

# ZONING RESOLUTION

FOR

SWANCREEK TOWNSHIP

FULTON COUNTY, OHIO



TWENTY-SIXTH REVISION

2022



**Originally adopted by Township Trustees: August 3, 1958**  
**Adopted by Area Voters: November 3, 1959**  
**Certified by Board of Elections: November 9, 1959**

**REVISIONS**

- First Revision.....1970
- Second Revision.....1982
- Third Revision.....1987
- Fourth Revision.....1988
- Fifth Revision .....1995
- Sixth Revision .....1999
- Seventh Revision .....2001
- Eighth Revision.....2001
- Ninth Revision.....2003
- Tenth Revision .....2004
- Eleventh Revision .....2006
- Twelfth Revision.....2007
- Thirteenth Revision.....2008
- Fourteenth Revision .....2008
- Fifteenth Revision.....2009
- Sixteenth Revision.....2009
- Seventeenth Revision.....2010
- Eighteenth Revision.....2010
- Nineteenth Revision.....2011
- Twentieth Revision.....2012
- Twenty-first Revision.....2014
- Twenty-second Revision...2016
- Twenty-third Revision.....2017
- Twenty-fourth Revision....2017
- Twenty-fifth Revision.....2019
- Twenty-sixth Revision.....2022

(Complete update effective August 8, 2022)

Rules and regulations for the zoning of a portion of the unincorporated lands in Swan Creek Township, Fulton County, Ohio.

Adopted by:

**The Swan Creek Township Trustees**

Swan Creek Township Hall

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Delta, OH 43515

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[www.swancreektwp.org](http://www.swancreektwp.org)



## **PREAMBLE**

In accordance with the authority and intent of the Revised Code of Ohio, Sections 303.01 through 303.99 inclusive, Fulton County, by this action, expresses its desire to provide for the orderly, harmonious and aesthetic development of Fulton County, which is essential to its wellbeing without unduly restricting the forces of the free market with respect to the development of land for various urban purposes.

The County further desires to assure that adequate provision will be made for the development of agriculture, commerce, industry and various kinds of residential dwellings; to provide for the free movement of motor vehicles upon the streets and highways of the County in harmony with abutting land uses; to protect residences, agriculture, commerce and industry against encroachment by opposite land uses, and to promote the proper use of land and natural resources for the economic and social wellbeing of the County as a whole; to assure the provision of adequate space for the parking of motor vehicles for various urban purposes and finally to assure that all uses of land and buildings within Fulton County will be so related as to produce the greatest economies in terms of their demands upon local government.

The purposes cited in the foregoing shall be instituted into law by this Zoning Resolution and shall clearly relate to the Fulton County Comprehensive Development Plan which provides for the promotion and protection of the public health, safety, comfort, convenience and general welfare (where permitted) of the residents, shoppers, and workers in Fulton County.



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## **SECTION 1 GENERAL PROVISIONS**

### **100 TITLE**

The Board of Township Trustees in accordance with the enabling legislation for Township zoning as provided in Chapter 519 of the Ohio Revised Code hereby provides as follows: This Resolution shall be known as and may be cited to as the “Zoning Resolution of Swan Creek Township,” as amended, and is referred to herein as “Resolution.”

### **101 PURPOSE**

The purpose of this Resolution is to promote the public health, safety, and general welfare (where permitted) of the residents of Swan Creek Township. This Resolution shall serve the general good of the community as a whole, protect property values, and secure the most appropriate use of land in the Township. This resolution is adopted for the purpose of protecting and promoting public health, safety, and general welfare (where permitted); conserving and protecting property and facilitating adequate but economical provision of public improvements; and amending the Zoning Resolution of the Board of Trustees of Swan Creek Township, Fulton County, Ohio, effective November 9, 1959, as amended to the date of the adoption of this amending resolution, in each and every part thereof that is inconsistent with this amending resolution.

### **102 INTERPRETATION AND RELATIONSHIP TO OTHER REGULATIONS**

The interpretation and application of any provisions of this Resolution shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, and general welfare (where permitted). When the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulation, or resolutions, the most restrictive requirements imposing the higher standards shall apply.

### **103 SEVERABILITY**

Should this Resolution, or any section of this Resolution, be declared by a court to be unconstitutional or invalid, such a decision shall not affect the validity of this Resolution as a whole, or any other parts thereof, other than the part declared unconstitutional or invalid; in the event of such a declaration, then the applicable provision of the prior Zoning Resolution is hereby re-instated.

### **104 REPEAL OF CONFLICTING RESOLUTIONS**

All resolutions in conflict with this Resolution, or inconsistent with the provisions of the Resolution, are hereby repealed to the extent necessary to give this Resolution full force and effect.

### **105 EFFECTIVE DATE**

This Resolution shall become effective from and after the date of its approval and adoption by the Board of Township Trustees, as provided in ORC 519.12.



**106 AREA OF JURISDICTION**

The provisions of this Resolution apply to all unincorporated zoned areas of Swan Creek Township, Fulton County, Ohio.



## SECTION 2 APPLICABILITY

### 200 GENERAL APPLICABILITY OF ZONING RESOLUTION

No structure, or part thereof shall be placed upon or moved onto land, constructed, reconstructed, enlarged, or structurally altered, nor shall any building or land be used or occupied in a manner which does not comply with the district regulations established by this Resolution for the district in which the building, structure, and/or land is located.

#### 200.01 Lot Size Requirements and the Subdivision of Land

No lot or lot of land held under one ownership, with or without a building, at the time this Resolution became effective, shall be reduced or subdivided in any manner below the minimum lot width and lot area required by this Resolution. No lot(s) shall be built on unless the lot has frontage along a public street or private place.

#### 200.02 Reductions in Yard Requirements

No building may be enlarged which would result in decreasing a yard's setback below the minimum requirements of the applicable zoning district.

#### 200.03 Location of Uses on a Single Lot

Unless otherwise specifically allowed in Supplemental Regulations, every principal building whether presently existing or hereafter constructed, relocated or structurally altered shall be located on a single lot.

#### 200.04 Unsafe Buildings

Nothing in this Resolution shall prevent the strengthening, or restoring to a safe condition, any structure, or part thereof declared unsafe by a proper authority.

#### 200.05 Conversion of Dwellings

The conversion of any structure into a dwelling or the conversion of any dwelling to accommodate an increased number of dwelling units or families, is permitted only in accordance with all requirements of this Resolution.

#### 200.06 Parking Requirements

No land use may change from one use to another use, without first meeting the parking requirements for the new use.

### 201 AGRICULTURE

Pursuant to the Ohio Revised Code, the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural



purposes of the land on which such buildings or structures are located, shall be permitted in all districts established by this Resolution. No zoning certificate shall be required for any such building or structure, except where regulated within platted areas or on lots of less than five (5) acres, farm markets, or as specifically listed below. Agricultural exemptions shall be approved by the Zoning Inspector.

**201.01 Dwellings in an Agriculture District**

Dwellings on the same property as agricultural operations are not herein defined as agricultural structures and are subject to all requirements contained in this Resolution.

**201.02 Raising/Maintaining livestock (Farm Animals)**

In a platted subdivision approved under Revised Code Section 711.05, 711.09 or 711.10, or in any area consisting of fifteen or more lots approved under Revised Code Section 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the following regulations shall apply:

1. On lots of one acre or less, the breeding, raising or maintaining of farm animals such as horses, pigs, cows, sheep, goats, chickens, and similar livestock is prohibited.
2. On lots greater than one acre but not greater than five acres, a lot owner may stable or keep livestock provided buildings or stables incident to the housing of livestock shall not be permitted within fifty (50') feet of a dwelling or an adjacent property line;
3. There shall be at least one (1) acre per horse or pony on a single property on which the horses or ponies are stabled.

No owner of any lot in a platted subdivision shall permit the use of any lot for the keeping of farm animals or livestock that produces, directly or indirectly, the noxious odor of the animals and livestock, insects, flies or other carriers of waste material, including, but not limited to, the transmission or flow of animal waste through the ground or by air from the lot to any adjoining lot or public right-of-way, or any other result of an animal or an animal husbandry ownership or use, which endangers the public's health, safety and general welfare on the lot or the owners or occupier of any adjoining lot, and the Board of Township Trustees may determine and find any such use to be a nuisance and that such nuisance causes injury to the property of another, endangers life and health, is offensive to the senses, violates laws of decency, or obstructs the reasonable and comfortable use of one's property.



**201.03 Farm Market**

Pursuant to ORC 303.21, Farm markets are allowed in any zoning district if fifty (50%) percent or more of the gross income received from the farm market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Farm markets that do not provide more than fifty (50%) percent of the gross income from produce raised on land owned or operated by the market operator are considered a commercial use and shall be located in a commercial zoning district. All farm markets are subject to Site Plan Review for the consideration of size/setback of structure(s), parking areas, and ingress/egress.

**202 PUBLIC UTILITIES**

Pursuant to ORC 519.21, this Resolution does not regulate the location, construction, reconstruction, removal, use or enlargement of any buildings or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. This Resolution does require that site plans including building setbacks, parking and landscaping be reviewed in accordance with the Site Plan Review regulations.

**203 EXCEPTIONS**

Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Resolution providing such exception is in harmony with the general purpose and intent of the Resolution and in accordance with the procedures and provisions specified in Section 24 – Board of Zoning Appeals. Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations.



## **SECTION 3 PROVISIONS FOR OFFICIAL ZONING MAP**

### **300 OFFICIAL ZONING MAP**

The location and boundaries of zoning districts are shown on the map titled “The Official Swan Creek Township Zoning Map” herein. A certified copy of this map is on file at the Swan Creek Township Hall, on the Township website, and is hereby declared to be a part of this Resolution.

### **301 INTERPRETATION OF DISTRICT BOUNDARIES**

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

#### **301.01 Parallel District Boundaries**

Where district boundaries appear to be approximately parallel to the center lines or street lines of the streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

#### **301.02 Lot Lines, Railroad Lines, and Waterways**

Where district boundaries approximately follow lot lines, such lot lines shall be construed as a boundary of a zoning district. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line. Where the boundary of a district follows (or is parallel with) a waterway, such boundary shall be deemed to be located in the middle of the waterway.

#### **301.03 Interpretation by Zoning Board of Appeals**

Any questions of interpretation of the Official Zoning Map, which cannot otherwise be resolved, shall be referred to the Board of Zoning Appeals for determination, in accordance with Section 24 – Board of Zoning Appeals.

### **302 ESTABLISHMENT OF DISTRICTS**

For the purpose of regulating and restricting the location of buildings, structures and land use, Swan Creek Township is divided into zoning districts as shown on the Official Zoning Map. These districts include the following, and may be illustrated on the Official Zoning Map.



**ZONING DISTRICTS**

<b>AG/RE</b>	Agricultural and Rural Estate District
<b>R1</b>	First Density Residential District
<b>R2</b>	Second Density Residential District
<b>R3</b>	Third Density Residential District
<b>MHP</b>	Manufactured Home Park District
<b>C1</b>	Neighborhood Commercial District
<b>C2</b>	General Commercial District
<b>M1</b>	Limited Industrial District
<b>M2</b>	Heavy Industrial District
<b>PUD</b>	Planned Unit Development

**ZONING OVERLAY DISTRICT**

Airport Highway Overlay District





## SECTION 4 AGRICULTURAL AND RURAL ESTATE DISTRICT (AG/RE)

### 400 PURPOSE

The purpose of the Agricultural and Rural Estate (AG/RE) District is to preserve and protect significant agricultural areas, natural areas, drainage ways and flood plains, and to provide for the public land use of Swan Creek Township. Single Family dwellings in this district are located on large rural lots two (2) acres in size or greater.

### 401 PERMITTED USES

The following uses are permitted in the AG/RE District:

Accessory uses and structures	Agriculture
Boarding and stabling of horses (private)	Cemetery (public/private)
Conservation area	Dwelling, single-family
Home Occupation	Permanently Sited Manufactured Home
Public uses	Public parks
Public playgrounds	Public schools

### 402 CONDITIONAL USES

The following use(s) may be approved in accordance with Section 20 – Procedures and Requirements for Conditional Uses:

- Golf course
- Church or place of worship
- Assisted Living Facility
- Boarding and stabling of horses (commercial)
- Lawn/Tree Service (See Supplemental Regulations – Section 1422)
- Nursery/Greenhouse
- Telecommunication Tower (see Supplemental Regulations – Section 1413)

### 403 DEVELOPMENT STANDARDS

All buildings, structures, lots, and land uses within the AG/RE District must meet the requirements of Section 14 – Supplemental Regulations, and the following standards:

#### 403.01 Height Limits

No structure, except those for agricultural purposes, shall be constructed or enlarged to exceed forty-five (45') feet in height.

#### 403.02 Area Requirements

All lots shall meet the following area, coverage, and yard requirements:

**Lot Area:** Two (2) acres minimum



**Lot Width:** One hundred seventy five (175') feet. In the AG/RE District, the Lot Width is the horizontal distance of the lot between the side lot lines measured at right angles to the lot depth at a point midway between the front lot line and the rear lot line. In all instances the lot shall have a minimum width of fifty (50') feet at the right-of-way line.

**Front Yard:** Eighty (80') feet

**Side Yard:** Fifteen (15') feet

**Rear Yard:** Forty (40') feet

**403.03**

**Minimum floor area requirement for all dwellings:**

1200 sq. ft. for a single story

1500 sq. ft. for a multi-level dwelling

24' minimum width



## SECTION 5 FIRST DENSITY RESIDENTIAL DISTRICT (R1)

### 500 PURPOSE

The First Density Residential District (R1) is established for areas that consist of larger parcels of land, orchards, farms and single-family dwellings. This District is established for low density single-family dwellings on lots one (1) acre in size or larger.

### 501 PERMITTED USES

The following uses are permitted in the R1 District:

Accessory uses and structures	Agriculture
Dwelling, single-family	Permanently Sited Manufactured Home
Home Occupation	

### 502 CONDITIONAL USES

The following uses may be approved pursuant to Section 20– Procedures and Requirements for Conditional Uses:

Assisted living facility  
Recreational facility, outdoor  
Telecommunication tower (See Supplemental Regulations – Section 1413)

### 503 DEVELOPMENT STANDARDS

All buildings, structures, lots, and land uses within the R1 District must meet the requirements of Section 14 – Supplemental Regulations and the following standards:

#### 503.01 Height Limits

No structure shall be constructed or enlarged to exceed thirty-five (35') feet in height.

#### 503.02 Area Requirements

All lots shall meet the following minimum requirements:

**Lot Area:** One (1) acre minimum

**Lot Width:** One hundred twenty (120') feet. In the R1 District, the Lot Width is the horizontal distance of the lot between the side lot lines measured at right angles to the lot depth at a point midway between the front lot line and the rear lot line. In all instances the lot shall have a minimum width of fifty (50') feet at the right-of-way line.

**Front Yard:** Seventy-five (75') feet



**Side Yard:** Twelve (12') feet

**Rear Yard:** Forty (40') feet

**503.05 Minimum floor area requirement for all dwellings:**

1200 sq. ft. for a single story

1500 sq. ft. for a multi-level dwelling

24' minimum width



## SECTION 6 SECOND DENSITY RESIDENTIAL DISTRICT (R2)

### 600 PURPOSE

The purpose of the Second Density Residential District (R2) is to provide areas for single-family dwellings on lots twenty thousand (20,000) square feet or larger.

### 601 PERMITTED USES

The following uses are permitted in the R2 District:

Accessory uses and accessory structures	Dwelling, single-family
Agriculture	Dwelling, two-family
Home Occupation	
Permanently Sited Manufactured Home	

### 602 CONDITIONAL USES

The following uses may be approved pursuant to Section 20– Procedures and Requirements for Conditional Uses:

Church or place of worship  
Telecommunication tower (See Supplemental Regulations – Section 1413)

### 603 DEVELOPMENT STANDARDS

All buildings, structures, lots, and land uses within the R2 District must meet the requirements of Section 14 – Supplemental Regulations, and the following development standards:

#### 603.01 Height Limits

No structure, shall be erected or enlarged to exceed thirty-five (35') feet in height.

#### 603.02 Area Requirements

All lots shall have the following minimum requirements:

**Lot Area:** Twenty thousand square (20,000') feet.

**Lot Width:** One hundred (100') feet. In the R2 District the Lot Width is the horizontal distance of the lot between the side lot lines measured at right angles to the lot depth at a point midway between the front lot line and the rear lot line. In all instances the lot shall have a minimum width of fifty (50') feet at the right-of-way line.

**Front Yard:** Fifty (50') feet

**Side Yard:** Ten (10') feet



**Rear Yard:** Thirty-five (35') feet

**603.03**

**Minimum floor Area for all Dwellings:**

- 1200 sq. ft. for a single-story dwelling
- 1500 sq. ft. for a multi-level dwelling
- 1100 sq. ft. for a two-family unit (per unit)
- 24' minimum width



## SECTION 7 THIRD DENSITY RESIDENTIAL DISTRICT (R3)

### 700 PURPOSE

The purpose of the Third Density Residential District (R3) is to provide areas for multiple family dwellings. This district typically has access to public utilities.

### 701 PERMITTED USES

The following uses are permitted in the R3 District:

Accessory uses and accessory structures	Dwelling, single-family
Assisted living facility	Dwelling, two-family
Home Occupation	Dwelling, multiple-family
Permanently sited manufactured home	Nursing Home

### 702 CONDITIONAL USES

The following uses may be approved pursuant to Section 20– Procedures and Requirements for Conditional Uses:

- Church or place of worship
- Day care facility
- Recreation Facility, outdoor or indoor
- Telecommunications tower (See Supplemental Regulations – Section 1413)

### 703 DEVELOPMENT STANDARDS

All buildings, structures, lots, and land uses within the R3 District must meet the requirements of Section 14 – Supplemental Regulations, and the following development standards:

#### 703.01 Height Limits

No structure shall be constructed or enlarged to exceed forty-five (45') feet in height.

#### 703.02 Area Requirements

All lots shall meet the following requirements:

- Lot Area:** The minimum lot area for a single or two-family dwelling shall be seventy-two hundred (7,200) square feet.  
  
The minimum lot area per multiple-family dwelling unit shall be five thousand (5,000) square feet.

**Lot Width:** Sixty (60') feet



**Front Yard:** Thirty-five (35') feet

**Side Yard:** Ten (10') feet

**Rear Yard:** Thirty-five (35') feet

**703.03**

**Minimum Floor Area for all Dwellings:**

900 sq. ft. for a single-story, single or two-family dwelling

1200 sq. ft. for a multi-level single or two-family dwelling

400 sq. ft. for an efficiency apartment

540 sq. ft. for a one-bedroom apartment

700 sq. ft. for a two-bedroom apartment

900 sq. ft. for a three or more-bedroom apartment





## **SECTION 8 MANUFACTURED HOME PARK DISTRICT (MHP)**

### **800 PURPOSE**

The purpose of the Manufactured Home Park District (MHP) is to establish areas suitable for the placement of manufactured housing and mobile homes as defined in this Resolution. No mobile home, manufactured home, trailer or similar portable residence shall be permitted to locate in the Township except in a MHP District.

### **801 PERMITTED USES**

The following uses are permitted in the MHP district:

Accessory uses and accessory structures	Manufactured home
Mobile home	Recreational facility, outdoor

### **802 CONDITIONAL USES**

Telecommunication tower (See Supplemental Regulations – Section 1413)

### **803 APPROVAL PROCEDURE**

Manufactured homes and manufactured home parks shall be located only in the MHP district and shall be developed according to the standards and regulations stated in this Section. The procedure to amend the Official Zoning Map to establish an MHP District is set forth in Section 21 – Zoning Changes and Text Amendments. Manufactured home parks are subject to the requirements of Site Plan Review, and shall conform to the following standards:

1. The proposed site shall be a minimum of ten (10) acres;
2. Public water and sanitary sewer shall be utilized by the development;
3. The maximum density shall not exceed four (4) manufactured home units per acre;
4. An adjacent yard not less than 1,000 square feet shall be provided for each manufactured home unit and shown on the site plan;
5. Two (2) 9x20 foot off-street parking spaces of concrete or asphalt shall be required for each manufactured home unit in addition to outdoor living area set forth in provision 4.
6. A minimum of 45 feet of clearance shall be provided between the individual manufactured and mobile homes.



## SECTION 9 NEIGHBORHOOD COMMERCIAL DISTRICT (C1)

### 900 PURPOSE

The purpose of the Neighborhood Commercial District (C1) is to provide areas for small local businesses that provide goods and services, not requiring outdoor sales, to the nearby community.

### 901 PERMITTED USES

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the C1 District:

- |  |                                 |
|--|---------------------------------|
| Accessory uses and accessory structures              | Personal Service                |
| Bank or financial center                             | Photo, dance, music studio      |
| Caterer  | Professional office             |
| Day care facility                                    | Restaurant (without drive-thru) |
| Funeral Home   | Veterinary office               |
| Medical/dental office                                |                                 |
| Retail sales (less than 5,000 sq. ft. in floor area) |                                 |

### 902 CONDITIONAL USES

The following uses may be approved pursuant to Section 20 – Procedures and Requirements for Conditional Uses:

- |                            |                |
|----------------------------|----------------|
| Assisted living facility   | Group Living   |
| Church or place of worship | Gasoline sales |

### 903 DEVELOPMENT STANDARDS

All main buildings, lots and land uses within the C1 District shall meet the following minimum development standards:

#### 903.01 Height Limits

No structure shall be constructed or enlarged to exceed thirty (30') feet in height.

#### 903.02 Coverage & Setback Requirements

All lots shall meet the following requirements:

**Lot Width:** One hundred twenty-five (125'). In the C1 District, the Lot Width is the horizontal distance of the lot between the side lot lines measured at right angles to the lot depth at a point midway between the front lot line and the rear lot line.



**Lot Area:** One (1) acre

**Maximum Lot Coverage:** Seventy (70%) percent

**Front Yard:** Seventy (70') feet

**Side Yard:** Ten (10') feet

**Rear Yard:** Twenty (20') feet



## SECTION 10 GENERAL COMMERCIAL DISTRICT (C2)

### 1000 PURPOSE

The purpose of the General Commercial District (C2) is to provide areas for general commercial uses serving a larger area.

### 1001 PERMITTED USES

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the C2 District:

Accessory uses and accessory structures	Gasoline sales
Adult entertainment (See Supplemental Regulations)	Hotel/Motel
Automobile sales	Marine sales and service
Automobile service center	Medical/dental office
Bank and financial center	Motor vehicle storage yard
Bar/lounge/tavern	Movie theater
Business school	Personal service
Car wash	Professional office
Caterer	Recreation facility
Club	Restaurant
Day care facility	Retail Sales
Funeral home	Veterinary hospital
Photo, dance, art, music studio	

### 1002 CONDITIONAL USES

The following uses may be approved pursuant to Section 20 – Procedures and Requirements for Conditional Uses:

Banquet Hall

### 1003 DEVELOPMENT STANDARDS

All main buildings, lots and land uses within the C2 District shall meet the following minimum development standards:

#### 1003.01 Height Limits

No structure shall be constructed or enlarged to exceed forty (40') feet in height.

#### 1003.02 Trip Generation

All uses generating 50 or more peak hour trips (consistent with the Institute of Transportation Engineers (ITE) General Manual) shall submit a Traffic Impact Study.



**1003.03 Coverage & Setback Requirements**

All lots shall meet the following requirements:

**Lot Area:** One (1) acre

**Lot Width:** One hundred twenty-five (125'). In the C2 District, the Lot Width is the horizontal distance of the lot between the side lot lines measured at right angles to the lot depth at a point midway between the front lot line and the rear lot line.

**Lot Coverage:** Seventy (70%) percent

**Side Yard:** Ten (10') feet

**Rear Yard:** Twenty (20') feet

**Front Yard:** Seventy (70') feet



## SECTION 11 LIMITED INDUSTRIAL DISTRICT (M1)

### 1100 PURPOSE

The purpose of the Limited Industrial District (M1) is to provide areas for light industrial, mostly indoor uses. These uses are typically separated from residential uses.

### 1101 PERMITTED USES

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the M1 District:

Accessory uses and accessory structures	Professional office
Electronic equipment manufacture/assembly	Professional/Trade School
Equipment sales & rental	Recreational facility, indoor
Precision instrument manufacture/assembly	Research and development facility
Self-Storage Facility	Warehousing/Wholesale
Lawn/tree service	

### 1102 CONDITIONAL USES

The following uses may be approved pursuant to Section 20– Procedures and Requirements for Conditional Uses:

Any use requiring outside storage  
Crematorium  
Recreational facility, outdoor

### 1103 DEVELOPMENT STANDARDS

All main buildings, lots and land uses within the M1 District shall meet the following minimum development standards:

#### 1103.01 Height Limit:

No structure shall be constructed or enlarged to exceed forty-five (45') feet in height.

#### 1103.02 Trip Generation:

All uses generating 50 or more peak hour trips (consistent with the Institute of Transportation Engineers (ITE) Generation Manual) shall submit a Traffic Impact Study.

#### 1103.03 Coverage and Setback Requirements

All lots shall meet the following requirements:

**Lot Coverage:** Seventy (70%) percent maximum.



**Lot Area:** One (1) acre  
**Lot Width:** One hundred twenty-five (125') feet  
**Front Yard:** Seventy (70') feet  
**Side Yard:** Ten (10') feet  
**Rear Yard:** Twenty (20') feet



## SECTION 12 HEAVY INDUSTRIAL DISTRICT (M2)

### 1200 PERMITTED USES

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the Heavy Industrial District (M2):

- Accessory uses and structures
- Assembly of electrical components, instruments, and devices, including electroplating
- Building material sales yard (excluding concrete and asphalt production)
- Distribution center
- Equipment sales & rental
- Laundry/Dry Cleaning Plant
- Lumber yard
- Machine shop
- Manufactured home sales
- Manufacturing
- Professional Office
- Plumbing, sheet metal, and woodworking shops
- Wholesaling, including the storage, handling, or sale of merchandise primarily to retailers

### 1201 CONDITIONAL USES

The following uses may be approved pursuant to Section 20 – Procedures and Requirements for Conditional Uses:

- Any use requiring outside storage
- Asphalt/concrete production
- Contractor Yard/Storage
- Landfill
- Logging/wood storage
- Mineral extraction
- Motor vehicle salvage yards
- Recycle center
- Salvage yard
- Solid waste disposal
- Storage lot including automobiles, boats, trucks, and recreational vehicles
- Truck repair garage
- Truck terminal

### 1202 DEVELOPMENT STANDARDS

All main buildings, lots and land uses within the M2 District shall meet the following minimum development standards:





**1202.01 Height Limits**

No structure shall be constructed or enlarged to exceed forty-five (45') feet in height.

**1202.02 Trip Generation**

All uses generating 50 or more peak hour trips (consistent with the Institute of Transportation Engineers (ITE) Generation Manual) shall submit a Traffic Impact Study.

**1202.03 Coverage & Setback Requirements**

All lots shall meet the following requirements:

- Lot Coverage:** Seventy (70%) percent
- Lot Area:** One (1) acre
- Lot Width:** One hundred fifty (150') feet
- Lot Coverage:** Seventy (70%) percent
- Front Yard:** Seventy (70') feet
- Side Yard:** Twenty (20') feet
- Rear Yard:** Forty (40') feet



## SECTION 13 PLANNED UNIT DEVELOPMENT

### 1300 PURPOSE

The Planned Unit Development (PUD) is a voluntary procedure that provides an overlay zoning district that is intended to encourage innovative design, conservation of significant natural features, and consolidation of open space and provides for a combination of uses with an integrated design. The PUD allows greater design flexibility so that natural features and open space may be preserved and enhanced, and development concentrated in a coordinated and efficient manner.

### 1301 DESCRIPTION

The PUD may be a residential, commercial, or industrial development or may be a combination of uses with no minimum site area required. Where a combination of uses is proposed, a maximum of twenty-five (25%) percent of the total acreage may be developed with uses not permitted in the underlying zoning district. The Board of Township Trustees shall review and may find that the combination of uses meets the standards set forth in 1304.

### 1302 PROCEDURE

The PUD shall be submitted and processed pursuant to Section 21 – Zoning Changes and Text Amendments. The applicant shall submit a “Request for Zoning Change” application with twenty (20) copies of the development plan and PDF Files along with the required application fee. The application shall include the following:

#### 1302.01 General Information

- A. Name, address, phone number, and e-mail address of the applicant;
- B. Name, address, and phone number of registered surveyor, engineer and/or landscape architect who prepared the plan;
- C. Legal description of the property;
- D. Present use of the property;
- E. Conceptual overview of the development;
- F. Proposed provision of utilities;
- G. Proposed ownership and maintenance of common open space;
- H. Anticipated timing and phasing of the development.
- I. A conceptual landscape plan is required upon submittal to the Zoning Commission



**1302.02 Development Plan Information**

- A. A vicinity/project location map;
- B. Location, type and density of development types;
- C. Conceptual drainage plan;
- D. Location and number of open space(s);
- E. Gross lot acreage, net lot acreage, maximum allowable density, proposed density with calculations indicated;
- F. Maximum site coverage (not required for detached single-family PUD's)
- G. Topography at two-foot contour intervals;
- H. Existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses;
- I. Street layout and names along with sidewalk/pedestrian walkway locations.
- J. Existing buildings to remain or to be removed, and if the existing buildings remain, indicate proposed use;
- K. All proposed signs excluding street signs;
- L. Proposed method of street lighting;
- M. Landscape material to be used, and proposed locations;
- N. Location, area, and dimensions of all lots, setbacks, and building envelopes;
- O. Required number of parking spaces, and number of spaces proposed.
- P. Development plan shall illustrate existing natural land features.

Once the application is deemed complete by the Zoning Inspector, the Development Plan shall be forwarded to the Fulton County Planning Commission for their review and recommendations.

**1303 ADDITIONAL INFORMATION**

The Board of Township Trustees, Zoning Commission, and/or Zoning Inspector may require additional information such as professionally prepared maps, studies or reports including environmental assessments and/or traffic impact studies for the development. The expense for this information is the responsibility of the applicant. Open space shall be clearly defined on the submitted plans.



Open Space is defined as:

- A. Any Land area designated in any type of land use or site plan, exclusive of streets, rights of way and buffer zones, which provide for park, playground, school, recreational or similar public purposes, scenic resources and/or historical sites, or
- B. Any land area in which the preservation in its present use would:
  - 1. Conserve and enhance natural or scenic resources
  - 2. Protect Streams or water supply
  - 3. Promote conservation of soils, wetlands, beaches or tidal marshes
  - 4. Enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations or sanctuaries or other open space
  - 5. Enhance recreation opportunities
  - 6. Preserve visual quality along highway, road, and street corridor or scenic vistas.

#### **1304 DEVELOPMENT STANDARDS**

##### **1304.01 General**

- A. The development shall be in conformance with the goals & objectives of the Swan Creek Township Land Use Plan, Zoning Resolution and applicable Subdivision Regulations (and as amended);
- B. The development shall be compatible with the proposed and existing surrounding land uses;
- C. The arrangement of land uses and buildings on the site integrate the topography, natural features, views, traffic access and the arrangement of usable common open space.

##### **1304.02 Specific – Residential**

- A. The maximum number of dwelling units (DU's) permitted for the site is listed in the districts below. An additional dwelling unit is permitted in each district subject to each additional acre provided within the Planned Unit Development as common and consolidated open space. Consolidated open space may include recreation areas, ponds/lakes, and natural areas.



**AG/RE District**

1 DU for every 2 acres of land (gross)

**R1 District**

1 DU for every acre of land

**R2 District**

2 DU for every acre of land

**R3 District**

6 DU for every acre of land

- B. No more than (40%) percent of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway pavement, and parking area pavement;
- C. No less than fifteen (15%) percent of the gross site acreage, none of which is part of any yard or perimeter open space, shall be allocated to usable, accessible and consolidated, common open space and may be allocated on a plat-by-plat basis;
  - a. Fifty (50%) percent of the water surface a retention pond may be counted towards the requirement for 15% percent useable, accessible and consolidated open space under the following conditions.
    - 1. It is filled with water year-round.
    - 2. There is an access area for the pond at least 70 feet wide at the waterfront. It will be connected to an internal subdivision road so that residents that don't live around the pond can access it.
    - 3. The access area will be separated from the private lots around the pond by means of a permanent landscape feature such as bollards, fencing, low stone walls etc. so it is clear it is a common lot.
    - 4. Provide at least one feature in the access area such as fishing docks, gravel paths or a gazebo to increase enjoyment of the pond.



- b.** Useable, accessible, and consolidated open space quality requirements.
  - 1.** It must be accessible by all residents of the subdivision.
  - 2.** It must have at least two amenities such as a gravel or paved walking trail, gazebo, birdhouse, benches, playground, community building, tennis court, community pool etc.
  - 3.** Other than desired buffering from the major road artery of the subdivision the open space should be concentrated for maximum usability.
  - 4.** The open space is separated from the private lots around it by means of a permanent landscape feature such as bollards, fencing, low stone walls etc. so it is clear it is open space.
  - 5.** Areas in the floodway do not count towards useable, accessible and consolidated open space.
  - 6.** Cemeteries do not count towards useable, accessible and consolidated open space.
  - 7.** Dry detention ponds cannot count towards the requirement for 15% percent useable, accessible and consolidated open space.
  - 8.** Easements for hazardous materials such as natural gas and oil pipelines that are usable for passive recreation activity can be counted towards the requirement 15% percent useable, accessible and consolidated open space.
  
- D.** An open space area void of buildings, structures, parking areas, or other above-ground improvements shall be maintained along all perimeter property lines of the Planned Unit Development as follows:
  - 1.** When abutting residential districts, the open space perimeter area shall be provided that has a minimum depth equal to the required rear yard setback of the PUD's underlying zoning district;



2. When a residential area of a Planned Unit Development abuts a "C" or "M" District, an open space perimeter area shall be provided that has a minimum depth of fifty (50') feet
- E. Building height shall be in accordance with the underlying zoning.
  - F. There may be no minimum lot size, lot-width, building or structure setback requirements except as provided in Section 1304.
  - G. Telephone, electrical, cable, and other utility appurtenances shall be sufficiently screened.
  - H. Perimeter landscaping is required for all Planned Unit Developments.
    1. This landscaping must be sufficient to supply screening and include a mix of evergreen and deciduous trees and shrubs.
    2. Buffering at the main road/entrance to a subdivision to a depth of 25 feet off the road is considered part of the required perimeter landscaping not the required 15% useable consolidated open space. If amenities such as gazebos, benches etc. are added it could be considered part of the required 15% useable consolidated open space on a case-by-case basis.

**1304.03 Specific – Commercial/Industrial**

- A. Commercial/Industrial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to Section 19 – Parking Requirements, and the number of spaces required shall be determined by each specific use within the PUD;
- B. An open space area void of buildings, structures, parking areas, or other above-ground improvements, except fencing, shall be maintained on all perimeter property lines of the PUD:
  1. A minimum open space depth of 30 feet shall be provided unless a greater setback is required as listed in the underlying zoning district;



2. A minimum open space distance of fifty (50') feet shall be provided when abutting a residential district;
- C. No less than twenty (20%) percent of the gross lot acreage, (5% of which may be a pond that may not exceed one (1) acre in size), none of which shall be a part of any yard, shall be allocated to usable, accessible and consolidated, common open space;
- D. No more than forty (40%) percent of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway and parking area pavement;
- E. Landscaping or screening for parking shall be required pursuant to Section 18 – Landscaping Requirements;
- F. There shall be no minimum lot size, lot-width, or building, or structure setback requirements except as provided in Section 1304;
- G. Telephone, electrical, cable, and other utility appurtenances shall be sufficiently screened.

### **1305 FINDINGS REQUIRED**

The Fulton County Planning Commission, after considering the requirements of this Section may recommend the approval, or approve with modifications, or disapprove the development plan. The Planning Commission shall forward this recommendation to the Township Zoning Commission. The Township Zoning Commission may recommend and Township Trustees may approve, or approve with modifications, or disapprove the Planned Unit Development. The Township Trustees may approve the Planned Unit Development provided the following findings are made:

- A. The PUD requirements are in conformance with this Resolution.
- B. The uses proposed will not be detrimental to the present and potential uses in the surrounding area and in the development, but will have a beneficial effect, which could not be achieved under any other district.
- C. Exceptions from the Zoning Resolution, if any, are warranted by the design and amenities incorporated into the PUD.
- D. Land surrounding the proposed development can be planned and developed in coordination with the proposed development and with compatible uses.
- E. The proposed PUD District and any required change in the underlying zoning is in





conformance with recognized principles and standards of community and neighborhood planning and development, the Fulton County Major Street and Highway Plan, and the Swan Creek Township Master Plan.

- F. Existing and proposed streets are suitable and adequate to carry anticipated traffic within and in the vicinity of the PUD.
- G. Utility sources are adequate, or will be, prior to the issuance of a zoning permit.

**1306 CHANGES TO APPROVED PLAN**

Changes or alterations to the development plan as approved by the Board of Township Trustees may be administratively reviewed and approved by the Zoning Inspector, except in the following circumstances:

- A. Change in the overall acreage of the PUD;
- B. Any change in use in the PUD;
- C. Substantial alteration to open space areas and their location(s);
- D. A significant change in street pattern;
- E. A significant change in the landscape plan;
- F. An increase in the number of buildings;
- G. Changes in the building/buildings envelope location(s).

In those instances where changes to the approved plan are not administratively approved by the Zoning Inspector, the Board of Township Trustees shall hold a public hearing to consider such changes.

**1307 EXPIRATION AND EXTENSION OF APPROVAL PERIOD**

If construction of any phase of the approved Planned Unit Development begins within two (2) years after approval is granted, the approval shall be valid until the development is completed. If no construction has begun within two (2) years after the approval is granted, the Planned Unit Development shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit may be approved by the Board of Township Trustees.



## SECTION 13.50 AIRPORT HIGHWAY OVERLAY DISTRICT

### 1350 PURPOSE

The purpose of the Airport Highway Overlay District is to promote and protect the public health, safety, comfort, convenience and general welfare (where permitted) by providing for consistent and coordinated treatment of the properties along Airport Highway in Swan Creek Township. Airport Highway is a State Route and major entrance corridor in Swan Creek Township. Therefore, it is the further purpose of the Airport Highway Overlay District to preserve the aesthetic qualities of those adjacent and bordering properties through the promotion of coordinated parcel development in the District and the establishment of parcel development standards.

### 1351 AIRPORT HIGHWAY OVERLAY DISTRICT BOUNDARIES

The boundaries of the Airport Highway Overlay District are hereby established as shown on the Zoning District Map. The District includes those zoned parcels that front along the right-of-way of Airport Highway, not to exceed a depth of 1,320 feet from the centerline of SR2/US20A along both sides, extending from the Delta Village limits to the Swanton Village limits.

### 1352 PERMITTED USES

All uses that are permitted in the underlying zoning district(s), except those uses expressly excluded by Section 1354, are permitted within the Airport Highway Overlay District.

### 1353 CONDITIONAL USES

All Conditional Uses that are permitted, pursuant to Section 20 — Procedures and Requirements for Conditional Uses, in the underlying zoning district(s) are also permitted within the Airport Highway Overlay District except those uses expressly excluded in Section 1354.

### 1354 EXCLUDED USES

The following uses are not permitted within the Airport Highway Overlay District notwithstanding the fact that such uses may be listed as a Permitted Use or Conditional Use in the underlying zoning district:

Landfill	Kennel
Manufactured home-park	Manufactured/mobile home sales
Off-premise sign (billboard)	Outdoor Auction Facilities
Salvage yard/automobile wrecking yard	Sexually oriented business (See Section 1902)



**1355 ACCESSORY BUILDINGS AND USES**

All accessory buildings and accessory uses that are permitted in the underlying zoning districts are permitted within the district, except that any detached accessory building on any lot shall have on all sides the same architectural features and shall be architecturally similar to the principal building(s) with which it is associated. No accessory building shall be placed between the principal building and the street, except as otherwise provided for in this Resolution.

**1356 REVIEW AND APPROVAL PROCESS**

The Swan Creek Township Zoning Inspector, with consultation from various government review agencies, shall review and may approve the site plan for any proposed improvement in the Airport Highway Overlay District when the development is in conformance with the standards specified in this Resolution. Site plan review and approval is required for all new development and for expansions to existing structures as required by Section 17 – Site Plan Review.

**1358 MAINTENANCE STANDARDS**

Swan Creek Township encourages the maintenance of all existing buildings and land. All painted surfaces shall be kept free of peeling paint. Any metal surfaces shall be kept free of rust. When exterior building finishes are changed and/or replaced, they should be made to conform to the provisions of this Section. All landscaping areas shall be maintained to be free of weeds, and any overgrown vegetation shall be maintained. Any dead vegetation shall be removed and replaced with similar plantings.

**1359 PARKING**

Green space is important in the Airport Highway Overlay District. Impervious parking areas shall be kept to the minimum amount needed for each use. All businesses are encouraged to utilize shared parking. Bioretention methods are encouraged such as pervious pavement, retrofitting, and bioswales. In order to support this effort, the Zoning Inspector may reduce the number of parking spaces required. The applicant shall submit written documentation to justify the reduction.

**1360 DEVELOPMENT STANDARDS**

All main buildings, lots and land uses within the Airport Highway Overlay District shall meet the following development standards:

**A. Height Limit**

As specified in the underlying zoning district(s).

**B. Coverage and Setback Requirements**

**Lot Coverage:** Seventy (70%) percent maximum.

**Front Yard:** One hundred sixty (160') feet from the center of the right-of-way.



- Side Yard:** As specified in the underlying zoning district(s).
- Rear Yard:** As specified in the underlying zoning district(s).
- Front Landscape Strip:** Twenty-five (**25'**) feet (may be located within the required front yard setback).
- Lot Frontage:** One hundred fifty (**150'**) feet.

**1361 SIGNAGE**

All signs shall be low-profile/monument style. Pole signs are not permitted.

**1362 ACCESS STANDARDS**

Access to Airport Highway shall be reviewed relative to the distance from other drive approaches and from roadway intersections. In some instances, a frontage road shall be provided to allow access to other parcels and to the adjoining parcel(s). In other instances, cross access easements and/or a shared drive approach may be required for adjoining parcels. Access shall be reviewed by the Fulton County Engineer and the Ohio Department of Transportation prior to approval. When deemed appropriate by the Fulton County Regional Planning Commission, Fulton County Engineer, and/or the Ohio Department of Transportation, a traffic impact study may be required by the developer.



## SECTION 14 SUPPLEMENTAL REGULATIONS

### 1400 GENERAL

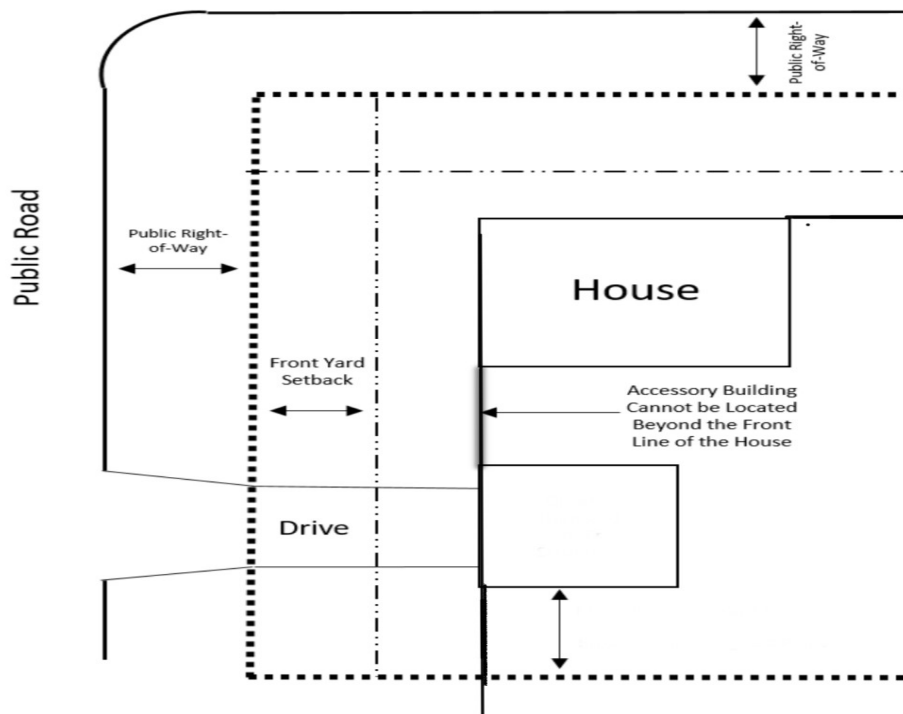
In addition to the Zoning District requirements, the following Supplemental Regulations shall regulate the uses and structures in Swan Creek Township.

### 1401 ACCESSORY BUILDING OR STRUCTURE

An accessory building or structure shall be subject to the following requirements:

1. It shall be located behind or adjacent to the principal building, but may not project in front of the principal building.
2. The minimum distance of the accessory building or structure from the principal building shall be fifteen (15') feet in all residential, commercial, and industrial districts.
3. The minimum distance of the accessory building or structure from any lot line shall be five (5') and shall not be located within any required planting strip pursuant to Section 18. Where the accessory building is located on a corner lot, it shall not project in front of the principal building from either street. (See Diagram 1)

**DIAGRAM 1**





4. In any Agricultural or Residential District, an accessory building shall not exceed twenty-five (25') feet in height.
5. The total square footage for all accessory buildings cannot exceed four thousand (4,000) square feet in any Agricultural or Residential District.
6. No accessory building or structure shall be constructed, reconstructed, or structurally altered nearer to the centerline of the roads listed in Section 1411.04.

#### **1402 ARCHITECTURAL PROJECTIONS**

1. Cornices, eaves, sills, canopies, window wells, or other similar architectural features (not including vertical projections) may extend or project into the required side yard not more than two (2") inches for each one (1') foot of width of side yard and may extend or project into a required front or rear yard not more than three (3') feet.
2. Chimneys may project into a required yard not more than two (2') feet.
3. Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4') feet.
4. Open, unenclosed patios, platforms, or decks not covered by a roof or canopy and not extending above the height of the first-floor elevation of the building, may extend or project into a required front yard not more than eight (8') feet and may extend, or project into a required rear yard not more than ten (10') feet.

#### **1403 FENCES**

Fences, plant material, earth mounds, and similar screening devices between the principal building and a street, are permitted provided that the height of such fence and/or device does not exceed forty-eight (48") inches in height as measured at the adjacent road grade and provided the material is not located within the public right-of-way. Fences to the rear or to the side of a principal building shall not exceed six (6') feet in height except in Commercial and Industrial Districts in which case, no fence to the rear of the building shall exceed eight (8') feet in height. Motor Vehicle Salvage Yards and sports courts are allowed to have fencing not to exceed ten (10') feet in height. (See Supplemental Regulations Section 1416 and Section 1418).

##### **1403.01 Prohibited Fences**

The following types of fencing are prohibited in all Districts:

- A. Barbed wire, razor ribbon and similar types except in conjunction with agricultural activities.



- B. Any fence that impedes the view of vehicular traffic or creates any type of safety hazard.
- C. Fencing that is charged or connected with an electrical current, except in conjunction with agricultural activities.

**1404 HOME OCCUPATIONS**

Home occupations are allowed in all dwellings in single-family zoned agricultural and residential districts. They shall be carried on by the resident of the dwelling and shall be clearly incidental and secondary to the use of the dwelling. Home occupations shall not change the external character of the dwelling and/or property, shall not produce a sound that is audible beyond the dwelling, shall not involve the employment of any person(s) other than a resident(s) of such dwelling, and shall not involve the direct sale of commodities and services on the premises. Home based contractors shall comply with this section and shall not store any items and/or equipment outside when not in use.

**1405 MINERAL EXTRACTION, STORAGE, PROCESSING, & MANUFACTURE**

The following principles of acceptance, submission, and design requirements shall apply to mineral extraction and/or storage, processing and manufacturing activities. Mineral extraction may be permitted as Conditional Use in the M3 Industrial District. In addition to the provisions of Section 20 – Procedures and Requirements for Conditional Uses, the following shall be considered in the review of a proposed Mineral Extraction, Storage, Processing, and Manufacturing Conditional Use request.

**1405.01 Principles of Acceptance**

In reviewing the location and the development plan of a proposed mineral extraction operation, the following general principles of acceptance shall be considered with respect to the particular location and the present and future development of the area.

- A. The mineral extraction operation shall not be detrimental to the adjacent land and surrounding area.
- B. Potential flooding shall not be increased for surrounding properties as a result of excavating or elevating portions of the property under consideration.
- C. The use and development of a proposed mineral extraction operation and its adjacent area shall be properly planned so as to prevent ground water contamination.
- D. After completion, the excavated area shall be properly maintained so that it will not become a danger and nuisance to area residents.



**1405.02 Submission Requirements**

The following items shall be submitted with the Conditional Use application:

- A. A topographical survey and soils report analysis of the property, prepared by a professional engineer, surveyor, or geologist;
- B. A site plan drawn to scale showing the location of the proposed excavated area, final grades, location of any existing or proposed buildings, septic tanks, leach fields, wells, easements, ditches, and utility lines within five-hundred (500') feet of the perimeter of the area;
- C. General location map;
- D. Location of haul roads on the property and proposed truck routes to the property;
- E. A drainage plan indicating the directional flow of water, constructed drain ways, holding canals, natural waterways used for drainage, and the streams or tributaries receiving this discharge;
- F. A reclamation plan of the area to be affected, including a specific reuse of the property, upon completion of the excavation.

**1405.03 General Conditions and Design Requirements**

The mineral extraction operation shall be conducted in accordance with the following conditions:

- A. A minimum site area of twenty-five (25) acres;
- B. The excavated area shall be a minimum of five (5) acres not to exceed twenty (20%) percent of the total site area;
- C. The excavated area shall have a one hundred (100') feet minimum setback from any public road right-of-way;
- D. Excavated areas shall be no closer than three-hundred (300') feet separated from septic tanks, water wells and leach fields in accordance with Health Department Standards.
- E. If the reclamation of the site includes a pond, the pond shall have a minimum depth of seventeen (17') feet. Within fifteen (15') feet





of the shoreline, the average slope of the submerged areas of the pond shall be no steeper than 3 to 1. From the shoreline away from the water, the grade shall be no steeper than 4 to 1 within twenty (20') feet of the shoreline.

- F.** No materials shall be hauled to the property for use as fill, except for clean clay material which may be required for a lake or other material(s) approved by the Ohio Department of Natural Resources.
- G.** An appropriate amount of top soil must be left on the site in order to establish and maintain vegetation.
- H.** In areas where sanitary sewers are not available, backfilling for any proposed housing pad site and leach field areas as shown on the reclamation plan shall be distributed in accordance with Health Department Standards. The topsoil on a proposed housing site shall be stripped and stored, then the area backfilled and compacted with the excavating material, the topsoil replaced over the backfilled area(s), and final grading completed.
- I.** All backfilling and excavating material distribution shall be certified in writing to the Township Zoning Inspector as conforming to the site grading plan and reclamation plan. The written certification shall be submitted by a professional engineer or surveyor and shall be submitted at the time of completion or in phases as required by the provisions of the Conditional Use approval.
- J.** Any areas not backfilled must be drained with ditches, which must include culverts under all driveways to eliminate any standing water. This is the responsibility of the property owner.
- K.** All haul roads shall be properly maintained to control dust, and shall have a gate to control ingress and egress. All truck routes shall be cleaned and maintained daily.
- L.** The entire excavated area and equipment storage area shall be completely fenced in before any excavation begins and shall be maintained.
- M.** The hours of operation shall be limited to:
  - Monday through Friday 7:00 a.m. – 7:00 p.m.
  - Saturday 9:00 a.m. – 3:00 p.m.



- N.** In addition to any bonds required under the State of Ohio Surface Mine Law (ORC Chapter 1514), a bond of two-thousand dollars (\$2,000) per site acre shall be filed with Swan Creek Township to guarantee satisfactory development and completion of a lake or pit. The entire project shall be bonded at once, and not bonded one acre at a time. All bonds shall be obtained prior to the start of any earthwork. Bonds shall be released by the Board of Township Trustees following fulfillment of all conditions of the Conditional Use permit.

**1406 MORE THAN ONE PRINCIPAL BUILDING**

No more than one (1) principal building may be located on a single parcel, except when the following uses are permitted in the zoning district:

- |  |                           |
|--|---------------------------|
| Assisted Living Facility                                       | Multiple-family dwellings |
| Church or place of worship                                     | Nursing Home              |
| Manufactured home/mobile home<br>(In a manufactured home park) | Public Use                |
| School   | Self-Storage Facilities   |
|  | Greenhouses               |

**1407 NOISE**

Noise Control will be enforced by local law enforcement in accordance with Chapter 505 of the Ohio Revised Code.

**1408 PONDS**

**1408.01 General Requirements**

- A.** Ponds shall not be permitted in any Zoning District on parcels less than three (3) acres.
- B.** Prior to the issuance of a Zoning Certificate for a pond, and pursuant to Section 22 – Enforcement, of this Resolution, a waiver must first be obtained from the Fulton County Regional Health District for any lot with on-site sewage or water system. The waiver including a site plan showing the pond location and other required information must first be reviewed and approved by the Swan Creek Township Zoning Inspector. In some cases, the Zoning Inspector may send the request to the Zoning Commission for their review and recommendation.



- C. Pond construction shall be completed within one (1) year from the date of the issuance of a Zoning Certificate.
- D. Ponds shall conform to current Fulton County Soil and Water Conservation District specifications and guidelines.
- E. Alterations in excess of 10% of the area of an existing pond shall require review and an approved Zoning Certificate.

**1408.02 Area and Design Requirements**

- A. Minimum pond surface area shall be one fourth (1/4) acre. Ponds may not exceed one half (1/2) acre except for parcels greater than five (5) acres in which ponds may not exceed one (1) acre maximum.
- B. The side slope of a pond shall be horizontal to vertical at a ratio of 3:1 except where a beach is desired. This ratio shall be maintained to a minimum depth of seventeen (17') feet. Where a beach is desired, from the shoreline away from the water, the beach grade shall be no greater than 4:1, with an overall minimum average pond depth of not less than nine (9') feet.
- C. To prevent adverse drainage effects on adjoining properties, a drainage system satisfactory to the Zoning Inspector shall be installed to accommodate overflows and surface drainage from pond development; this system shall be diverted to a suitable outlet or drainage ditch.
- D. Ponds shall be graded not to exceed four (4) feet in height so it will not obstruct an adjoining property owner's view. Excess dirt shall be redistributed on the parcel.
- E. If a pond is deemed to pose a safety hazard because of the density of the development in the vicinity of the parcel, or the use of the parcel, the Township may require a minimum 48" fence be installed around the pond or the entire yard.
- F. All excavated material shall remain on the same parcel as the pond.

**1408.03 Setback Requirements**



- A. A pond shall be set back one hundred (100') feet minimum from any public road right-of-way.
- B. Ponds shall have a side yard setback of not less than twenty-five (25') feet.
- C. Ponds shall be located no closer than one hundred (100') from septic tanks, water wells and leach fields in accordance with Fulton County Health Department standards.
- D. Ponds/lakes shall have a rear yard setback of not less than fifty (50') feet.

#### **1409 NUISANCE**

No lot owner shall permit vegetation, garbage, refuse, or debris to exist on any lot, and the Board of Township Trustees may determine and find from all circumstances that the existence of such vegetation, garbage, refuse, and debris to be a "nuisance" and that such nuisance causes injury to the property of another, endangers life and health, is offensive to the senses, violates laws of decency or obstructs reasonable and comfortable use of one's property. No land or building in any district shall be used or occupied in any manner which produces dangerous, injurious, noxious or otherwise objectionable elements or conditions which could adversely affect the adjacent land or pose a threat to the public health, welfare or safety of persons at the site or external to it.

##### **1409.01 Junk Motor Vehicle(s) Prohibited**

No motor vehicle that is a "junk motor vehicle" (ORC 4513.65) shall be permitted to exist on any lot except for a salvage yard or scrap metal processing facility licensed under authority of Section 4737.05 to 4737.12 of the ORC.

- A. As used in this Section, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:
  - 1. A vehicle that has been left on private property or left on a public street, public way, or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight (48) hours or longer;
  - 2. Three model years old or older;
  - 3. Extensively damaged, including, but not limited to, any of the following: missing wheels, tire, engine, or transmission;
  - 4. Apparently inoperable;



- B.** In addition to other remedies provided by law, the Board of Township Trustees may institute an action for injunction mandamus, or abatement, or any other appropriate action or proceeding to prohibit the storage of junk motor vehicles in violation of this Section.

**1410 SATELLITE DISH ANTENNAS**

Any satellite dish antenna that is independently supported in an Agricultural or Residential District shall be located toward the rear of the lot, shall be at least 10 feet from any main building, shall have rear and side property line setbacks equal to or greater than the height of the proposed structure, and, in the case of a corner lot, shall not project beyond the front yard required or existing on the adjacent lot. Where a satellite dish antenna is proposed to be independently supported, it shall not exceed 15 feet in height. Where a satellite dish antenna is proposed to be mounted on the roof of a building, it shall not extend more than 15 feet above the highest point of the roof of the building which it serves. In accordance with the Telecommunications Act of 1996, satellite dish antennas with a diameter of one (1) meter (39.37 inches) or less when located in an Agricultural or Residential District are exempt from the provisions of the Resolution.

Satellite dish antennas with a diameter in excess of one (1) meter (39.37 inches) are permitted in Agricultural or Residential Districts provided:

- 1.** The satellite dish antenna shall be located toward the rear of the lot, at least ten (10') feet away from the main building, and setback from the rear and side property line a minimum of ten (10') feet.
- 2.** Where a satellite dish antenna is proposed to be independently supported, it shall not exceed fifteen (15') feet above surrounding grade.
- 3.** Where a satellite dish antenna is proposed to be attached to a roof of a building, the maximum height shall not exceed fifteen (15') feet above the highest point of the roof it is located on.

In accordance with the Telecommunications Act of 1996, satellite dish antennas with a diameter of two (2) meters (78.74 inches) or less when located in a Commercial or Industrial District are exempt from the provisions of this Resolution. Satellite dish antennas with a diameter in excess of two (2) meters (78.74 inches) are permitted in Commercial and Industrial Districts provided:

- 1.** The satellite dish antenna shall be located toward the rear of the lot, at least ten (10') feet away from the main building, and setback from the rear and side property line, a minimum of ten (10') feet.



2. Where a satellite dish antenna is proposed to be independently supported, it shall not exceed fifteen (15') feet above surrounding grade.
3. Where a satellite dish antenna is proposed to be attached to a roof of a building, the maximum height shall not exceed fifteen (15') feet above the highest point of the roof it is located on.

#### **1411 SUPPLEMENTAL YARD REGULATIONS**

In addition to all yard regulations specified in each Zoning District, the following provisions shall be required as indicated:

##### **1411.01 Setback requirements for Corner Lots**

On a corner lot, the principal building and any accessory structures shall be the same setback distance from all right-of-way lines as is required for the front yard setback in the district in which the structures are located.

##### **1411.02 Visibility at Intersections**

On a corner lot in any Zoning District, nothing shall be located, planted or allowed to grow in such a manner as to impede, or restrict vision, between a height of two and one-half (2 ½') feet 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 lot, and a straight line joining points along each street's right-of-way lines, which points are located fifty (50') feet from the point of intersection of the right-of-way lines at the corner.

##### **1411.03 Additional Yard Requirements for Buffering Purposes**

To secure a desirable transition between land zoned for residential purposes and other zoning districts, larger yard setbacks shall be provided on the lot that is not zoned for residential purposes. The additional setback shall be along the lot line(s) that abut land zoned for residential purposes. When property that is zoned Commercial or Industrial abuts agriculturally/residentially zoned property, the yard requirements for that yard adjacent to the agriculturally/residentially zoned property, shall be increased two times the usual required setback, up to a maximum setback of seventy-five (75') feet. No off-street parking spaces, driveways, aisles, entrances, exits, circulation and maneuvering areas, or internal lanes shall be placed within this required yard.

##### **1411.04 Major Roadway Setback Requirements**

On lots abutting the following roads and streets, no building or structure shall hereafter be constructed, enlarged, or reconstructed to extend nearer to the centerline of the right-of-way than one hundred (100') feet:



County Road D  
County Road 3

## **1412 SWIMMING POOLS**

Outdoor swimming pools are permitted as an accessory use and are regulated as follows:

### **1412.01 Residential Swimming Pool**

Private swimming pools are permitted as an accessory use in any Zoning District provided the following conditions are met:

- A.** The pool shall be used solely for occupants and guests of the principal use of the lot on which the pool is located.
- B.** The pool shall not be located, including accessory structures adjacent thereto, closer than ten (10') feet to any lot line of the property on which located, and shall be located behind the principle building.
- C.** The swimming pool area shall be fenced or walled not less than four (4') feet in height, and the fence or wall shall be maintained. A swimming pool that is at least four (4') feet above grade on all sides, shall be secured with a lockable ladder and no fencing shall be required.
- D.** Wading pools, landscape pools, and similar decorative pools which have a maximum depth of twenty-four (24") inches or less are exempt from the provisions of this Section. Hot tubs less than 100 square feet in size are also exempt from the provisions of this section, however, they shall be located to the rear of the home and shall have a secured cover in place at all times when not in use.

## **1413 TELECOMMUNICATION TOWER**

In accordance with ORC 519.211, when a tower is planned to be constructed for the provision of cellular telephone communication service, the procedures indicated therein shall be followed. All zoning districts where dwellings of any kind are permitted shall be construed to be an area zoned for residential use. All telecommunication towers are subject to Section 17 – Site Plan Review and shall meet the following standards when located within a residential district:

- A.** The applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and



governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation);

- B. The applicant shall demonstrate that no suitable site is available in a non-residential district and shall be located on its own lot which meets the area and setback requirement as approved by the Board of Township Trustees;
- C. All accessory buildings shall be screened with fencing, masonry, shrubbery or other screening as approved by the Board of Township Trustees;
- D. The applicant shall notify the Township Zoning Inspector within thirty (30) days of ceasing operations at the site. The removal of the structures and buildings is required within ninety (90) days of ceasing operations;
- E. No advertising or illumination other than that required by law may be located on the structure.

#### **1414 TEMPORARY BUILDINGS AND USES**

- A. Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work may be permitted only on the lot on which construction is occurring and only during the period construction work is in progress. Such temporary facilities shall be removed upon completion of the construction work.
- B. Real estate sales offices, which shall contain no residence, shall be permitted within any district for any new subdivision for a period of one (1) year beginning on the date the Final Plat is approved. Extensions of such use may be granted by the Board of Zoning Appeals. Such offices shall be removed upon the completion of the sales of the subdivision lots, or upon the expiration or extension of the Zoning Certificate, whichever occurs first.
- C. A Zoning Certificate may be issued by the Zoning Inspector for outside or seasonal sales within any commercial district. All goods located outside must be within four (4') feet of the principal building and not create a traffic, fire or pedestrian hazard. Temporary structures used for seasonal or outside sales may be permitted for one (1) continuous thirty (30) day period each calendar year. The temporary structure shall not create a traffic, fire or pedestrian hazard and all goods shall be located within the temporary structure.
- D. On-site construction debris shall be stored in an enclosed container so that debris is not spread to any neighboring properties or streets. Any materials and/or debris





cleared from the building site shall be disposed of properly, pursuant to applicable regulations.

- E. A Single Temporary Storage Container may be allowed for a period of 30 days or less without a Zoning Certificate. These shall not be placed in any right-of-way and shall not become a safety hazard.
- F. All temporary structures require a permit and shall be removed within six months from the date of the zoning permit.

**1415 YARD/GARAGE SALE**

Any individual or family may conduct no more than four (4) yard or garage sales within any consecutive twelve (12) month period not to exceed five (5) consecutive days. Items displayed for sale shall not encroach into the right-of-way at any time.

**1416 MOTOR VEHICLE SALVAGE YARDS**

**1416.01 Submission Requirements**

- A. The applicant shall provide a complete and accurate legal description of the entire site.
- B. A site plan meeting all provisions of Section 1702.02 shall be submitted. The plan shall also indicate the storage areas, driveways, fencing, and landscape material.

**1416.02 Storage**

- A. Motor vehicle wrecking yards shall maintain a list of vehicles in stock and submit this list to the Township upon request.
- B. All loading and unloading of vehicles/parts and/or temporary storage of these items shall occur within the salvage yard behind the required fencing and out of view from the public.

**1416.03 Licensing**

All motor vehicle salvage yards shall be licensed as required by Chapter 4737 of the Ohio Revised Code.

**1416.04 Hours of Operation**

Hours of operation shall be no earlier than 7:00 a.m. or later than 6:00 p.m.



**1416.05 Fencing and Screening**

Any area used as a motor vehicle salvage yard or junk yard shall be effectively screened on all sides by means of walls, fences and plantings. Walls or fences shall be a minimum of eight (8') feet in height and a maximum of ten (10') feet in height with no advertising thereon. Storage of materials shall not exceed this height. A strip of land not less than fifteen (15') feet in width on the perimeter of the yard shall be planted and maintained with evergreen hedges or other plant material with year-round foliage. The plant material shall be equal to or greater than the height of the fence or wall at the time of planting.

**1416.06 Yard Requirements**

- A. Front Yard:** There shall be a front yard of not less than fifty (50') feet, but where such a yard is opposite an Agricultural District or Residential District, it shall be a minimum of one hundred (100') feet and the first twenty-five (25') feet thereof shall be used only for landscaping purposes.
- B. Side Yard:** There shall be a side yard of not less than twenty-five (25') feet, but where abutting an Agricultural District or Residential District, it shall be a minimum of fifty (50') feet. Storage of materials and parking of vehicles is prohibited in a side yard.
- C. Rear Yard:** There shall be a rear yard of not less than fifty (50') feet, but where such a yard is abutting an Agricultural District or Residential District, it shall be a minimum of one hundred (100') feet.

**1416.07 Pavement**

All roadways internal to the site shall be paved and maintained to minimize dust.

**1416.08 Existing Non-conforming Uses**

Conditional uses for those motor salvage yards that were lawfully established prior to the adoption of zoning may be granted. The purpose of the Conditional Use shall be to permit the motor salvage operator(s) to construct new or additional storage buildings. An expansion of an existing non-conforming motor vehicle salvage yard onto additional ground or area with a Conditional Use is strictly prohibited.



#### **1417 TREATMENT OF SEWAGE**

- A.** Sewage plants, package treatment plants, or central treatment plants shall be fully housed in conformity with the development of the surrounding area. Prior to issuance of zoning certificate, plans must be submitted to the Zoning Commission for approval.
- B.** Untreated sewage sludge shall not be applied to any land within the Township for purpose of disposal, sanitary landfill, soil improvement or fertilizer. Nothing in this Resolution is intended to prevent an owner/lessee from applying animal manure, commercial fertilizer or organic vegetable wastes to his cropland.

#### **1418 PRIVATE SPORTS COURTS**

A private sports court shall be allowed in any Agricultural or Residential District as an accessory use, and provided the following conditions and requirements are complied with:

- A.** Submit a site plan of the court location to the Zoning Inspector, together with approval of any public utility companies affected by any right-of-way or easement encroachments.
- B.** The court area shall not exceed 7,200 sq. ft. in area (60 ft by 120 ft.)
- C.** The court is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located for sports like tennis, basketball, and other similar sports that require a hard surface court.
- D.** The court may not be located, including any walks or paved areas, closer than 10 feet to any property line of the property on which it is located.
- E.** If a fence encloses said sports court, the fence shall not exceed ten (10') feet in height and shall be maintained in good condition and free of all advertising or other signs. If any part of a fence is less than twenty (20') feet from any property line, evergreen shrubs and/or trees a minimum of four (4') feet high shall be maintained as a screen between that part of the fence and the property line.
- F.** The lighting arrangement for the court shall not project onto any adjacent property except that of the court area.
- G.** The site plan shall indicate surface drainage flow directions. Overland flow to abutting properties shall not be permitted.



## 1419 SELF STORAGE FACILITIES

### General requirements:

- A. Self-storage facilities shall be limited to rental of storage units, pickup and deposit of storage.
- B. Radioactive material, explosives and flammable or hazardous chemicals shall be prohibited from storage. This prohibition shall be included in the lease agreement of storage units. A copy of the lease agreement shall be filed with the zoning inspector as a condition of the permit.

### Specific Requirements:

- A. Lot Area: Minimum lot area shall be two (2) acres.
- B. Lot Coverage: Maximum lot coverage of units and storage areas shall be 50% of gross lot area.
- C. Setback:
  - 1) Front Yard – fifty (50') feet
  - 2) Side or Rear Yard – twenty-five (25') when abutting or opposite an Agricultural/Residential District and fifteen (15') feet when opposite or abutting a Commercial or Industrial District.
- D. Height: Height of structures shall be in conformance with structures or equal the average height of structures on properties abutting or opposite to self-storage facilities where no adjacent structures exist, the maximum height shall be fifteen (15') feet to highest point of building.
- E. Lighting: Lighting shall be provided to illuminate facility entrances, driveways, parking areas and storage entrance areas and so arranged to reflect light away from adjoining residential property or any public way.
- F. Pavement: All roadways and parking areas shall be paved with concrete, asphalt or bituminous pavement.
- G. No door openings for any storage unit shall be constructed facing any agriculturally/residentially zoned property.
- H. Fencing, walls or landscaping/plant screening shall be required around the perimeter of the facility. Where deemed appropriate under the site plan review, setbacks may be waived and a unit wall approved in lieu of a fence or landscaping.



- I. Special Requirements: Where within 500 feet of a residence:
  - 1) Fencing or walls shall consist of decorative wood or stone, decorative concrete block or similar materials compatible with surrounding residential dwellings.
  - 2) Hours of operation shall be no earlier than 7:00 a.m. or later than 8:00 p.m. daily.
- J. One (1) on-site dwelling unit to be used for a manager/security personnel is permitted.

**1420 FILLING OF LAND**

All filling of land in the Township shall require a Zoning Certificate. Any and all material which may be excavated prior to filling of the land shall be left on the subject premises. This includes, but is not limited to, construction of driveways, buildings, and other development which may require filling of land. A grading plan shall be submitted to the Zoning Inspector along with a material list of the type of fill to be brought to the site prior to the issuance of the Zoning Certificate. Subject to the type of fill to be used, the Zoning Inspector may require the Fulton County Health Department's review and approval of the fill material. Under no circumstances shall asphalt material be used for filling. All material shall be graded within forty-five (45) days. Fill brought to the site to be used for a leach field system is exempt from this Section.

**1421 ADULT ENTERTAINMENT**

The establishment of adult entertainment uses shall not be located within:

- A. 500 feet of any residential district, school, church, park, playground, or other use established specifically for the activities of minors, as measured from the property line of the parcel which the adult entertainment use is located.
- B. A 1,000-foot distance of another existing adult entertainment use, as measured from the property line of the parcel on which the adult entertainment use is located.

**1422 LAWN/TREE SERVICE**

Lawn and Tree Service uses may be allowed as a conditional use in the AG/RE district when the following conditions are complied with:

- A. All Landscape Contractors are subject to Section 17 – Site Plan Review and Section 20 –Procedures and Requirements for Conditional Uses.



- B. Minimum lot size of 5 acres.
- C. When the use is deemed visible from abutting residential uses by the Board of Zoning Appeals, a twenty-five-foot (25') landscaping strip shall be maintained around the perimeter of the property with heavy landscaping and/or mounding.
- D. The storage of any organic materials shall comply with all applicable agency regulations and shall not emit odors beyond the property lines.
- E. Any parking of commercial vehicles and equipment shall be to the rear of the main building and no parking shall occur within 20' of any property line.

**1423 PARKING OF RECREATIONAL AND UTILITY TRAILERS**

Any owner of recreational and/or utility trailers may park or store such equipment on a parcel of land that is occupied by a principle use subject to the following conditions:

- A. Recreational and utility trailers parked or stored shall be owned by the occupant of the residence, shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.
- B. If the recreational or utility trailer is parked or stored outside of a garage, it shall be parked or stored to the rear of the front line of the building. The setback requirement in the side or rear yard shall be a minimum of five (5') feet. On one lot there shall be no more than two (2) pieces of equipment parked or stored outside. A mounted piece of equipment is construed as one piece; disassembled as two pieces.
- C. Notwithstanding the provisions of paragraph (B), recreational and utility trailers may be parked anywhere on the premises for loading and unloading purposes, for a period of not more than 72 hours.
- D. All recreational and utility trailers must be kept in good repair.

**1424 OPEN STORAGE AND DISPLAY OF MATERIAL AND EQUIPMENT**

The open storage and display of material and equipment incidental to permitted or conditional non-residential uses shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties by means of walls, fences or plantings. In no case shall this storage be maintained beyond the front building line. Walls or fences shall be a minimum of four (4') feet in height without advertising thereon. A strip of land not less than ten (10') feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than



four (4') feet in height at the time of planting may be substituted. Screening shall be maintained indefinitely.

**1425 SOLID WASTE**

Solid waste that is adverse to public health may not be applied to any land within Swan Creek Township for purposes of disposal or sanitary landfill.

**1426 DEMOLITION AND DISPOSAL OF STRUCTURES**

Persons demolishing, removing, or burning for the purpose of fire training, all structures in the township shall adhere to the following requirements:

1. Approval shall be obtained from the Fulton County Health Department to abandon an existing well and/or discontinue the use of an existing septic system;
2. Any and all debris from the property shall be disposed of within thirty (30) days in a licensed solid waste or construction and demolition landfill;
3. A demolition permit shall be obtained from the Fulton County Building Regulations Department.

**1427 RIPARIAN SETBACKS**

In order to provide access for the maintenance of ditches, creeks and other drainage ways and to enhance the environmental quality of storm water entering such drainage ways, no building shall be located within forty (40') feet of any ditch identified by the Fulton County Engineer's Office.

**1428 SMALL WIND TURBINES**

**A. Purpose**

The purpose of this section is to promote and accommodate small wind turbines in appropriate locations, while minimizing the adverse visual, safety and environmental impacts of the system. This section provides a review and permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

**B. Definitions**

Decibel (dBA): The measurement of sound pressure relative to the logarithmic conversion of the sound pressure reference level often set at 0 dBA (A-weighted). In general, this means the quietest sound we can hear is near 0 dBA (A-weighted) and the loudest we can hear without pain is near 120 dBA (A-weighted). The average background noise in a house is about 50 dBA, while a car driving down a street would be measured at 60 dBA at a distance of 300 feet. A vacuum cleaner emanates sound at 70 dBA.

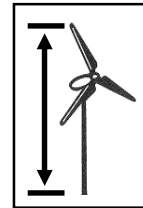


**Meteorological Tower:** Means a facility consisting of a tower and related wind-measuring devices, which is used solely to measure wind speed and directions preliminary to construction of a small wind turbine.

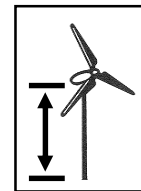
**Rated Capacity:** The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

**Small Wind Turbine:** Means a free-standing wind energy electric generation system consisting of a tower, a turbine, and associated control or conversion electronics. This includes, but is not limited to, electrical collection and supply equipment, and transformers.

**Total System Height:** The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.



**Tower Height:** The height above grade of the fixed portion of the tower.



**Turbine:** The parts of a wind system including the blades, generator and tail.

### C. General Requirements

1. Small wind turbines are permitted as a Conditional Use in all zoning districts.
2. A small wind turbine shall service only one residence, any and all accessory use(s), a business operation, and any other use on the premises.

### D. Specific Requirements:

1. Height: The total system height of the tower shall not exceed one hundred twenty (120') feet in the Agricultural/Residential Districts. The total height of the tower in all other districts shall not exceed one hundred fifty (150') feet. The minimum distance between the ground and any protruding





blades shall be twenty (20') feet as measured at the lowest point of the arc of the blades.

2. Fall zone: A small wind turbine shall be a distance of at least 125% of the total system height from any property line, dwelling, occupied structure or right-of-way.
3. Lighting: The only permitted lighting on the structure shall be as required and regulated by the Federal Aviation Administration. No lighting shall be used to illuminate or feature the structure.
4. Electrical generator: A small wind turbine in the Agricultural/Residential Districts that is powering an electric generator shall have a rated capacity of not more than 20 kW. There is no maximum rated capacity for a small wind turbine in all other districts.
5. Noise: Noise coming from a small wind turbine shall not exceed 55 dBA at the nearest property line abutting an Agricultural/Residential District or abutting a hospital, library or school. Noise coming from the small wind turbine shall not exceed 65 dBA at the nearest property line in all other districts except when abutting a hospital, library or school.
6. Fencing: The supporting tower shall be enclosed with a six (6') foot height fence unless the base of the tower is not climbable for a distance of twelve (12') feet.
7. Base: All tower support bases shall meet the requirements of the building regulations department having jurisdiction.
8. The applicant shall notify the Zoning Inspector if operations of the wind turbine cease or has stopped operation for a period of 6 months and the wind turbine shall be removed by the owner within 60 days of ceasing operations.
9. The small wind turbine transmission lines shall be underground.
10. Tower, hub and blade colors shall be the manufacturer's off-white or light gray with a non-reflective surface finish.
11. The manufacturer shall have its name/logo, system model number, system output, and contact information near the base of the tower. No other signage or advertising is permitted on the system.



12. No part of the wind turbine system or supports shall be located within the required setback for the zoning district in which it is located.
13. The Ohio Department of Natural Resources and the U.S. Fish and Wildlife Department shall be notified of any application to construct a small wind turbine. Only state and federal agencies with regulatory oversight may object to the application.

**1429 ACCESS FOR FIRE PROTECTION**

Access for fire protection shall be provided to all lots and to all buildings and structures on all lots prior to construction of any building or structure thereon. "Access for Fire Protection" means an all-weather driveway capable of supporting fire department vehicles and related equipment from the public roadway to the lot and to the building or structure located or proposed to be located on the lot. See Section 1901.02 for further details.



## SECTION 15 NON-CONFORMITY

### 1500 PURPOSE

To encourage the development and development consistent with this Resolution and to enable property owners with a reasonable use of their land, it is the intent of Swan Creek Township to allow uses, structures, and lots that came into existence legally, and that conformed with the applicable requirements at the time, to continue to exist and to bring as many aspects of such non-conformities into compliance with existing requirements as is reasonably possible. Non-conformities shall not be enlarged, expanded or extended, and shall not be used for adding or substituting other structures, buildings or uses that are prohibited in the same district except for Motor Vehicle Salvage Yards pursuant to Section 1416.

### 1501 NON-CONFORMING LOTS OF RECORD

Any lot of record with frontage of seventy-five (75') feet or more existing at the effective date of this Resolution in any Residential District may be used for a single-family dwelling even though its area and width are less than the minimum requirements set forth herein. Each side yard shall be a minimum of ten (10') feet. Where two adjacent lots of record with less than the required area and width are held by one owner, the lots shall be combined and used for one (1) main building. In either case, the prevailing setback shall be met.

### 1502 NON-CONFORMING USE OF LAND

The lawful use of land which use would not be permitted by the provisions of this Resolution may be continued so long as such use remains otherwise lawful, and provided:

- A. No such non-conforming use shall be enlarged or increased in its size, dimension, intensity and shall not be extended to occupy a greater area of land than such use occupied at the effective date of this Resolution.
- B. No such non-conforming use shall be moved in whole or in part to any area of the lot other than that occupied by such use at the effective date of this Resolution.
- C. If any such non-conforming use of land is discontinued or abandoned for more than two (2) consecutive years, any subsequent use of land shall conform to the requirements specified by this Resolution for the district in which such land is located.
- D. No additional structures shall be located on a lot with a non-conforming use of land.



- E. All non-conforming uses shall comply with County and State Health Department regulations in regards to sanitary waste disposal facilities.

**1503 NON-CONFORMING BUILDINGS AND STRUCTURES**

Where a lawful building or structure exists at the effective date of this Resolution that is not otherwise permitted pursuant to this Resolution due to building area, lot coverage, height, setbacks, yards, or location on the lot, such building or structure may be permitted so long as it remains otherwise lawful, subject to the following:

- A. In the event that any non-conforming building, structure, or mobile, manufactured or modular home is destroyed by any means to the extent or more than sixty (60%) percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Resolution and the following conditions:
  - 1. A Zoning Certificate for such restoration shall be first obtained within one (1) year of such damage or destruction;
  - 2. Such repair shall not cause a new or additional non-conformity and such repair shall not increase the size, dimension or intensity of the non-conformity that existed prior to such damage or destruction.

**1504 PRIOR ZONING APPROVALS**

Any zoning or land use approval granted prior to the adoption of this amended Resolution shall remain in effect pursuant to the provisions of the Section and terms of such approval. Any changes to the approved zoning or site plan shall require re-submittal of the zoning or site plan request and shall meet all requirements of this amended Resolution.

**1505 REPAIRS AND MAINTENANCE**

On any non-conforming structure or portion thereof containing a non-conforming use, work may be done on ordinary maintenance repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided the cubic content that existed when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a Zoning Certificate for such activities shall be required.



## SECTION 16 SIGNS AND OUTDOOR ADVERTISING

### 1600 PURPOSE

This section provides standards for the time, place and circumstances in the use of signs in Swan Creek Township. These standards are to provide for the public health and safety, pedestrian and traffic safety, and to control adverse effects of signs on public and private property; and (where legislatively permitted) to provide for the general welfare of the public.

### 1601 DEFINITIONS

**Abandoned Sign:** A Sign or Sign Structure which no longer identifies or advertises a business, service, owner, product, or activity, or is in disrepair. Such Sign and Sign Structure shall be removed within 30 days of notice to the property owner by the Zoning Inspector.

**Animated Sign:** A Sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means of power. Such Signs have lights or illuminations that change the visual image depicted, including visual images that may flash, move, rotate, flicker, depict action, or create a scene, blink, vary in intensity or color, or use intermittent electrical impulses, scrolling text or a Sign which has revolving, or rotating parts or other visible mechanical movements. An Animated Sign does not include a Changeable Copy Sign.

**Area Identification Sign:** A Sign, which identifies a subdivision or a group of building whether residential, commercial, or industrial.

**Awning/Canopy Sign:** A Sign attached to an awning covering a doorway, window, or face of the building. Awning/Canopy Signs are Wall Signs, as provided for in Section 1607.

**Banner Sign:** A temporary sign display including a Sign on a Flag, strip of lightweight material, paper, cloth, or fabric which may be located on the ground or attached to a building, another Sign, or any other structure. Banner Signs may not be displayed for more than 120 days per year in the aggregate.

**Billboard:** (see **Off-Premise Sign**)

**Building Face or Wall:** All window and wall area of a building in one plane or elevation.

**Building Frontage:** The length of the outside Building Wall along a right-of-way.

**Changeable Copy Sign:** A Sign, or portion thereof with letters, numbers, or illustrations



that can be periodically manually changed or rearranged without altering the underlying or supportive face of or surface of the Sign.

**Clearance of Sign:** The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any Sign, including its framework extending over that grade.

**Commercial Message:** Any wording, logo, or other visual Copy that directly or indirectly identifies, advertises, or calls attention to a business, product, service, or other commercial activity.

**Copy:** The graphic content of a Sign surface in either permanent or removable letter, pictographic, symbolic (logo), or alphabetic form.

**Onsite Traffic Directional Sign:** An on-premise Sign that is designed to facilitate traffic flow, does not contain any advertising and provides direction to an on-premise place or object.

**Double-Faced Sign:** A Sign with two faces.

**Electronic Message Center:** A Sign whose visual display includes alphabetic, numeric or symbolic content that can be changed or altered on a fixed display screen composed of electronically illuminated segments.

**Embellishment:** The decorative or ornamental structure or frame that contains a Sign. Embellishments are not included in the square footage of the Sign's area calculation; Embellishments shall not exceed twenty-five percent (25%) of the single face area and shall not exceed the Sign's maximum permitted height or be located within required setbacks.

**Exempted Signs:** Exempted from sign permit requirements.

**Façade:** The entire building front including the parapet.

**Flag:** Any fabric displaying the name insignia, emblem, colors, patterns or symbols used as a Message of a political subdivision or private entity.

**Temporary Future Development Sign:** A Temporary, freestanding Sign located on the premises of a proposed development/construction project that indicates the future construction or development of a building or area which may identify the architect, financial institution, contractor, subcontractor, and/or material supplier participating in the construction on the property.



**Height:** The vertical distance measure from the highest point of the Sign, including decorative Embellishments, to the grade of the adjacent street or the surface grade beneath the Sign, whichever vertical distance is less.

**Low Profile/ Monument Sign:** A Sign placed directly on the ground, and independent from any building or other structure on the lot.

**Message:** The wording or Copy on a Sign, Flag or Pennant.

**Non-Conforming Sign:** A Sign which was placed on the lot legally, but which does not comply with Section 16 of this Resolution.

**Off-Premise Sign (Billboard):** A Sign Structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished on the lot on which said Sign is located.

**Pennant:** Any lightweight plastic, fabric, or any other material, frequently in a series, whether or not containing a Message of any kind, suspended from a rope, wire, or string, designed to move in the wind.

**Pole Sign:** Any Sign supported by upright structure(s) or support(s) that are anchored in the ground and that are independent from any building or other structure on the lot.

**Portable Sign:** Any Sign not permanently attached to the ground or other permanent structure, or a Sign designed to be transported including, but not limited to: Signs designed to be transported by wheels; "A" or "T" frame Signs; menu and sandwich board Signs; umbrellas used for advertising; and Signs and/or Copy attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used regularly in the usual and customary operations of the business. Yard Signs are not included in this category.

**Projecting Sign:** A Sign that projects more than fifteen inches (15') from a Building Wall or other structure and not specifically and solely designed to support the Sign.

**Roof Sign:** Any Sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically' above the highest portion of the roof.

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person, entity, product, service, establishment, activity or sale which communicate information of any kind.



**Sign Area:** Total area for one (1) side of sign.

**Sign Face:** Area of the Sign upon which Copy can be placed.

**Sign Structure:** Any structure, which supports, has supported, or is capable of supporting a Sign, including a decorative cover.

**Temporary Sign:** A sign not permanently attached to the ground, wall or a building, and not designed or intended for permanent display.

**Wall Sign:** A Sign attached to, painted on, or placed against a wall of a building, with the Sign Face parallel to the Building Wall and extending away from the Building Wall parallel to the adjacent grade not more than fifteen (15") inches there from, which Copy advertises the use carried on within such building.

**Window Sign:** Any Sign placed inside a window in a building or structure or upon the building's interior window panes or glass or an opening recessed from the Building Face such that the Copy is visible from the exterior of the premises.

## 1602 GENERAL PROVISIONS

- A.** Unless otherwise provided by this Resolution, all new Signs shall require a Zoning Permit prior to the sign's installation. An application for a zoning certificate shall be made to the Zoning Inspector. Fees shall be in accordance with the Permit Fee Schedule. No Zoning Permit is required for the maintenance of a Sign or for a change of Copy on painted, printed, Changeable Copy Signs, or Electronic Message Centers so long as the Sign Area or Sign Structure is not modified in any way for the existing business.
- B.** An application for a Zoning Permit shall include the following information:
- 1.** Name and address of the owner of the Sign.
  - 2.** Street address or location of the property on which the Sign is to be located, along with the name and address of the property owner.
  - 3.** The type of Sign or Sign Structure as defined in this Resolution.
  - 4.** A site plan with dimensions showing the proposed location of the Sign with vertical and horizontal measurements from all property lines and right-of-ways along with the location of all existing Signs and buildings on the same premises.
  - 5.** A drawing/picture of the proposed Sign showing the following





specifications: dimensions, Height, Clearance of Sign, Copy, illumination, and construction details (materials, structural supports, and electrical components)

- 6.** A list of the total number and the square footage of existing and proposed Signs on the premises.
- C.** No Sign shall be placed or project into any right-of-way. No Sign shall obstruct traffic visibility at the road or highway intersections.
- D.** If a Sign is installed, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify the property owner and the Sign owner or lessee thereof to alter such Sign so as to comply with this Resolution. Any owner, lessee, or Sign contractor who installs a Sign without a Zoning Permit shall be subject to three (3) times the normal fee schedule at the discretion of the Zoning Inspector.
- E.** All Signs, Marquees, and Awnings/Canopy shall be maintained at all times in a safe structural condition and in a neat and clean condition, and shall be kept free from defective or missing parts or peeling paint. Signs which provide time and/or temperature readings shall be maintained to reflect current readings.
- F.** All Onsite Traffic Directional Signs shall not exceed four (4) square feet per face with a maximum Height of forty-two (42") inches. Such Signs shall not contain the business name or logo. Onsite Traffic Directional Signs are not included in the Sign Area calculations; a zoning permit is required.
- G.** The following regulations shall apply to Electronic Message Centers:
  - 1.** No more than one (1) Electronic Message Center attached to a permitted-on premise freestanding Sign shall be allowed per property.
  - 2.** Each Message displayed on an Electronic Message Center must be static and must be depicted for a minimum of eight (8) seconds. When a Message is changed, the change shall occur within three (3) seconds. The continuous scrolling of Messages is prohibited.
  - 3.** All Electronic Message Centers shall have a dimming device for day/night operation. The illumination shall not create excessive brightness and/or pose a safety hazard to the public.
  - 4.** No freestanding Electronic Message Center shall exceed fifty (50%) percent of the total allowable square footage for any on premise



freestanding Sign.

5. The addition of any Electronic Message Center to any Non-Conforming freestanding Sign is prohibited.

### **1603 PROHIBITED SIGNS**

The following types of Signs are prohibited in all districts:

- A. Abandoned Signs
- B. Animated Signs
- C. Balloon Signs
- D. Blinking Signs
- E. Flashing Signs
- F. Inflatable Signs
- G. Intermittent Signs
- H. Moving Signs
- I. Reflective Signs
- J. Rotating Signs
- K. Scrolling Signs
- L. Signs attached or painted on Trees, Rocks or natural features
- M. Signs in the right-of-way
- N. Signs installed, attached or painted on fences
- O. Signs or Sign support structures that obstruct means of egress, including any fire escape, any window, any door opening, any stairway, any opening, any exit, any walkway, any utility access or Fire Department Connection.
- P. Snipe or Bandit Signs



- Q. Unlawful Vehicle Signs
- R. Portable Signs
- S. Any Sign or other object attracting attention to a business that interferes with the safety of the traveling public.
- T. Roof Signs that exceed the highest point of the roof that the Sign is installed upon or that expose bracing and other mounting materials.
- U. Signs that resemble or conflict with traffic control Signs or signals.
- V. Signs or devices that emit audible sound, smoke, gas and/or odor.
- W. Window Signs occupying greater than thirty percent (30%) of the total window area.
- X. Any Sign unlawfully installed, erected, or maintained.

#### 1604 EXEMPTIONS

The following Signs do not require a Zoning Permit:

- A. **Government Signs** erected by Swan Creek Township, Fulton County, State of Ohio, or the Federal government in furtherance of their governmental responsibility.
- B. **Any Sign wholly inside a building** which does not exceed thirty percent (30%) of the total window area and is unable to be read or be discerned from any property line or any public right-of-way.
- C. **Informational Signs** attached to a building and not exceeding three (3) square foot and are limited to business identification, hours of operation, address, and emergency information of the occupant(s) of the building. Such Signs shall be permitted in addition to other permitted Signs.
- E. **Temporary Future Development Sign and Construction Signs** – A non-illuminated sign not exceeding one (1) sign per entry, shall not exceed five (5) feet in Height and thirty-two (32) square feet in Sign Area, for each platted subdivision and shall be removed upon completion of the project or within two (2) years of the Signs erection, whichever occurs first.
- F. **Temporary Future Development Signs and Construction Signs** placed upon the lot under construction. These Signs shall not exceed five (5) feet in Height and



thirty-two (32) square feet in Sign Area, shall be non-illuminated, and shall be removed upon completion of the project or within two (2) years of the Signs erection, whichever occurs first.

- G. Memorial Signs or tablets**, name of buildings and dates of construction, provided that such Signs do not exceed two (2) square feet in Sign Area.
- H. Address numbers for dwellings** shall not exceed two (2) square feet in area and address numbers for commercial or industrial buildings shall not to exceed six (6) square feet in area unless the address number is an integral component of a Sign for which a Zoning Certificate is required by this Resolution.
- H. Flags.** All Flags shall be displayed as follows:
  - 1. Maximum Flag size shall be sixty (60) square feet.
  - 2. Maximum pole height of forty (40') feet.
  - 3. All Flags shall be flown on a pole, with a maximum of three Flags per lot with no more than one (1) Flag other than that of a nation, state, or political subdivision.
  - 4. Flags may not be located in such a way as to intentionally attract the attention of the public for commercial purposes.
  - 5. The Flag and flag pole shall be maintained in good condition.
  - 6. Flag pole(s) must be set back from all property boundaries a minimum of fifteen (15') feet or setback a distance which is at least equal to the Height of the pole, whichever is greater.
- I. Political Signs.** Such signs shall not be placed in the right-of-way and shall be removed within 30 days following the election.
- J. Garage Sale Signs** do not require a permit but shall be placed on the lot where the sale is occurring and shall be removed upon completion of the event. (See Section 1415)
- K. Homestead signs.** Such signs typically identify the family name and/or homestead date. These shall not be placed in the right-of-way and shall be limited to six (6') square feet.



**1605 OFF-PREMISE SIGN**

A total of one (1) Off-Premise Sign per parcel is permitted in non-residential districts and on lands used for agricultural purposes per ORC Section 519.20. Off-Premise Signs shall be setback a minimum distance of one hundred (100') feet from the nearest right-of way and one hundred (100') feet from any property line. Off-Premise Signs shall not exceed fifteen (15') feet in Height and shall not exceed one hundred (100) square feet of Sign Area.

**1606 SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS**

- A. One (1) Low Profile or one (1) Wall Sign shall be allowed for each lot which contains a non-residential main building permitted in the district. Low-profile Signs in Agricultural/Residential Districts shall not exceed sixty (60") inches in height and thirty-two (32) square feet per face (maximum of two (2) faces) and shall be setback a minimum distance of fifteen (15') feet from the nearest right-of-way line and setback a minimum of ten (10') feet to any adjacent lot. Wall Signs in Agricultural/Residential Districts shall not exceed twenty-four (24) square feet of Sign Area.
- B. Home occupation Signs shall not exceed two (2) square feet in Sign Area and shall be a Wall Sign.
- C. A church or school allowed by this Zoning Resolution may locate two (2) Signs on the lot; one Sign shall be a Wall Sign; the face of which shall not exceed twenty-four (24) square feet in area, and a second Sign, which shall be a free-standing Low Profile Sign not to exceed thirty two (32) square feet per face (maximum of two (2) faces) and shall be setback from the nearest right-of-way a minimum distance of fifteen (15') feet and setback a minimum distance of ten (10') feet to any adjacent lot. Low Profile Signs shall not exceed five (5') feet in Height.
- D. No Sign of any type shall be permitted in Agricultural/Residential Districts, other than as specifically permitted in this Section 1606.

**1607 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

- A. The following Signs as listed below may be permitted on a lot in the Commercial and Industrial Zoning Districts as follows in Table 16-1:



**Table 16-1. SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

ZONING DISTRICT	TYPE OF SIGN PERMITTED	MAXIMUM SIGN AREA IN SQ. FT. Pole Sign (1)(5)	MAXIMUM SIGN AREA IN SQ. FT. Wall Sign (2) (4)	MAXIMUM SIGN AREA IN SQ. FT. Low Profile / Monument Sign (1) (3) (5)	MAXIMUM SIGN AREA IN SQ. FT. Projecting Sign (1) (3)
C-1	Wall, Low Profile Projecting	Not Permitted	1.5 feet per Linear Foot of Building Frontage	60 per face	30 per face
C-2	Wall, Low Profile, Pole	60 per face	1.5 feet per Linear Foot of Building Frontage	80 per face	30 per face
M-1/M-2	Wall, Low Profile	Not Permitted	1.5 feet per Linear Foot of Building Frontage	60 per face	N/A

- 1) There shall be a maximum of two (2) faces for low-profile/monument, pole, and projecting signs.
- 2) Awning and canopy signs are wall signs for the purposes of this table.
- 3) No low profile/monument sign or projecting sign is permitted when a pole sign is located on the lot.
- 4) For multi-tenant buildings, the total square footage permitted shall be based on each occupant's linear building frontage
- 5) One pole or one low profile/monument sign, or one projecting sign may be used in combination with a wall sign.

**B. Pole Signs and Low-profile/ Monument Signs on Double Frontage Lots**

If a lot is bordered by two streets that do not intersect at the lot's boundaries (double frontage lot), then the lot may (subject to total Sign Area limitation in Section 1607A) have a pole or Low Profile/Monument Sign on each street.

**C. Wall Signs**

The square footage for a Wall Sign is calculated on the wall area facing the right of way. On corner lots, only one Building Frontage may be used in the size calculation. Multiple Wall Signs are permitted provided the combined Sign Area is less than the total Wall Sign size limit set forth in Section 1607 A. Awning/Canopy Signs are allowed and are calculated as part of the overall square footage. Awning/Canopy Signs shall not be lower than eight feet (8') above curb grade and Awning/Canopy Signs shall not project vertically above the surface of the canopy or awning.



**D. Low-profile/ Monument Signs**

Shall be setback from the nearest right-of-way a minimum distance of fifteen (15') feet and shall be setback a minimum of ten (10') feet to any adjacent lot line, and not to exceed five (5') in Height.

**E. Projecting Signs**

One Projecting Sign is allowed per business. The maximum projection length beyond the Building Face shall be four (4') feet. A Projecting Sign must have its lower edge a minimum of eight (8') feet above the surrounding grade. Projecting Signs shall not exceed the Height of the wall that they are attached on.

**F. Special Event Signs**

1. For the opening of a new business or re-opening of a seasonal business located in a commercial or industrial district, a temporary, on-site Sign advertising the grand opening may be permitted for a total period of thirty (30) continuous days, and shall have a Zoning Permit. These signs shall be either a wall sign or shall be placed within ten (10') of the building and shall not project into the right-of-way.
2. For existing businesses, temporary, on-site Signs advertising a special event may be permitted for two (2) two (2) week continuous periods per calendar year. Each special event Sign requires a Zoning Permit. The Sign shall be removed on or before the end of the two week period. These Signs shall not exceed thirty-two (32) square foot in size and shall be located on the wall of the building where the special event is taking place.



## SECTION 17

### SITE PLAN REVIEW

#### 1700 PURPOSE

Site plan review provides a procedure with specific standards for development proposals in Swan Creek Township. Items to be considered include but are not limited to building placement, traffic and storm water management, preservation of existing natural features, adjacent land uses, and general welfare and safety.

#### 1701 APPLICATION

Site plan review and landscaping pursuant to this Section is required for all new non-residential main buildings. Site plan review is also required for the alteration, modification, or an enlargement of an existing structure whereby the enlargement is greater than 5,000 square feet or whereby the enlargement is greater than thirty-five (35%) percent of the existing floor area. Site plan review is also required for all new accessory buildings greater than 2000 square feet in size. Single family and two-family dwellings and related accessory structures and buildings are exempt from the Site Plan Review procedure.

#### 1702 REQUIREMENTS

An applicant shall file with the Zoning Inspector, the following documents along with the application fee.

##### 1702.01 Basic Requirements

- A. A letter of submittal from the property owner or an agent authorized in writing by the property owner shall accompany the site plan that contains the applicant's phone number and mailing address.
- B. The site plan documents shall include a complete legal description of the property and a general location sketch showing nearby section lines and/or residential and major roadways.
- C. All site plans shall have a title – "Site Plan Review". The site plan shall indicate the scale of the drawing and shall use an engineer's scale. The site plan shall have the north arrow pointing either toward the top of the drawing or to the left side of the drawing. The location map and site plan orientation shall be the same.
- D. The following documents shall be filed: Ten (10) blue line or black line prints of the site plan on paper no larger than 24" x 36". Detailed drawings





other than the site plan need not be submitted for the purpose of site plan review.

- E. A PDF file of the entire set of plans shall be submitted with each submission. The PDF plan files shall be rendered at 300 DPI (dots per inch) as a full-size drawing (24" high x 36" wide).

**1702.02 Site Plan Requirements**

- A. The site plan shall show the zoning classification(s) and existing uses of the property and all abutting property; the approximate location of buildings and driveway locations opposite to, and adjacent to the property.
- B. The site plan shall indicate the dimensions including area of the property, the dimensions of the existing and proposed buildings to be constructed, and any buildings to be removed or other alterations to occur on the property.
- C. The site plan shall indicate the distance of existing and proposed structure(s) to all right-of-way lines and the distances of the structure(s) to the front, side and rear property lines.
- D. The site plan shall indicate the name of all adjacent roadways and right-of-way and pavement widths measured from the centerline of the roadway.
- E. The site plan shall indicate the locations, height, and material of all existing and proposed fencing and/or walls on the property.
- F. The site plan shall show the location, height, lighting and dimensions of existing or proposed signs on the property.
- G. The site plan shall indicate the width(s) and location(s) of existing or proposed sidewalks, if any, and drive approach aprons. The drive approach width(s) shall be indicated where the apron meets the roadway pavement and shall be dimensioned at the throat.
- H. The site plan shall show any ditches, creeks, or other natural features that may affect the development of the property. Where appropriate, two-foot (2') contours and the 100-year high water elevation shall be shown on the site plan. Information on this requirement may be obtained from the Fulton County Engineer's Office.
- I. The site plan shall show the existing and proposed method of storm water drainage and/or areas to be used for storm water detention.



- J. The site plan shall show existing and proposed sanitary and storm sewers, water mains, and the location of fire hydrants if present. In the event these improvements are not proposed, the site plan shall indicate the location of proposed or existing wells and sewage systems both on-site and on abutting parcels.
- K. The site plan shall indicate the location of existing or proposed off-street parking spaces and drive aisles with complete dimensions, the number and size of the proposed parking stalls including handicap spaces and the type of pavement composition of the parking area, such as asphalt or concrete, and if the off-street parking area is located next to an existing parking area or on another parcel, the method of circulation, if any, between the two areas.
- L. A site plan with a proposed drive-thru window operation shall indicate where the vehicle will be lined-up and how many vehicles can be stored at one time while waiting to use the order board and drive-thru window.
- M. Color exterior building elevation(s) visible from all abutting streets and highways.
- N. The site plan shall include a photometric plan showing the existing and proposed lighting, both freestanding and on the building. Wall pack lighting on the building shall be shielded. All freestanding lighting shall be shoebox style with no glare. Pole height shall be a maximum of 20 feet. When abutting a residential or agricultural district, light splash shall be 0 at all lot lines that border those districts.

### **1703 APPROVAL PROCEDURE**

- A. Site plans shall be submitted to the Zoning Inspector. Site plans shall not be circulated for review and recommendation unless all required information is submitted and/or indicated on the site plan.
- B. The Zoning Inspector shall transmit the site plan to appropriate governmental agencies for review, report and recommendation.
- C. Once all recommendations have been received, the Zoning Inspector shall transmit the site plan and recommendations to the Zoning Commission for review and approval or denial.



- D. As part of the site plan review, a bond, escrow, or other suitable guarantee to ensure the implementation of site improvements may be required by the Zoning Commission.
- E. Changes to the approved site plan may require resubmittal for review pursuant to this Section. The Zoning Inspector may administratively approve changes to the approved plan provided the change(s) in the plan do not:
  - 1. Result in an increase in the number of units;
  - 2. Encroach materially into the setback areas;
  - 3. Encroach into the parking areas so as to cause an alteration in the layout of the access drives or provisions for additional parking spaces;
  - 4. Create a large building mass either through an increase in its height, length, or width that would magnify its effect on the adjoining areas;
  - 5. Alter specific conditions approved by the Zoning Commission.

**1704 EXPIRATION AND EXTENSION OF SITE PLAN APPROVAL**

If construction of any phase of the approved site plan begins within two (2) years after approval is granted, the approval shall be valid until the development is completed. If no construction has begun within two (2) years after the approval is granted, the site plan shall be void. An extension of the time limit may be approved by the Zoning Commission.



## SECTION 18 LANDSCAPING REQUIREMENTS

### 1800 PURPOSE

The landscaping requirement is to establish standards to enhance appearance, preserve native vegetation, and natural features unique to Swan Creek Township and the rural northwest Ohio region. To the greatest extent practical, development should preserve natural features. The use of native vegetation is encouraged and may be approved as part of the landscape review process.

### 1801 REQUIREMENTS

#### 1801.01 General

Landscaping for all uses except single and two-family dwellings, shall be provided in the following areas;

- A. At the perimeter of sites to buffer, separate, and/or screen adjacent land uses;
- B. At the perimeter of parking lots to shade, separate, and/or screen the view of parked cars from adjacent streets and land uses;
- C. In the interior of parking lots to provide shade;
- D. Around the perimeter of buildings to enhance the appearance of structures;
- E. When barriers or fences are utilized, plant material shall be included;
- F. Required landscape areas shall not include any portion of the right-of-way;
- G. All loading areas shall be landscaped for screening purposes;
- H. Trash receptacles shall be screened and shall not be placed within any required setback areas.

#### 1801.02 Specific

- A. A planting strip at least five (5') feet in width shall be located along the perimeter of a parking area but not within any right-of-way. Within this area, there shall be one (1) two and a half (2.5") inch caliper deciduous shade trees per fifty (50) linear feet of perimeter parking area. There shall also be shrubs (evergreen or deciduous) to provide screening. An alternative arrangement of perimeter landscaping material such as



mounding, fencing, or walls may be considered as part of the site plan review process.

- B.** Landscaping within parking areas is necessary not only to reduce the generation of heat and water runoff but to break up visually the expanse of paved areas. The use of shade trees in these landscape areas shall be required. Any open parking area (including loading areas) containing more than six thousand (6,000) square feet of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:
- 1.** An area equal to five percent (5%) of the total area devoted to parking spaces and aisle ways shall be landscaped and permeable.
  - 2.** For parking areas over thirty thousand (30,000) square feet in size, the required landscaping shall be designed to break up the visual expanse with landscape features such as boulevards, larger landscape islands, or areas of preserved on-site native vegetation. This landscaping requirement may also include storm water retention areas or drainage courses, if designed so as to provide an attractive natural asset to the site.
  - 3.** All required landscape areas shall be protected by curbing or a suitable barrier to prevent vehicle encroachment.
  - 4.** The required plant materials for the interior of parking areas shall be one deciduous tree for every three thousand (3,000) square feet of area. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five (5') feet above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet in height.
  - 5.** Foundation plantings are required for all exterior building walls that are visible from a road. Foundation plantings shall be placed within five (5') feet of the building perimeter. Ten (10) shrubs shall be required for every one hundred (100') lineal feet of horizontal exterior building wall visible from the road, street, or highway. If foundation plantings are deemed not practical due to unique features of the site and/or building, an alternative plan may be considered as part of the site plan review process.
  - 6.** A landscape strip between the roadway and parking area shall be provided along the full width of a lot. The width of this landscape



strip shall be not less than fifteen (15') feet measured from the right-of-way line. The landscape strip shall be unoccupied except for landscape material, steps, walks, terraces and driveways. Innovative treatments are encouraged in this area, but the design must not interfere with adequate sight distance. Within the landscape strip, there shall be one (1) two and a half (2.5") inch caliper deciduous shade trees or two (2) six (6') foot high evergreen trees, or a combination, per one hundred (100) linear feet of property frontage.

7. An irrigation system shall be installed in all required landscape areas unless drought resistant, native species are utilized.

## 1802 PLANT MATERIAL SPECIFICATIONS

The following sections include specifications for plant materials. Alternatives to these specified plant materials which demonstrate both the intent and requirements of this Resolution may be approved as part of a Site Plan:

### A. Deciduous Trees

A minimum caliper of at least two and one-half (2 ½") inches measured twelve (12") inches above ground level at time of planting.

### B. Evergreen Trees

A minimum of six (6') feet high and a minimum spread of three (3') feet at time of planting.

### E. Shrubs

Shrubs shall be at least thirty (30") inches average height and twenty-four (24") inches width at the time of planting.

### D. Ground cover and Grass

Ground cover shall be planted a minimum of eight inches on center and shall be planted in such a manner so as to present a finished appearance and seventy-five percent (75%) coverage after one complete growing season. If approved as part of a Site Plan, ground cover may also consist of rocks, pebbles, shredded bark, mulch, and other material. Grass shall be planted in species normally grown in permanent lawns.

### E. Prohibited Tree/Shrub Species

The following tree and shrub species shall not be used unless already existing in the proposed landscape area:



Ash (*Fraxinus*)  
Box Elder (*Acer negundo*) Walnut  
Mulberry (*Morus alba*)  
Willow (*Salix babylonica*)  
Siberian Elm (*Ulmus pumila*)  
Hickory (*Carya sp.\**)  
European Alder-Buckthorn (*Rhamnus frangula*)  
Common Buckthorn (*Rhamnus cathartica*)  
Autumn Olive (*Elaeagnus umbellata*)  
Multiflora Rose (*Rosa multiflora*)  
Purple Loosestrife (*Lythrum salicaria*)  
Tree of Heaven (*Ailanthus altissima*)  
Black Walnut (*Juglans nigra*)  
Silver Maple (*Acer saccharinum*)  
Black Locust (*Robinia pseudo-acacia*)  
Catalpa (all species)

\*Indicates numerous species.

### **1803 MAINTENANCE AND REPLACEMENT REQUIREMENTS**

The lot owner shall be responsible for the maintenance of all landscaping. The following requirements shall apply:

- A.** Landscape material shall not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
- B.** Within two years of installation (or incorporation of existing vegetation), all trees, shrubs, ground covers and other plant materials shall be replaced if they fail to thrive.
- C.** Replacement plants shall conform to the approved plan. Dead or unhealthy plants shall be replaced within the next planting season.
- D.** Reasonable care should be taken to ensure that landscaping areas are well maintained and kept free of overgrown weeds and dead plants. This includes the trimming and upkeep of Landscaping areas so that any plants do not become overgrown.
- F.** As part of the Site Plan, a bond, escrow, or other suitable guarantee shall be filed with the Zoning Inspector to ensure the landscape material is installed and maintained for a two (2) year period. No Zoning Certificate shall be issued until the bond, escrow or other suitable guarantee is received.



## SECTION 19 PARKING REQUIREMENTS

### 1900 GENERAL PARKING REQUIREMENTS

Any building, structure or use of land that is constructed, enlarged, or used shall provide off-street parking spaces for automobiles in accordance with the following minimum provisions.

### 1901 OFF-STREET PARKING DESIGN STANDARDS

All off-street parking including driveways, entrances, exits, circulation and maneuvering areas, aisles and interior lanes, and parking spaces shall be in accordance with the following minimum standards and specifications:

#### 1901.01 Parking Space Dimensions

All new or altered parking lots shall conform to the parking space stall width and length and aisle width, as set out in Table 19-1 and illustrated in Figure 19-1.

<b>Table 19-1. PARKING SPACE DIMENSIONS</b>					
<b>DIMENSIONS (feet)</b>		<b>ANGLE (degrees)</b>			
		<b>45°</b>	<b>60°</b>	<b>75°</b>	<b>90°</b>
A.	Stall depth to wall	17	18.5	19	18
B.	Stall depth parallel to vehicle	18	18	18	18
C.	Vehicle aisle width	12	18	22	25
D.	Stall depth to interlock	15	17	18	18
E.	Stall depth reduction due to interlock	2	1.5	1.0	0
F.	Stall width parallel to Aisle 1	12.7	10.4	9.3	9
G.	Stall width perpendicular to vehicle	9	9	9	9
H.	Module width wall to wall	45	54	60	61
I.	Module width interlock to interlock	42	51	52	51

#### Exceptions to TABLE 19-1:

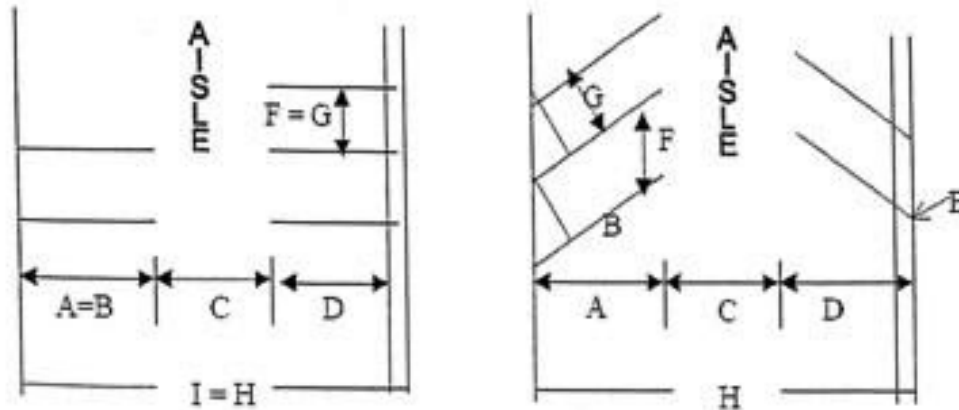
- A. For bumper overhang deduct one and one-half (1 ½') feet from stall depth to wall or three (3') feet from wall to wall for 45 degree and 60 degree parking. The equivalent dimensions for 75 degree and 90 degree parking are two (2') feet and four (4') feet respectively.
- B. Where natural and/or man-made obstacles, obstructions, or other features such as landscaping, support columns, or grade difference exist,





the Swan Creek Zoning Commission may approve a reduction in required stall width, length, and/or aisle width as part of the Site Plan review process. In all instances where a reduction is requested, emergency vehicle access shall be considered and incorporated into the parking lot design.

**FIGURE 19-1**



**1901.02 Access**

For single or two-family residential dwellings, driveways/lanes shall be a minimum of nine (9') feet in width so as to provide clearance for any Fire Apparatus. For all other uses, driveways shall be a minimum width of twenty-two (22') feet.

**1901.03 Setbacks**

- A. No parking shall be permitted in the front yard of any residential property except on an asphalt, concrete or gravel driveway.
- B. Off-street parking areas in commercial districts shall not be located in the required landscape strips, or closer than five (5') feet from any side or rear property line.
- C. No part of any loading space shall be permitted closer than fifty (50') feet to any residential district nor closer than five (5') feet to any right-of-way.
- D. Whenever any non-residential zoning district adjoins a residential district, the off-street parking for the non-residential use may not be located within twenty (20') feet from the residential district boundary, and shall not be located within ten (10') feet of any right-of-way.



- 1901.04 Screening**  
See Section 18 – Landscaping Requirements.
- 1901.05 Surfacing**  
All nonresidential off-street parking spaces, driveways, aisles, entrances, exits, circulation and maneuvering areas, and interior lanes shall be surfaced prior to occupancy of the building. Surfacing shall be accomplished with asphalt, concrete or masonry-type material. Stone or gravel is not considered a masonry-type material.
- 1901.06 Drainage**  
All parking spaces, driveways, entrances, exits, circulation and maneuvering areas and interior lanes, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public roads. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
- 1901.07 Striping**  
All parking areas in nonresidential districts shall be marked with paint lines, curbs, or some other manner approved by the Zoning Inspector, and shall be clearly identified.
- 1901.08 Maintenance**  
Parking areas shall be maintained in good condition and free of dust, trash, or other debris.
- 1901.09 Signs**  
Where necessary in nonresidential districts, entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- 1901.10 Parking of Commercial Vehicles**  
Truck tractors and/or truck trailers, dump trucks, and other vehicles with a gross vehicle weight of 12,000 lbs. or greater shall not be parked, stored or kept in front of the principal building on any parcel in any agricultural or residential district except when making deliveries. Vehicles used for agricultural purposes are exempt from this section.
- 1901.11 Shared Parking**  
Two (2) or more non-residential uses may jointly provide and use parking spaces when the hours of operation do not normally overlap, provided that



a written agreement is submitted and the request is first approved by the Board of Zoning Appeals.

**1901.12 Parking of Vehicles for Sale**

The parking of any vehicle for sale shall be prohibited on any undeveloped parcel or any parcel which does not have a use occurring on the site with the exception of a used car sales lot. Any vehicle for sale shall not project into the right-of-way, shall not interfere with vision of traffic, and shall not create a safety hazard. There may be only one (1) vehicle for sale at any time on a parcel and personal sales of vehicles may not exceed five (5) vehicles per year.

**1902 DETERMINATION OF REQUIRED SPACES**

In computing the number of parking spaces required by this Resolution, the following shall apply:

- A. Whenever there is more than one type of use on a parcel, the area allocated for each specific use must be identified.
- B. Each separate or distinct use on the site shall meet its own specific parking space requirements. Any proposed use on a site which cannot satisfy the parking requirements shall be strictly prohibited.
- C. The total number of parking spaces required on-site shall be the sum of the requirements for each use on the premises.
- G. Whenever the total sum computed for required off-street parking or loading spaces includes a fraction, the next higher whole number shall be required.
- E. For purposes of off-street parking and loading requirements, "gross floor area" shall include all of the area on each floor, whether or not such area is enclosed by walls, exclusive of interior areas used for off-street parking or loading facility.
- F. Where seating capacity is the standard for determining parking space requirements, the capacity means the number of seating units, or each eight (18) lineal inches of benches, or pews, unless occupancy standards set by the Fire Marshal require a greater number of parking spaces, which shall then be the minimum number of parking spaces required.
- H. The parking space requirements for a use not specifically identified in this Resolution shall be the parking requirements for the use that is most similar.



## 1903 PARKING SPACE REQUIREMENTS

### 1903.01 Residential Uses:

**Assisted living facilities/Nursing Homes:** One for every three beds.

**Multi-family with three or more dwelling units:** One and one-half per dwelling unit.

**Multi-family with three or more dwelling units designated exclusively for occupancy by the elderly or physically disabled (including congregate housing):** One-half per dwelling unit; plus an area on the site reserved for future parking to accommodate one parking space per dwelling unit.

**Rooming or boarding house:** One for each two sleeping rooms.

**Single-family or two-family dwelling:** Two per dwelling unit.

### 1903.02 Commercial Uses:

**Adult Entertainment:** One for each seventy-five (75) square feet of gross floor area.

**Amusement arcade:** One for each two-hundred (200) square feet of gross floor area.

**Auditorium, stadium, theater, conference center, or large place of assembly:** One for each thirty (30) square feet of gross floor area of the auditorium or assembly space.

**Automobile car wash, automatic, self-service:** Two per site. A washing space is not a parking space.

**Automotive repair:** Two per bay. A service bay is not a parking space.

**Automobile sales:** One for each 5,000 square feet of developed lot area used for vehicle display and one for each 300 square feet of gross floor area.

**Bank or financial institution:** One for every 200 square feet of floor area.

**Barber and beauty shop:** One for every 200 square feet of gross floor area.

**Bowling Alley:** Five per alley or lane.



**Funeral Home:** One for every 150 square feet of gross floor area.

**General Office:** One for each 300 square feet of gross floor area.

**Golf Course:** Six (6) for each hole.

**Hotel or motel:** One per guest room.

**Medical or Dental Office or Clinic:** One for each 200 square feet of gross floor area.

**Meeting or Reception Hall:** One for each 75 square feet of gross floor area.

**Outdoor recreation:** One for each 500 square feet of use area.

**Self-service storage facility:** Four plus one space per employee.

**Retail:** One (1) for each 250 square feet of gross floor area.

**Restaurant or tavern:** One (1) for each 75 square feet of gross floor area or one (1) for each 125 square feet of gross floor area when located within a multi-tenant building.

**Salvage Yard:** Five spaces per acre.

**Any other type of commercial use:** One for each 250 square feet of gross floor area.

**1903.03      Institutional Uses:**

**Church or place of worship:** One for each forty square feet of gross seating area of the sanctuary, auditorium, or main place of worship, whichever has the greater area.

**Club or lodge:** One for each five members.

**Correctional Facilities:** One for every two beds.

**Day Care Facility:** One space per each 250 square feet of gross floor area.

**Elementary school (K-9):** Two per classroom and one for each sixty square feet of gross floor area in the auditorium or assembly hall.



**Hospital:** One space for every four beds.

**Library, museum, or art gallery:** Ten plus one for each 300 square feet of gross floor area in excess of 2000 square feet.

**1903.03      Industrial Uses**

**Manufacturing, Utility, Research, and Development Facilities:** One per one and one-half employees.

**Truck Terminal:** One space per loading dock.

**1904   OFF-STREET AREAS WITH DRIVE-UP/DRIVE-THRU SERVICE**

Establishments shall provide off-street vehicle storage areas in accordance with the following requirements:

- A.** Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in 3 minutes or less shall provide no less than five (5) vehicle storage spaces per window, not including the space at the window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each stopping point.
- B.** Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
- C.** Self-serve automobile washing facilities shall provide no less than four (4) stacking spaces per stall. All other automobiles washing facilities shall provide a minimum of ten (10) stacking spaces per entrance.
- D.** Motor vehicles service stations shall provide no less than two (2) stacking spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any right-of-way line.

**1905   PARKING SPACE REQUIREMENTS**

The number of off-street parking spaces required for various uses shall be no less than the minimum set forth.



## SECTION 20 PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USES

### 2000 PROCEDURE

Under certain unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses are listed as “Conditional Uses” within the respective zoning districts.

The Board of Zoning Appeals may grant conditional approval for the use of the land, buildings, or other structures and may allow such a use to be established where such approval will be consistent with the general purpose and intent of this Zoning Resolution as well as the general purpose and intent of the Swan Creek Township Land Use Plan.

### 2001 APPLICATION FOR CONDITIONAL USE

An applicant shall file with the Zoning Inspector, the following documents along with the application fee.

#### 2001.01 Basic Requirements

- A. A letter of submittal from the property owner or an agent authorized in writing by the property owner shall accompany the site plan that contains the applicant’s phone number and mailing address along with a general description of the proposed request.
- B. The site plan documents shall include a complete legal description of the property and a general location sketch showing nearby section lines and/or residential and major roadways.
- C. All site plans shall have a title – “Conditional Use Review”. The site plan shall indicate the scale of the drawing and shall use an engineer’s scale. The site plan shall have the north arrow pointing either toward the top of the drawing or to the left side of the drawing. The location map and site plan orientation shall be the same.
- D. The following documents shall be filed: Ten (10) blueline or blackline prints of the site plan on paper no larger than 24” x 36”. Detailed drawings other than the site plan typically do not need to be submitted for the conditional use request.
- E. A PDF file of the entire set of plans shall be submitted with each submission. The PDF file shall be vector based and exported directly from the drafting software and shall not be raster image scans or converted from image files



such as TIF. The PDF plan files shall be rendered at 300 DPI (dots per inch) as a full-size drawing (24" high x 36" wide). All PDF plan files shall be rendered in gray scale.

**2001.02 Site Plan Requirements**

- A.** The site plan shall show the zoning classification(s) and existing uses of the property and all abutting property; the approximate location of buildings and driveway locations opposite to, and adjacent to the property.
- B.** The site plan shall indicate the dimensions including area of the property, the dimensions of the existing and proposed buildings to be constructed, and any buildings to be removed or other alterations to occur on the property.
- C.** The site plan shall indicate the distance of existing and proposed structure(s) to all right-of-way lines and the distances of the structure(s) to the front, side and rear property lines.
- D.** The site plan shall indicate the name of all adjacent roadways and right-of-way and pavement widths measured from the centerline of the roadway.
- E.** The site plan shall indicate the locations, height, and material of all existing and proposed fencing and/or walls on the property.
- F.** The site plan shall show the location, height, lighting and dimensions of existing or proposed signs on the property.
- G.** The site plan shall indicate the width(s) and location(s) of existing or proposed sidewalks, if any, and drive approach aprons. The drive approach width(s) shall be indicated where the apron meets the roadway pavement and shall be dimensioned at the throat.
- H.** The site plan shall show any ditches, creeks, or other natural features that may affect the development of the property. Where appropriate, two-foot (2') contours and the 100-year high water elevation shall be shown on the site plan. Information on this requirement may be obtained from the Fulton County Engineer's Office.
- I.** The site plan shall show the existing and proposed method of storm water drainage and/or areas to be used for storm water detention.
- J.** The site plan shall show existing and proposed sanitary and storm sewers, water mains, and the location of fire hydrants if present. In the event these improvements are not proposed, the site plan shall indicate the location of





proposed or existing wells and sewage systems both on-site and on abutting parcels.

- K.** The site plan shall indicate the location of existing or proposed off-street parking spaces and drive aisles with complete dimensions, the number and size of the proposed parking stalls including handicap spaces and the type of pavement composition of the parking area, such as asphalt or concrete, and if the off-street parking area is located next to an existing parking area or on another parcel, the method of circulation, if any, between the two areas.
- L.** A site plan with a proposed drive-thru window operation shall indicate where the vehicle will be lined-up and how many vehicles can be stored at one time while waiting to use the order board and drive-thru window.
- M.** Exterior building elevation(s) visible from all abutting streets and highway.

**2002 REVIEW BY PLANNING COMMISSION**

Requests for a Conditional Use may be reviewed by the Fulton County Plan Commission prior to the Board of Zoning Appeals public hearing. The above application for Conditional Use will be forwarded to the Plan Commission by the Township Zoning Department.

The Planning Commission shall review the proposed Conditional Use and recommend approval or denial of the said use, or approval with conditions, and submit its recommendation to the Township Board of Zoning Appeals. When received, such recommendation shall then be considered at a public hearing held by the Board of Zoning Appeals on said proposed use.

**2003 GENERAL STANDARDS FOR CONDITIONAL USES**

The Board of Zoning Appeals shall not approve a Conditional Use unless in each specific case, it makes specific findings of fact directly based on the particular evidence presented to them that support conclusions that such use at the proposed location shall meet all the following requirements:

- A.** Will be found to be consistent and harmonious with the general objectives, or with any specific objective or purpose, of this Zoning Resolution.
- B.** Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C.** Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and adequate drainage, refuse disposal, water and sewer, and schools.



- D. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be significantly detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, light, noise, smoke, fumes, glare or odors.
- E. Will have vehicular approaches to the property that shall be so designated as not to create interference with existing traffic on the surrounding public streets or roads. Sight distance and safety considerations shall be considered.

#### **2004 SUPPLEMENTARY CONDITIONS**

In granting any Conditional Use, the Board shall insure that the specific applicable conditions and standards established in Section 14—Supplemental Regulations have been adequately addressed. The Board may prescribe other appropriate conditions and safeguards as it deems necessary to insure that the use will be conducted in conformance with the intent and purpose of this Resolution.

#### **2005 PUBLIC HEARING**

- A. Once a complete application has been received, one or more on-site notices shall be posted. The posted notices shall be removed within ten (10) days after the decision of the Board of Zoning Appeals. No one shall remove or tamper with any such notice during the time it is required to be posted and maintained.
- B. The Board of Zoning Appeals shall fix a reasonable time for the hearing of a matter to come before it and shall give at least ten (10) days' notice to the parties in interest, stating the time and place. In addition, notice of such public hearing shall be given in one publication in one or more newspapers of general circulation at least ten (10) days before the date of such hearing.

#### **2006 ACTION BY BOARD**

The Board of Zoning Appeals shall make its findings and determination in writing within sixty (60) days from the date of the filing of the request. At the hearings, any party may appear in person by agent or by attorney and shall be given the opportunity to be heard. A copy of the findings and determination made by the Board of Zoning Appeals shall be transmitted to the applicant within fourteen (14) days following the hearing.

#### **2007 PUBLIC INFORMATION**

All communications to members of the Board of Zoning Appeals, written or oral which pertain to any matter before the Board shall be reduced to writing and made a part of the record. The official record of the Board's proceeding in any matter shall be kept on file at the Township Hall and available for inspection by the public.



**2008 FEES**

The Township Trustees shall establish fees as deemed appropriate to defray the costs associated with the advertisement, mailings, or other required or necessary expenses incurred.

**2009 EXPIRATION OF CONDITIONAL USE**

A Conditional Use shall automatically expire if the Conditional Use has not been instituted or utilized within one (1) year from the date on which the Conditional Use was granted by the Board of Zoning Appeals, or for any reason the use shall cease for more than a two (2) year continuous period. Violation of any condition(s) of approval shall be cause for the revocation of the Conditional Use by the Board of Zoning Appeals.



## **SECTION 21**

### **ZONING CHANGES AND TEXT AMENDMENTS**

#### **2100 AUTHORITY**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Township Trustees may, by resolution, after the Zoning Commission recommendations, and subject to the procedures provided by law, amend, supplement, change or repeal the regulation, restrictions and district boundaries or classification of property, now or established by this resolution or amendments in this resolution.

#### **2101 PROCEDURES**

Amendments or supplements to this Zoning Resolution may be initiated in one of the following ways. The Board of Township Trustees shall upon passage of such resolution, certify it to the Zoning Commission.

- A. By passage of a resolution by the Board of Township Trustees;
- B. By a motion of the Zoning Commission;
- C. By the filing of an application by at least one (1) owner, or a duly authorized agent of the owner of the property within the area proposed to be changed.

#### **2102 APPLICATION AND FEES**

The application for any change of district boundaries or classifications of property shall be made on forms obtainable at the office of the Zoning Inspector. The application shall be accompanied by information that may be required by the Zoning Commission, and verified by the owner as to accuracy. A fee shall be paid upon the filing of the application and no action shall be taken on an application until all fees are paid in full.

#### **2103 TRANSMITTAL TO THE FULTON COUNTY PLAN COMMISSION**

Within five (5) days after the adoption of such motion or the certification of such Resolution, or the filing of such application, the Township may transmit a copy of the request to the Fulton County Planning Commission. The Fulton County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation may be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

#### **2104 HEARING AND NOTICE BY ZONING COMMISSION**

Upon the adoption of such motion, or the certification of such resolution, or the filing of such application as covered by paragraph 2101 of this Section the Zoning Commission



shall hold a public hearing. The Zoning Commission shall set a date for the public hearing, which date shall not be less than twenty (20) or more than forty (40) days from the date of the certification of such resolution or the date of the adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given as follows:

- A. On-site notice shall be posted in a secure fashion and maintained within five (5) feet of the lot line adjacent to the public road during the period in which the application is being considered by the Fulton County Planning Commission, Swan Creek Township Zoning Commission, and the Swan Creek Township Board of Trustees. No one shall remove or tamper with any such notice during the time it is required to be posted and maintained. Swan Creek Township shall provide the notice and its content. Failure to post a notice shall not invalidate any such amendment.
- B. A notice shall be published in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement, and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Board of Township Trustees.
- C. If the proposed amendment or supplement intends to rezone ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least (10) days before the date of the public hearing, to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted, to the addresses of such owners appearing on the Fulton County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment or supplement.

**2105 RECOMMENDATION BY ZONING COMMISSION**

The Zoning Commission shall study the proposed change in the terms of public necessity, public safety, general welfare, good zoning practice, and the Township's adopted Master Plan. The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map and the recommendation of the Fulton County Planning Commission to the Board of Township Trustees.

**2106 PUBLIC HEARING AND NOTICE BY THE BOARD OF TOWNSHIP TRUSTEES**

Within 30 days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of the public hearing shall be given by the Board of Township Trustees with at least one (1) publication in a local



newspaper of general circulation at least 10 days before the date of the public hearing. This notice shall set forth the time and place of the public hearing and the nature of the proposed request.

**2107 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES**

Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees deny or modify the recommendation of the Zoning Commission, the majority vote of the Board of Township Trustees shall be required.

**2108 EFFECTIVE DATE AND REFERENDUM**

- A. Such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the Board of Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election.
- C. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.



## SECTION 22 ENFORCEMENT

### 2200 ZONING INSPECTOR

The Zoning Inspector shall be appointed by the Board of Township Trustees and shall have the following responsibilities:

- A. Review Applications for Zoning Permits, Site Plan Review, Conditional Uses, and Zoning Changes.
- B. On-Site Inspections.
- C. Investigation of violations and enforcement of this Resolution. Issue stop orders to non-permitted construction activity.
- D. Maintain records of zoning activity including non-conforming and Conditional Uses.

### 2201 ZONING PERMIT REQUIRED

No building or other structure, including temporary structure, shall be constructed, moved, added to, altered, nor shall any building, structure, or land be established or changed in use without a Zoning Permit issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal or variance. Zoning Permits may be issued for the following:

#### 2201.01 Construction

Before any structure, as defined in this Resolution is built, erected, enlarged, or placed on a property, a Zoning Certificate shall be required. The Zoning Inspector shall issue a Zoning Permit when satisfied that according to the information submitted by the applicant, the proposed structure will conform to all requirements of this Resolution.

#### 2201.02 Change of Use/Occupancy

When the use of a property or a building or structure changes, or a new business occupies an existing structure, a Zoning Permit is required. The Zoning Inspector shall issue a Zoning Permit when the requirements of this Resolution are met.

#### 2201.03 Signs

Before any sign, except those exempted in this Resolution, may be placed, constructed, or structurally altered, on or attached to a building, or on a parcel of land, a Zoning Permit is required.



## **2202 APPROVAL OF ZONING PERMIT**

Within twenty (20) days after the receipt of an application for a Zoning Permit, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All Zoning Permits shall, however, be conditional upon the commencement of work within six (6) months. If the work described in any Zoning Permit has not begun within six (6) months from the date of issuance thereof, said Zoning Permit shall expire. All Zoning Permits shall expire after a one (1) year period but may be renewed subject to the filing of an application with the Zoning Inspector.

## **2203 ENFORCEMENT AND PENALTIES**

- A.** This Resolution shall be enforced by the Board of Township Trustees or such enforcement officer as may be designated by the Board of Township Trustees. No Zoning Certificate(s) may be issued if the building or use currently is or would be in violation of any of the provisions of this Resolution except in those cases where it is being obtained to remedy an existing violation on the property.
- B.** Except as expressly provided in this Resolution, it shall be unlawful to locate, erect, construct, reconstruct, enlarge, structurally alter, or use any building or structure or use and land without obtaining a Zoning Permit.
- C.** Any Zoning Permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Permit shall be revoked by notice in writing to be delivered to the holder of the void Zoning Permit upon the premises concerned, or in case such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who proceeds, thereafter, with such work or use without having obtained a new Zoning Permit, in accordance with this Resolution, shall be deemed guilty of violation thereof.
- D.** In case any building is located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution, the Board of Township Trustees, the County Prosecutor, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- E.** Any person, firm, or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not





more than five hundred dollars (\$500.00). Each and every day, during which illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense.

- F. Failure to obtain a Zoning Permit shall result in paying three (3) times the regular fee schedule.
- G. If any structure is placed or constructed without a Zoning Permit, the Zoning Inspector has the authority to issue a stop order and pursue enforcement of the violation.

#### **2204 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The Board of Township Trustees shall, by Resolution, establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, amendments, appeals, variances, conditional use permits, site plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be available in the Office of the Zoning Inspector, and may be amended only by the Board of Township Trustees. No Zoning Permit will be issued until the appropriate fee has been paid. No hearing or appeal will be conducted until the fee has been paid.



## **SECTION 23 ZONING COMMISSION**

### **2300 SWAN CREEK TOWNSHIP ZONING COMMISSION**

The Swan Creek Township Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of Swan Creek Township and who shall be appointed by the Board of Township Trustees. Vacancies shall be appointed by the Board of Township Trustees for any unexpired term. The Board of Trustees may appoint alternate members in accordance with the provisions of ORC 519.04.

### **2301 ORGANIZATION**

The Zoning Commission shall organize and keep a written record of its actions and determinations, adopt rules and procedures to effectively carry out duties and obligations, all of which shall be filed in the Office of the Township Fiscal Officer and shall be a public record.

### **2302 MEETINGS**

At the first meeting of each year the Zoning Commission shall elect a Chairperson and Vice-Chairperson for a term of one (1) year. There shall be a fixed place of the meeting and all meetings shall be open to the public. The Zoning Commission shall keep a record of its proceedings showing the action of the Zoning Commission and showing the vote of each member on each request considered. All recommendations of the Zoning Commission shall be filed in the Office of the Township Fiscal Officer and shall be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the Zoning Commission.

### **2303 DUTIES OF THE ZONING COMMISSION**

The Township Zoning Commission shall have the following authority:

- A.** Initiate proposed amendments to the Zoning Resolution and zoning map;
- B.** Consider, review, and recommend all proposed amendments to the Board of Township Trustees;
- D.** May consider, review, and approve or deny all site plan reviews, as needed.



## **SECTION 24 BOARD OF ZONING APPEALS**

### **2400 SWAN CREEK TOWNSHIP BOARD OF ZONING APPEALS**

The Swan Creek Township Board of Zoning Appeals (BZA) shall consist of five (5) members who shall be residents of the unincorporated area of Swan Creek Township. The terms of all members shall be so arranged so that the term of one (1) member expires each year. The Board of Township Trustees shall fill by appointment any vacancies including unexpired terms. The Board of Trustees may appoint alternate members in accordance with the provisions of ORC 519.13.

### **2401 MEETINGS**

At the first meeting of each year the BZA shall elect a Chairperson and Vice-Chairperson for a term of one (1) year. There shall be a fixed place of the meeting and all meetings shall be open to the public. The BZA shall keep a record of its proceedings showing the action of the BZA and showing the vote of each member on each request considered. All records of the BZA shall be filed in the Office of the Township Fiscal Officer and shall be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the BZA.

### **2402 DUTIES OF THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall have the following authority:

- A.** To organize, adopt rules, hold meetings and keep records as required by law.
- B.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determinations made by the Zoning Inspector in the enforcement of this Resolution. This includes hearing and deciding matters of interpretation of the provisions of the text of this Resolution and the "Official Swan Creek Township Zoning Map".
- C.** To authorize, upon appeal, in specific cases such variance from the terms of this 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, and so that the spirit of this Resolution shall be observed and substantial justice done. No variance shall be granted except in conformance with the provisions of Section 2404 of this Resolution.
- D.** To allow the construction of more than one (1) main building on a single parcel unless specifically permitted in Section 1306– Supplemental Regulations.
- E.** To review and decide on all proposed Conditional Use applications in accord with Section 20 – Procedures and Requirements for Conditional Uses.



### **2403 APPEAL REQUIREMENTS**

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The following information shall be included in any application brought before the Board of Zoning Appeals for consideration of an appeal or matter of interpretation:

- A.** The request must include the action or order of the Zoning Inspector such as the citation of zoning violation and/or a Zoning Certificate being denied or revoked.
- B.** The specific reference, including chapter(s) and sections(s), of the zoning text or portions of the “Official Swan Creek Township Zoning Map” that may be appealed.
- C.** The facts and information showing the basis of the appeal, including factors or characteristics unique to a parcel.
- D.** The specific remedy proposed or proposed interpretation shall be described.

### **2404 REQUIREMENTS FOR A VARIANCE REQUEST AND APPROVAL**

The Board of Zoning Appeals may 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 specific conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. The Board of Zoning Appeals shall review each variance individually and shall consider the following for each variance request:

- A.** That due to exceptional narrowness, shallowness, or shape or exceptional topographic conditions or any other extraordinary situation or condition of a lot, the strict application of the terms of this Resolution would result in exceptional practical difficulties for the applicant.
- B.** That special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.
- C.** That a variance from the strict application of this Zoning Resolution is necessary to relieve such difficulties or hardship, and that such relief may be granted without substantial detriment to the public good and without substantially altering the intent of this Resolution.



- D. The granting of the variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.
- E. If the request is a result of non-permitted action by the applicant, careful consideration is important so as not to alter the intent of this Resolution and/or set precedent.
- F. No variance may granted which would allow a use that is specifically not allowed in a zoning district. The applicant should be encouraged to pursue a zoning change or alternate location.
- G. The authorization of a variance will not impair an adequate supply of light to adjacent properties, unreasonably increase the congestion on public streets, increase the danger of fire or imperil the public safety or unreasonably diminish or impair the health, safety, convenience or general welfare of the inhabitants of the Township.

**2405 CONDITIONS OF APPROVAL**

In granting a variance, the BZA may stipulate the manner in which the variance shall be carried out, and may require other improvements and safeguards for the protection of public health, safety, and welfare. In such cases the BZA may attach conditions.

**2406 APPLICATIONS**

All applications shall be in writing, shall be signed by the owner of the property involved or his duly authorized agent or attorney, shall specify the request and grounds thereof, and shall be filed in the Office of the Zoning Inspector.

**2407 PUBLIC HEARING AND NOTICE**

- A. Once the application has been received, one or more on-site notices shall be posted. Posted notices shall be removed within ten (10) days after the decision of the BZA. No one shall remove or tamper with any such notice during the time it is required to be posted and maintained.
- B. The BZA shall fix a reasonable time for the hearing of a matter to come before it and shall give at least ten (10) days' notice to the parties in interest, stating the time and place. In addition, notice of such public hearing shall be given in one publication in one or more newspapers of general circulation at least ten (10) days before the date of such hearing. The BZA shall make its findings and determination in writing within sixty (60) days from the date of the filing of the request. At the hearings, any party may appear in person by agent or by attorney and shall be given the opportunity to be heard. A copy of the findings and determination made by the BZA shall be transmitted to the applicant within fourteen (14) days following the hearing.



## SECTION 25 DEFINITIONS

For the purpose of this Resolution, certain terms and words are defined in the various Sections of this Resolution including Section 16 — Signs and Outdoor Advertising and in this Section 25. Words used in the present tense include the future, and the plural includes the singular, and the singular the plural. **The word “shall” is mandatory;** “occupied” or “used” shall be considered as though followed by the words “. . . or intended, arranged, or designed to be used or occupied.” Except where specifically defined, all words used in this Resolution shall carry their customary meanings.

**Abandoned:** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, during normal periods of vacation or seasonal closure.

**Accessory Structure:** A subordinate structure including those without a permanent foundation, detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**Accessory Use:** A use incidental to, and on the same lot as, a principal use. Accessory uses include any use of a subordinate nature to the principal use on the same lot.

**Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**Alteration:** Any change, addition, or modification in construction or use of an existing structure.

**Amusement Arcade:** A building or part of a building in which five or more video games or other similar player-operated amusement devices are maintained.

**Assisted Living Facility:** A residential living facility licensed by the State of Ohio for four or more persons that provides assistance with daily needs which may include medical assistance, transportation, meal preparation, and laundry services. Such facility may also provide other services, such as transportation for routine social and medical appointments, and counseling.

**Automobile Service Center:** A place that provides routine maintenance and replacement of parts such as tires, mufflers, and oil changes within a completely enclosed building with no service or storage outside.



**Automobile Wrecking Yard (see also Salvage Yard):** The place where the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute evidence of an automobile wrecking yard.

**Banquet Hall:** A facility used and/or rented to hold indoor events including, but not limited to, weddings, receptions, graduation parties, anniversary parties, funeral dinners and similar gatherings.

**Bar or Lounge:** Any premises wherein alcoholic beverages are sold at retail for consumption on the premises.

**Bed and Breakfast:** An establishment located within a single-family dwelling that is the principle residence of the operator, where short-term lodging is offered for compensation and which includes the service of one or more meals to guests.

**Buildings:** A structure having a roof supported by columns or walls; for the shelter, support, enclosure or protection of persons, animals, or property. When separated by party or shared walls, each portion of such a building shall be considered a separate structure.

**Building, Main:** The building on a parcel in which the principal use is conducted.

**Canopy:** Means any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding an area from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs a doorway, window, walkway, or driveway.

**Car Wash:** An area of land and/or structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

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

**Church or Place of Worship:** A place that people regularly attend for religious services, meeting, and other activities, which may include day care services. The word "Church" shall not carry a secular connotation. Church shall include buildings in which religious services and related activities of any denomination are held.



**Clinic:** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

**Club:** Buildings or facilities occupied for social, educational, or recreational purposes, but not primarily of profit or for rendering a service that is customarily carried on as business and not open to the general public.

**Commercial Vehicle:** A cab, limousine, truck, truck trailer or other vehicle with a total maximum gross vehicle weight of three (3) tons or greater and is used or designed to be used for business or commercial purposes.

**Community or Club Swimming Pools:** A community or club swimming pool shall be any pool constructed by an association of lot owners, or by a private club for use and enjoyment by members of the association or club.

**Conservation Area:** Areas having significant natural vegetation, wildlife or physical features.

**Contractor Yard:** A place used for the storage of heavy equipment, commercial vehicles and materials used for construction or maintenance purposes.

**Crematorium:** A facility where a dead human or animal corpse is cremated.

**Day Care Facilities:** A building or part thereof other than a permanent residence which administers to the needs of children or adults providing social, recreational, or educational activities on a daily basis with no provisions for resident care.

**Density:** The number of dwelling units permitted per net acre of land (excluding right-of-way).

**Design Standards:** A set of guidelines defining parameters to be followed in site and/or building design and development.

**Detention/Retention Basin:** A facility separate and distinct from a lake or pond and for the temporary storage of storm water runoff.

**Development:** All structures and other modifications of the natural landscape above and below ground or water, on a particular site.

**Distribution Center:** The storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**Drive-Thru Facility:** An establishment that by design, and/or service, permits customers to receive a service or obtain a product while remaining in vehicle.





**Dwelling:** A building or portion thereof use exclusively for residential purposes, including one-family, two-family, and multiple family dwellings. The term “dwelling” shall include permanently sited manufactured homes and Ohio Basic Building Code (OBBC) certified units, but shall not include mobile homes, recreational vehicles, hotels, motels, boarding or lodging houses, and group living.

**Dwelling, Multi-Family:** A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

**Dwelling Unit:** A place for residential occupancy by one family with separate toilets and facilities for cooking and sleeping.

**Exception(s):** Means permission to depart from the requirements or design standards of this Resolution with respect to the submission of required documents.

**Family:** One (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel, or group living as herein defined. This definition shall include the following:

- A. A group of persons with disabilities (meaning persons who are considered handicapped or disabled as those terms are defined either by the Fair Housing Act or the Americans with Disabilities Act) who need not be related by blood or marriage or adoption, living together as a single housekeeping unit.
- B. A foster home as defined by Ohio Revised Code Section 5103.02 (D).

**Farm Market:** A retail establishment where the majority of products for sale have been grown or raised on-site and/or on land owned or operated by the market operator, and then sold directly to the consumer. (See Section 201 C.)

**Fence:** A fence is a structure without a roof, plant material, or similar screening device erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy for, decorate, define, or enhance all or any part of a lot. Fencing shall be constructed with an acceptable building material and not random mismatched materials.

**Frontage:** The side of a lot abutting on a public street or private place and ordinarily regarded as the front of the lot.

**Funeral Home:** A building or part thereof used for human funeral services. Such building may



contain space and facilities for:

- A. Embalming and the performance of other services used in preparation of the dead for burial;
- B. Performance of autopsies and other surgical procedures;
- C. Storage of caskets, funeral urns, and other related funeral supplies;
- D. Storage of funeral vehicles, but shall not include facilities for cremation;
- E. A funeral chapel

**Group Living:** The residential occupancy of a structure by other than a family, where units or quarters do not each have its own kitchen facilities. Includes the following:

**A. Adult Family Home**

A state-licensed home or facility that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults.

**B. Drug and Alcohol Residential Facility**

A home or facility that provides habilitation services for persons with drug and alcohol addictions but not including methadone treatment.

**C. Group Rental**

Unrelated persons who do not constitute a family or a functional family as defined in this Zoning Code, living as a single housekeeping unit in which individual sleeping quarters may be occupied by the residents of the dwelling thereof, and in which the relationship among the members of the group rests primarily upon a cost-sharing arrangement.

**D. Halfway House**

A state-licensed facility for the care and treatment of adult offenders. ORC 2967.14(C).

**E. Home for the Aging**

A state-licensed home that provides services as a Residential Care Facility and a Nursing Home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment." ORC 3721.01(A)(8). A facility that conforms to the definition for Residential Facility (Small) or Residential Facility (Large) shall be treated as such a Residential Facility, regardless of the fact that it may also meet this definition.

**F. Homeless Shelter**

A home or facility that provides temporary housing, with or without meals, to indigent, homeless, or transient persons. Such home or facility shall not provide lodging on a regular basis.

**G. Nursing Home**

A state-licensed home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and



of individuals who require personal care services. ORC 3721.01(A)(6). Also includes Residential Care Facility, ORC 3721.01(A)(7).

**H. Other Group Living**

Includes fraternity and sorority houses and other community-based housing not provided for elsewhere in this code.

**I. Residential Facility, Large**

A state-licensed or state-regulated home or facility that provides room and board, personal care, habilitation services, and supervision in a family setting for more than 9 but not more than 16 persons who require such care because of any of the following: mental retardation or a developmental disability; physical disability; age; long-term illness, including HIV; domestic violence; or being a runaway minor. Includes the following types of facilities identified under state law: residential facility, ORC 5123.19(L); shelter for victims of domestic violence, ORC 3113.33(C); and other similar uses of the same size licensed by the state but not requiring skilled nursing care.

**J. Residential Facility, Small**

A state-licensed or state-regulated home or facility that provides room and board, personal care, habilitation services, and supervision in a family setting for as many as six (6) (or, if allowed by state law, eight (8)) persons who require such care because of any of the following: mental retardation or a developmental disability; physical disability; age; long-term illness, including HIV; domestic violence; or being a runaway minor. Includes the following types of facilities identified under state law: residential facility, ORC 5123.19(L); shelter for victims of domestic violence, ORC 3113.33(C); and other similar uses of the same size licensed by the state but not requiring skilled nursing care.

**K. Rest Home**

A home or facility that provides personal care services but not skilled nursing services to adults who reside at the facility. Includes Residential Care Facility ORC 3721.01(A)(7). A facility that conforms to the definition for Adult Foster Home, Adult Family Home, Residential Facility (Small) or Residential Facility (Large) shall be treated as such, regardless of the fact that it may also meet this definition.

**Height (of building or other structure):** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

**Highway, Major:** A street or road of considerable continuity and used primarily as a traffic artery.

**Home Occupation:** A use incidental and secondary to a property's primary residential use. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all requirements of Section 1404.



**Hospital:** A care facility providing clinical and emergency services of a medical or surgical nature to human patients and licensed by the State of Ohio to provide such facilities and services.

**Internet Café:** A place or restaurant that provides internet access to the public, usually for a fee. These businesses usually provide snacks and drinks, hence the café in the name. The fee for using a computer is usually charged as a time-based rate. This use does not include viewing or ability to view pornographic or sexually oriented materials, and does not include internet sweepstakes establishments.

**Internet Sweepstakes Establishment:** An establishment that promotes the sale of prepaid internet time cards, phone cards or similar device to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows for a customer to use the phone card, internet time cards or similar device at a game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like. Internet Sweepstakes Establishments are not permitted in any zoning district.

**Kennel:** An establishment to operate a facility housing more than three (3) dogs, cats, or other household pets, over four (4) months of age, where grooming, breeding, boarding, training, or selling of animals is conducted.

**Lake:** A body of water at least five (5) acres in surface area.

**Landfill:** A site for the disposal of solid wastes in a manner that minimizes environmental hazards by spreading or compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operation day.

**Landscape Contractor:** A business principally engaged in providing landscape services, including construction, soil preparation, and planting. The business may also include growing and selling nursery stock and may include property maintenance services including yard mowing, landscape maintenance, tree trimming, and/or snow plowing.

**Landscape Strip:** An area of land located along the right-of-way which contains decorative treatments, such as fencing or walls, and natural features, such as lawns, trees, plants, or mulch.

**Laundry, Self-service:** A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**Limousine/Taxi Fleet Service:** The commercial business of providing motor vehicles for carrying or transportation of passengers for a fixed charge or fee, or offering a vehicle with driver for a fixed charge or fee. This does not include private transportation services from third party ride services.



**Lot:** A parcel of land.

**Lot (corner):** A lot with frontage on and at the intersection of the rights-of-way of two or more streets.

**Lot (interior):** An interior lot is a lot other than a corner lot.

**Lot (through):** A lot, other than a corner lot, having frontage on two parallel, or approximately parallel, roads.

**Lot Area:** Total area bounded by property lines excluding any roadway easements and rights-of-ways.

**Lot Coverage:** Determined by dividing the total surface of all buildings, including covered porches and accessory buildings, and any other impervious surfaces, except sidewalks, located on the lot by the total area of the lot.

**Lot Depth:** The average horizontal distance of the lot between the front and rear lot lines.

**Lot Line:** A line dividing one lot from another lot or from the street or alley.

**Lot of Record:** A lot that has been recorded or registered in a deed or on a plat.

**Lot Width:** The horizontal distance of the lot between side lot lines measured at the required front setback line.

**Manufactured Home:** A factory-built, single-family structure that is transportable in one or more sections, and is used as a place of habitation. A manufactured home conforms to 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,” and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

**Permanently Sited Manufactured Home:** A “permanently sited manufactured home” means a manufactured home that meets all of the following criteria as specified in ORC 3781.06:

- A. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- B. The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 900 square feet, excluding garages, porches, or attachments;



- C. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- D. The structure was manufactured after January 1, 1995;
- E. The structure is not located in a manufactured home park.

**Manufactured Home Park:** A parcel of land planned and improved upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes and including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such manufactured home park.

**Medical Marijuana Facility:** Any entity that has been issued a certificate or license by the State of Ohio to operate as a cultivator, dispensary, processor or testing facility of medical marijuana. The following are Medical Marijuana Facility use types:

- A. **Cultivator**  
An entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana.
- B. **Dispensary**  
An entity licensed by the State of Ohio to sell medical marijuana products to qualifying patients and caregivers.
- C. **Processor**  
An entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.
- D. **Testing Laboratory**  
An independent laboratory that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

**Mineral Extraction, Storage, and Processing:** Any mining, quarrying or processing of limestone, sand, gravel, oil, natural gas, or other mineral resources.

**Mobile Home:** A transportable, factory-built home, designed to be used as year-round residential dwelling and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974 which became effective June 15, 1976. Mobile homes and manufactured homes that do not meet the definition of a “Permanently Sited Manufactured Home” as defined in Section 31 of this Resolution shall be located only in Manufactured Home Park Zoning Districts.



**Motel/Hotel:** A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

**Motor Vehicle Salvage Yard:** The place where the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable or operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

**Non-Conforming Lot:** A lot, which does not meet the requirements of this Resolution.

**Non-Conforming Structure (legal):** A building or structure which was lawfully existing at the time of adoption, revision, or amendment to this Resolution that at the present time does not comply with the site area, coverage, setback, height, or other applicable regulations for its zoning district.

**Non-Conforming Structure (illegal):** A building or structure which did not legally exist at the time of adoption, revision, or amendment to this Resolution and that does not comply with the site area, coverage, setback, height, or other applicable regulations for its zoning district.

**Non-Conforming Use (legal):** A use of land which lawfully existed at the time of adoption, revision, or amendment to this Resolution that at the present time does not comply with the use regulations for its zoning district.

**Non-Conforming Use (illegal):** A use of land which did not legally exist at the time of adoption, revision, or amendment to this Resolution and that does not comply with the use regulations for its zoning district.

**Outdoor Storage:** Any goods, material, merchandise, or vehicles in the same exterior place for more than 24 consecutive hours.

**Permanent Foundation:** A locally approved permanent masonry, concrete, footing or foundation, to which a structure may be affixed.

**Personal Service:** A business that provides services such as hair care, shoe repair, laundry mat, dry cleaning, travel agency, beauty salon, and other similar activities.

**Personal Solar Panel:** A solar panel or panels designed to provide solar electricity to a single dwelling. This shall be considered an accessory structure and shall be subject to all



applicable accessory structure regulations.

**Plant Nursery:** The cultivation of crops, fruit trees, nursery stock, and garden products or similar plant materials outside or within greenhouses.

**Pond:** A body of water with a minimum surface area of one-half (1/2) and a maximum surface area not to exceed five (5) acres.

**Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.

**Principal Building:** A building in which the primary use of the lot on which the building is located is conducted.

**Private Place:** A duly approved and platted private thoroughfare other than a public street permanently reserved as the principal means of access to abutting property and/or platted lots in a subdivision.

**Professional Office:** Establishments that may cater to a specific professional service such as outpatient medical/dental offices, insurance agencies, real estate offices, travel agencies, and other similar activities.

**Professional/Trade School:** A facility that provides a curriculum for an occupation, skill, or trade.

**Public Use:** Any land, use or activity owned and operated by a public agency such as a post office, government building/structure, school, police or fire station, open space or park.

**Public Way:** Means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Recreational Facilities:**

**Indoor:** Public or private facilities including bowling alley, racquetball courts, tennis courts, basketball courts, swimming pools, ice skating rinks, firing range, exercise facilities, arcade.

**Outdoor:** Public or private facilities including golf courses, driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals, campgrounds, tennis courts or basketball courts.

**Recreational Vehicle:** A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation, and vacation uses and is classified





as follows:

**A. Fifth Wheel Trailer:** A vehicle that is of such size and weight as to be movable without a special highway permit, that has gross trailer area of four hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch originally installed in the bed of the truck.

**B. Motor Home:** A self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.

**C. Park Trailer:** A vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute A119.5 (1998) for park trailers, is built on a single chassis, has a gross trailer area of four hundred (400) square feet or less when set up, is designed for seasonal or temporary quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

**D. Tent-Type Foldout Camping Trailers:** Any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and which is subject to the following properties and limitations:

- 1). A minimum of twenty-five (25) percent of the foldout portion of the tip and sidewalls combined must be constructed of canvas, vinyl, or other fabric, and form an integral part of the shelter.
- 2). When folded, the unit must not exceed:
  - (a) Fifteen (15) feet in length, exclusive of bumper and tongue,
  - (b) Sixty (60) inches in height from the point of contact with the ground,
  - (c) Eight (8) feet in width,
  - (d) One (1) ton gross weight at time of sale.

**E. Travel Trailer:** A non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet of space when erected on site. "Travel Trailer includes a tent-type fold-out camping trailer as defined in this resolution.

**F. Truck Camper:** A non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor



vehicle. "Truck Camper" does not include truck covers that consist of walls and a roof, but do have floors and facilities enabling them to be used as a dwelling.

**Recycling Center:** An area where recoverable resources, such as newspapers, glassware, and metal cans are collected, but no processing of recyclable materials occur.

**Residential Care Facility:** Includes Assisted Living Facility, Nursing Home, Rest Home, Adult Day Care, Group Home, or and other similar institution.

**Retail:** The sale or rental of commonly used goods and merchandise for personal or household use and rendering services incidental to the sale or rental of such goods. Such sale or rental shall be conducted exclusively indoors unless specifically allowed in this resolution. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques or automotive parts and accessories.

**Rooming House:** A dwelling that is the primary residence of the owner and where lodging is provided by the owner, for compensation, to three or more unrelated adult persons. This shall maintain the single-family residential character of the dwelling.

**Salvage Yard: (see also Automobile Wrecking Yard)** An area where inoperable used materials are bought, sold, exchanged, stored, processed, or handled. The word "materials" shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An Automobile Wrecking Yard is also considered a Salvage Yard.

**School:** A public or privately funded facility that provides a curriculum of academic instruction, including kindergarten, elementary, middle, junior, and high schools, colleges and universities.

**Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other methods.

**Self-Storage Facility:** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods excluding boats or recreational vehicles.

**Setback(s):** The required minimum distance between the building line and the nearest front, side, or rear property line.



**Sexually Oriented Business:** As used in this Zoning Resolution, ‘sexually-oriented business’ means an inclusive term used to describe collectively: adult media store, bathhouse, lingerie modeling or photograph studio, massage parlor/studio (except for massage therapy as licensed by the State of Ohio in Revised Code Section 4731.16), motion picture arcade booth, sex shop, sexual encounter center, sexually-oriented cabaret or sex-oriented cabaret, sexually-oriented cinema, sexually-oriented motion picture theater, or sex-oriented cinema. Terms relating to “sexually oriented business” are defined as follows:

**Adult Media:** Includes magazines, books, videotapes, movies, slides, CD-ROM’s or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to explicit sexual material.

**Adult Media Store:** An establishment that rents and/or sells media, and that meets any of the following three tests: 40 percent or more of the gross public floor area is devoted to adult media; 40 percent or more of the stock-in-trade consists of adult media; or it advertises or holds itself out in any forum as ‘XXX’, ‘adult’, ‘sex’, or otherwise as a sexually-oriented business other than an adult media store, sexually oriented cinema, sexually oriented motion picture theater, or sex-oriented cinema, or sexually-oriented cabaret or sex-oriented cabaret.

**Bathhouse:** An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated by a medical practitioner or professional physical therapist, licensed by the state.

**Book or Media Store:** A book or media store which devotes less than 10 percent of its gross public floor area or 10 percent of the number of items in inventory to explicit sexual material shall be treated for zoning purposes as a retail establishment. A book or media store which devotes more than 10 percent of its gross public floor area or 10 percent of the number of items in inventory to explicit sexual material, but which devotes less than 40 percent of its gross public floor area and less than 40 percent of the number of items in inventory to explicit sexual material shall be treated for zoning purposes as a book or media store and not as an adult media store, provided that it meets the following conditions: all explicit sexual material shall be maintained in a room that is separated from other material by an opaque wall that extends to the ceiling or eight feet above the floor, whichever is less; access to the room containing the explicit sexual material shall be through an opaque door; the room containing explicit sexual material shall be posted with a notice indicating that only persons 18 years of age or older (adults) are allowed in the room; and access to the room will be physically limited to adults through control of access by an employee of the store, through use of an access release located at least 66 inches off the floor, or through constant monitoring of the room by an employee on duty



through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station.

**Gross public floor area:** The total area of the building accessible or visible to the public, including showrooms, sexually-oriented cinemas, sexually oriented motion picture theaters, or sex-oriented cinemas, motion picture arcade booths, service areas, behind counter areas, storage areas visible from such other areas, restrooms (whether or not labeled 'public'), areas used for sexually-oriented cabarets or sex-oriented cabarets, plus aisles, hallways, and entryways serving such areas.

**Massage:** Touching, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).

**Massage parlor/studio:** An establishment offering massage therapy and/or body work by a massage therapist not licensed under ORC 4731.16 or under the direct supervision of a licensed physician.

**Media:** Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROM's, other magnetic media, and undeveloped pictures.

**Motion picture arcade booth:** Any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat customers and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROM, books, magazines or periodicals) for observation by customers therein. The term 'booth', 'arcade booth,' 'preview booth', and 'video arcade booth' shall be synonymous with the term 'motion picture arcade booth'.

**Primary live entertainment:** Entertainment that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

**Sex shop:** An establishment offering goods for sale or rent and that meets any of the following tests: it offers for sale items from any two of the following categories: adult media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than 10 percent of its stock in trade or occupies more than 10 percent of its



gross public floor area; more than 5 percent of its stock in trade consists of sexually oriented toys or novelties; or more than 5 percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

**Sexual encounter center:** A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of 'specified sexual activities'. The definition of sexual encounter center or any sexually-oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

**Sexually oriented cabaret or sex-oriented cabaret:** An establishment and/or building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment which constitutes the 'primary live entertainment' is distinguished or characterized by an emphasis on the exhibiting of 'specific sexual activities' or 'specified anatomical areas' for observation by customers therein. A cinema or motion picture theater which shows explicit sexual material on more than half the days that it is open, or which is marketed as or offers features described as 'adult', 'XXX', or sexually oriented.

**Sexually oriented cinema, sexually-oriented motion picture theater, or sex-oriented cinema:** A cinema or motion picture theater which shows explicit sexual material on more than half the days that it is open, or which is marketed as or offers features described as 'adult', 'XXX', or sexually oriented.

**Small Wind Turbine:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

**Story:** The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling above it.

**Structure:** A combination of materials constructed or placed for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

**Truck Service Center:** A place that provides routine maintenance and replacement of commercial vehicle parts such as tires, mufflers, and oil changes within a completely enclosed building with no service or storage outside.

**Truck Terminal:** Land and buildings used as a relay station for the transfer of a load from one vehicle or building to another or one party to another. The terminal facility may include truck storage and repair.



- Yard:** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground, except for accessory structures, parking, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard is the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.
- Yard, Front:** A yard extending along the full width of the lot between side lot lines and from the front lot line to the front building line.
- Yard, Rear:** A yard extending across the full width of the lot between the side lot lines and lying between the rear lot line and the nearest wall of the main building. Rear yard depth shall be measured from the rear building wall to the nearest point of the rear lot line.
- Yard, Side:** A yard lying between the side lot line of the lot and the nearest building wall of the main building, between the front yard and the rear yard.