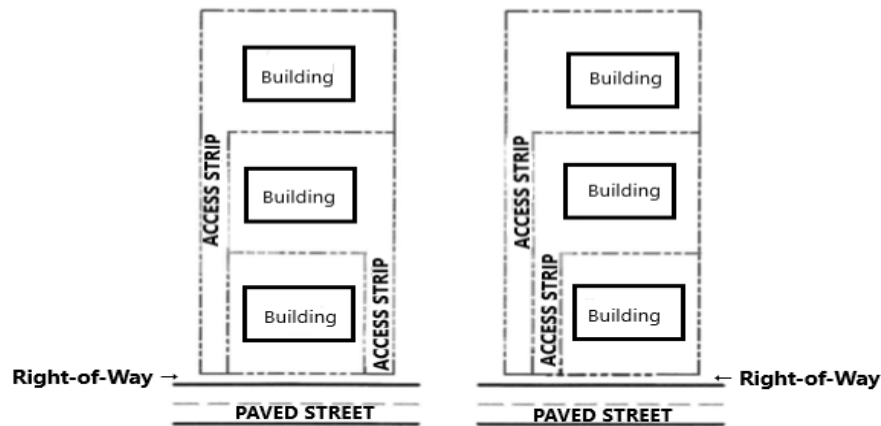


Figure 6: The above illustration shows the stacking of flag lots, which is prohibited.



Figure 7: Typical lot lines and setback locations for a flag lot (left image) and typical yard locations (right image).

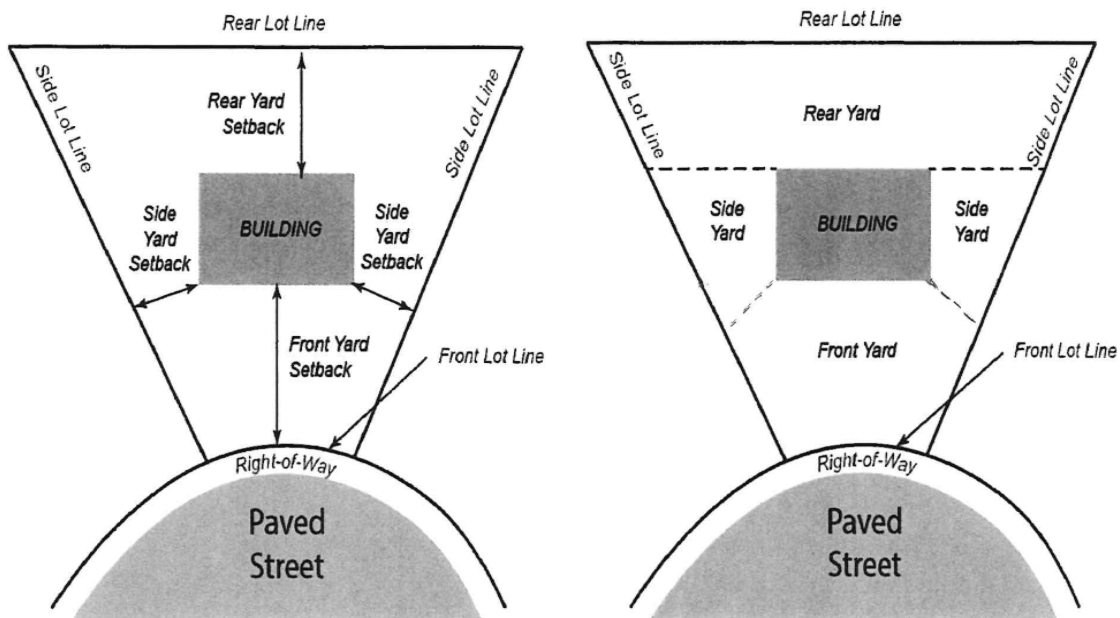


Figure 8: Typical lot lines and setback locations for a lot with a curved frontage (left image) and typical yard locations (right image).