

# READING TOWNSHIP ZONING RESOLUTION

## PERRY COUNTY, OHIO

### ACKNOWLEDGEMENTS

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**Reading Township Fiscal Officer:**

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**Reading Township Zoning Administrator:**

Logan Talbot

Amended 2018 – Effective January 1, 2019

## **READING TOWNSHIP ZONING RESOLUTION**

### **Perry County, Ohio**

WHEREAS, the Board of Trustees of Reading Township, Perry County, Ohio has deemed it necessary to promote the public health, safety, morals and general welfare of the residents of said Township; and,

WHEREAS, zoning resolutions for the building and land use within the unincorporated territory of the Township were adopted in accordance with Section 519 and related sections of the Ohio Revised Code; and,

WHEREAS, five (5) persons have been duly appointed by the Trustees of Reading Township to serve as a Zoning Commission for said Township; and,

WHEREAS, the Reading Township Zoning Commission initiated revisions of the Reading Township Zoning Resolution on 6-June 11, 2018 and has held a public hearing regarding such amendments; and,

WHEREAS, the Perry County Planning Commission has reviewed revisions of the Reading Township Zoning Resolution and made recommendation under authority and in accordance with the provisions of Section 519.12 of the Ohio Revised Code; and,

WHEREAS, the Reading Township Zoning Commission has recommended revisions of the Reading Township Zoning Resolution on December 3, 2018 and has submitted such amendments to the Board of Trustees of Reading Township under authority and in accordance with the provisions of Section 519.12 of the Ohio Revised Code.

THEREFORE, the Board of Trustees of Reading Township adopt the following Zoning Resolution on December 3, 2018 under the authority and in accordance with the provisions of the Ohio Revised Code with said amendments becoming effective January 1, 2019; and

FURTHERMORE, This Zoning Resolution of the Reading Township, Perry County, Ohio, is enacted in accordance with a comprehensive land and use growth plan and the provisions of Chapter 519, of The Ohio Revised Code, and for the purpose of protecting the public health, safety, comfort, convenience and general welfare. It provides for the division of the Township into zones and districts to encourage, regulate and restrict the location, construction, reconstruction, alteration and use of structures and land to promote the orderly development of the residential, business, industrial, recreational and public areas. It endeavors to provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structures in relationship to surrounding properties, limit congestion in the public right-of-ways, provide for the compatibility of different land uses and the most appropriate use of land, provide for the administration of this Resolution and define the powers and duties of the Zoning Administrator, and prescribe penalties for the violation of the provisions in this Resolution or any amendment thereto, and for the repeal; and

FURTHERMORE, all resolutions or parts of resolutions in conflict with this zoning resolution or inconsistent with provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect.

PASSED: December 3<sup>rd</sup>, 2018

BY: The Board of Trustees of Reading Township

EFFECTIVE: January 1<sup>st</sup>, 2019

Steven K. Shumaker, President  
Trustee

ATTEST:

Rebecca Ann Sweeney  
**Fiscal Officer**

Timothy R. Emmert, Vice President  
**Trustee**

ATTEST:

Brian Boyle  
**Zoning Administrator**

James A. Emmert, Jr.  
**Trustee**

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## ARTICLE I – INTERPRETATION & APPLICATION OF THE RESOLUTION

### **Section 1000 – Title:**

This Resolution shall be known and may be cited and referred to as the “Reading Township Zoning Resolution”.

### **Section 1010 – Effective Date of Resolution:**

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

**Section 1020 – Repeal of Conflicting Resolutions & Effective Date:**

All Resolutions or parts of Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution which have been previously adopted by the Board of Township Trustees are hereby repealed to the extent necessary to give this Resolution full force and effect.

**Section 1030 – Provisions of Resolution Declared To Be Minimum Requirements:**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, and / or the general welfare. Whenever the requirements of this Resolution are inconsistent with any other lawfully adopted rules, regulations, or ordinances, the most restrictive requirements, or those imposing the higher standards, shall govern.

**Section 1040 – Separability Clause:**

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

**Section 1050 – Agriculture:**

Except as otherwise provided herein, nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes; this includes the construction and/or use of buildings or structures incident to the agricultural purposes on which such buildings or structures are located. No Zoning Permit or Certificate shall be required for any such use, building or structure.

Notwithstanding the foregoing, in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under section 711.13.1 of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agricultural uses and structures are subject to the terms and conditions of this Resolution in the following manner:

(A) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but less than five acres are subject to all setback lines, set forth in this Resolution.

## **ARTICLE II – ESTABLISHMENT OF DISTRICTS**

**Section 2000 – Zoning Districts:**

For the purpose of this Resolution, the following districts are hereby created in order that the unincorporated area of Reading Township, Perry County, Ohio, may be divided into one or more such districts: Farm/Residential, R-1 Residential, Manufactured and Mobile Homes, Planned Unit Development District.

**Section 2010 – District Regulations:**

All District Regulations are found in subsequent Articles.

**Section 2020 – Prohibited Uses:**

Any use not specifically authorized by the express terms of this Zoning Resolution shall be prohibited unless approval is received from the Board of Zoning Appeals. The Board of Zoning Appeals must determine that the use is similar to a listed permitted or Conditional Use in that District.

## **ARTICLE III – PROVISION FOR OFFICIAL ZONING MAP**

**Section 3000 – Official Zoning Map:**

The Districts established in Article II of this Resolution are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Resolution. Not all Districts established in Article II have yet been utilized and therefore may not be reflected on the Map. The Map shall be publicly displayed in the Township Hall with updated copies filed with the Perry County Planning Commission, County Recorder, and County Engineer.

**Section 3010 – Identification of the Official Zoning Map:**

The Official Zoning Map shall be identified by the signature of the Chair of the Board of Township Trustees, attested by the Township Fiscal Officer under the following words: “This is to certify that this is the Official Zoning Map referred to in Article III of the Reading Township Zoning Resolution, Perry County, Ohio”, together with the adoption date of this Resolution.

**Section 3020 – Recording Changes in the Official Zoning Map:**

If, in accordance with the provisions of this Resolution and Chapter 519, of the Ohio Revised Code (O.R.C.), changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. Changes will be made promptly after the Amendment has been approved by the Board of Township Trustees with an entry on the Official Zoning Map indicating the Resolution number, if any, and the date of adoption.

**Section 3030 – Replacement of the Official Zoning Map:**

In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Township Trustees may, by Resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

The new Official Zoning Map shall be identified by the signature of the Chair of the Board of Trustees and attested by the Township Fiscal Officer under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date) as part of Resolution (number) of the Township of Reading, Perry County, Ohio.”

**Section 3040 – Interpretation of District Boundaries:**

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

- (A) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

- (B) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (C) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distances are given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- (D) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- (E) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated.
- (F) The Zoning Administrator is charged with interpreting the Map.

## **ARTICLE IV – ADMINISTRATION AND ENFORCEMENT**

### **Section 4000 – Office of Zoning Administrator Created:**

Pursuant to Chapter 519 of the O.R.C., a Zoning Administrator designated by the Board of Township Trustees shall administer and enforce this Resolution. He/she may be provided with assistance of such other persons as the Board of Township Trustees may direct.

If the Zoning Administrator shall find that any of the provisions of this Resolution are being violated, he/she shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Resolution to ensure compliance with or to prevent violation of its provisions.

### **Section 4010 – Zoning Permits Required:**

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the Zoning Administrator.

No zoning permit shall be issued by the Zoning Administrator except in conformity with the provisions of this Resolution unless he receives a written order from the Board of Zoning Appeals in the form of an administrative review, conditional use, or variance as provided by this Resolution.

No zoning permit shall be issued by the Zoning Administrator with respect to property in a planned district unless an application for subsequent use or development of that property shall have been approved by the Zoning Commission, and that approval shall continue to be effective.

### **Section 4020 – Application for Zoning Permit:**

The application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- (A) Name, address, and phone number of applicant;
- (B) Legal description of property;
- (C) Description of existing use of land and buildings;
- (D) Description of proposed use and buildings, if applicable;
- (E) Zoning district (Current);



- (F) Site plans, showing the dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration including building dimensions, and square footage;

**Section 4030 – Changes to Plans during Construction:**

Any changes to the structural plans or placement of said structure on the building lot during construction shall require that construction be halted and a new site plan be drawn. The Zoning Administrator should be immediately notified so as to make an onsite inspection of any proposed change.

**Section 4040 – Issuance of Zoning Permits:**

No permit for erection, alteration, or moving of any building shall be issued until an application has been made for a Zoning Permit. Only after the Application for Zoning Permit form and all required documentation has been received and reviewed by the Zoning Administrator and he/she has had an opportunity to visit the site and ask any questions of the Applicant will a Zoning Permit be issued. No work may be started prior to issuance of a Zoning Permit.

No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered without a zoning permit being issued by the Township Zoning Administrator. No zoning permit shall be issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Resolution or unless a variance or conditional use permit has been granted by the Board of Zoning Appeals.

**Section 4050 – Failure to Obtain a Zoning Permit:**

Failure to obtain a zoning permit shall be a violation of this Resolution and punishable under Section 4280.

**Section 4060 – Expiration and/or Extension of Zoning Permit:**

If the work described in any building permit has not been completed within one year of the date of issuance thereof, said permit shall expire and be canceled by the Zoning Administrator. The Zoning Administrator will issue written notice thereof to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new Zoning Permit has been obtained or an extension granted.

Extensions, if granted, shall be in six month increments, not to exceed one and one-half (1 ½) years.

**Section 4070 – Construction and Use As Provided in Applications, Plans, & Zoning Permits:**

Zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Resolution and punishable as provided by Section 4280.

**Section 4080 – Issuance of Zoning Permit for Projects Requiring Site Plan Review:**

The Zoning Administrator shall not issue a Zoning Permit in the following instances:

- (A) For any application for a mobile home park, unless the site plan for such mobile home park has been approved by the Zoning Commission and ultimately the Board of Township Trustees.
- (B) For any application for property in a Planned Development District unless an application for subsequent use or development of that property has been approved pursuant to the Planned Development Districts of this Resolution and that approval continues to be effective.

**Section 4090 – Zoning Certificate Required:**

Upon completion of specified work and not later than the expiration of the Zoning Permit and any applicable extensions thereof, the property owner will make a written request to the Zoning Administrator for a final inspection.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a final inspection by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Resolution.

**Section 4100 – Board of Zoning Appeals Established:**

A Board of Zoning Appeals is hereby established, which shall consist of five members appointed by the Board of Township Trustees, each for a term of five years. Upon creation of the Board of Zoning Appeals, the initial appointments shall be one each for one, two, three, four and five year terms. Each member of the board shall be a resident of Reading Township.

**Section 4110 – Organization of the Board of Zoning Appeals:**

At the beginning of each calendar year, the Board of Zoning Appeals will hold an organizational business meeting. The purpose of such meeting will be for Members to elect a Chair and Vice Chair and set any scheduled meetings. Appeals Board members present shall receive \$50 (fifty) dollars for their attendance. Appeals Board members shall receive \$50 (fifty) dollars each time that they meet for business.

**Section 4120 – Alternates to the Board of Zoning Appeals:**

Alternates shall replace a member of the Board of Zoning Appeals in meetings should a regular member not be present

**Section 4130 – Removal or Resignation of Members of the Board of Zoning Appeals:**

A Member of the Board of Zoning Appeals shall be removed for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees. Upon filing of written charges to or by the Board of Township Trustees, they shall commence an investigation of the situation and hold a public hearing on the matter. The Member shall be given an opportunity to be heard and answer such charges. The Board of Township Trustees must notify the Member in writing of the charges at least ten (10) days prior the hearing either personally, by registered mail, or by leaving such copy at the Member's usual place of residence. Any resignation of a Member must be in writing to the Board of Township Trustees. Vacancies shall be filled by Resolution of the Board of Township Trustees, for the unexpired term of the Member.

**Section 4140 – Powers and Duties of the Board of Zoning Appeals:**

The Board of Zoning Appeals shall have the following specific responsibilities:

- (A) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Administrator.
- (B) To authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where owing to the special conditions a literal enforcement of this Resolution will result in practical difficulties, and so that the spirit of this Resolution shall be observed and substantial justice done.
- (C) To grant Conditional Use Permits under the conditions specified in this Resolution and to add such additional safeguards as will hold the intent of this Resolution.

In exercising its responsibilities, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Resolution; reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

The concurring vote of three members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution.

**Section 4150 – Proceedings of the Board of Zoning Appeals:**

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chair and at such other times as the Board of Zoning Appeals may determine.

The Chair, or in his/her absence, the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed by the Zoning Administrator as appropriate. Board of Zoning Appeals members shall be paid \$50 (fifty) dollars for each Variance or Conditional Use hearing in which they are present.

**Section 4160 – Procedure and Requirements for Approval of Conditional Use Permits:**

- (A) Permitted Conditional Uses. The conditional uses shall conform to all requirements of this Resolution before being permitted in their respective districts. All conditional uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Board of Zoning Appeals has the authority to deny, grant or grant with conditions a Conditional Use Permit.
- (B) Standards Applicable to all Conditional Uses. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing and future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature or height of buildings, walls, fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. In addition, operations in connection with any conditional use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing light, than would be the operation of any permitted use.
- (C) Review and Modification. A Conditional Use Permit shall be deemed authorized for only one particular conditional use and shall expire if the conditional use shall cease for more than one year for any reason. A Conditional Use Permit must be reviewed for compliance 90 days after issued and within three years of issue date by the Zoning Administrator. The Zoning Administrator can review a conditional use at any time. The Board of Zoning Appeals must set a review time frame of no more than three years, from date of issue for a Conditional Use Permit. As part of this review process the Board of Zoning Appeals may modify a current Conditional Use Permit to account for changes in the activity granted under the Conditional Use Permit. This modification may occur during the review period or at the request of the property owner holding the Conditional Use Permit.
- (D) Existing Violations. No Conditional Use Permit shall be issued for a property where there is an existing violation of this Resolution or the Ohio Revised Code for a period of time beginning ten (10) days prior to the public hearing for proposed conditional use. Such activities in conformance with the proposed conditional use shall not be governed by this standard. This exemption shall not prohibit the Zoning Administrator from enforcing the Zoning Resolution.
- (E) Plan Required. One (1) original and seven (7) copies of the plan for the proposed development of a site for a permitted conditional use shall be submitted with an application for a Conditional Use Permit, and such plan shall contain the following information:

- (1) The location of all buildings (existing and proposed);
- (2) Parking, loading, and storage areas;
- (3) Traffic access points and circulation routes;
- (4) Parking areas including the location and number of spaces proposed;
- (5) Landscaped areas and other open spaces;
- (6) Lighting (location, type and wattage)
- (7) Refuse and service areas;
- (8) Location of existing utilities and proposed utility expansion areas;
- (9) Location of signs (does not exempt application from sign permit requirements);
- (10) Other such information as the BZA may determine needed to determine if the proposed conditional use meets the requirements of the Resolution.

One copy of the plan shall be returned to the applicant by the Zoning Administrator, after the Board of Zoning Appeals shall have marked such copy either as approved or disapproved and attested to same by action of public hearing. The original and one copy of the plans, similarly marked, shall be retained by the Zoning Administrator. Any changes to the structural plans or placement of said structure(s) on the building lot during the life of the Conditional Use Permit shall require a review by the BZA and a potential modification to the Conditional Use Permit to account for the change in plan. The Zoning Administrator should be immediately notified so as to make an onsite inspection of any proposed change.

(F) Additional Required Information: The applicant is also required to provide the following additional information:

- (1) A narrative statement discussing the existing and proposed number of employees or residents, hours of operation, and type of sales on premises.
- (2) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor, and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district.

(G) Board of Zoning Appeals Written Findings: Before any conditional use shall be issued, the Board of Zoning Appeals shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (2) Off-street parking and loading areas where required, with particular attention to the items above.
- (3) The economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.
- (4) Refuse and service areas, with particular reference to the items in (1) and (b) above.
- (5) Utilities, with reference to locations, availability, and compatibility.
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- (7) Proposed hours of operation
- (8) General compatibility with adjacent properties and other property in the district.
- (9) Additional information as requested by the Board of Zoning Appeals to make an accurate determination on the application

(H) Conditions Imposed: This Resolution confirms to the Board of Zoning Appeals the powers to set forth conditions as part of an approved Conditional Use Permit. These conditions are meant to uniquely address how a conditioned use co-exists

with adjoining and surrounding properties to ensure continued harmony. The Board of Zoning Appeals may set conditions addressing including but not limited to:

- (1) Current and future size of Conditional Use Permit operation
- (2) Number of employees
- (3) Number of buildings, along with size and setbacks
- (4) Noise, as measured in decibels
- (5) Require the site plan to be attached to the Conditional Use Permit, as a condition, for the purpose of evaluating issues that may arise in the future
- (6) Number of vehicles or equipment related to the conditional activity
- (7) Hours of operation, including days of the week
- (8) Type of drive (i.e. stone, paved, etc...)
- (9) Type and height of screening (i.e. trees, mounding, etc...)
- (10) Storage of materials used in the Conditional Use Permit activity
- (11) Drainage
- (12) A phasing plan including deadlines for compliance, if necessary
- (13) And other conditions to address the unique aspects of the conditioned use to ensure compatibility with surrounding properties

- (I) Supplementary Conditions and Safeguards. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 4280 hereof.

#### **Section 4170 - Revocation of Conditional Use Permit**

The BZA may revoke a Conditional Use Permit, in accordance with ORC 519, for reasons including but limited to:

- (A) repeated violations of Conditional Use Permit
- (B) change in the nature of the activity beyond the extent of the Conditional Use Permit
- (C) nature or size of activity becomes intrusive to neighbors or community
- (D) the approved use is discontinued for a period of more than one year

#### **Section 4180 – Procedure for Board of Zoning Appeals Hearings & Notices**

The Board of Zoning Appeals shall hold a public hearing within a reasonable period of time after the receipt of a complete application for a Conditional Use Permit.

- (A) Conditions Considered. The following conditions shall be considered in the public hearing and employed in the review of an application for a Conditional Use Permit:
- (1) Whether the proposed use is in accordance with the general objectives and specified objectives of the Zoning Resolution.
  - (2) Whether the proposed use will be designed, constructed, operated and maintained so as to be compatible and appropriate in appearance with existing or intended character of the neighborhood and zoning district.
  - (3) Whether the proposed use will create an undue burden on public facilities and services and whether it will be detrimental to the economic welfare of the community.
  - (4) Whether the proposed use will be hazardous or disturbing to existing or future permitted uses or entails a use, structure or condition of operation that constitutes a nuisance.
- (B) Notice. Notice shall be given by first class mail at least 21 days in advance of the public hearing to the owner (applicant) and to all owners of property contiguous to and directly across the street (road) from the property concerned. Said notice

shall also be published once in a newspaper of general circulation in the area at least 21 days prior to the hearing. The mailed and published notices shall set forth the time and place of the hearing and the nature or purpose of the hearing.

- (C) Attendance at Public Hearing: Any party may appear in person or by agent or attorney at a public hearing. Failure to appear in person or by agent or attorney may result in denial of conditional use, and forfeiture of any fees paid. Board of Zoning Appeals members may not act as agent or attorney for the applicant.
- (D) Finding: The Board of Zoning Appeals shall make a finding within thirty (30) days after the public hearing. The Board of Zoning Appeals shall approve, approve with supplementary conditions as specified by the Board, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Administrator to issue a conditional use permit listing the specific conditions specified by the board for approval. The applicant and Zoning Administrator must sign and date a copy of the permit acknowledging these conditions.
- (E) Transferability: If the property is sold, the new owner has sixty (60) days to come before the BZA to review and sign the Conditional Use Permit thereby acknowledging the conditions imposed on the property. Failure of the new owner to appear before the BZA and sign the Conditional Use Permit in that time frame voids the CUP and a new conditional use permit will be required.
- (F) Relief: If the application is disapproved by the Board the applicant may seek relief through the Court of Common Pleas.

#### **Section 4190 – Appeals:**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the governing body of the Township affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, not to exceed 20 days or such lesser period as may be provided by the rules of the Board of Zoning Appeals, by filing with the Zoning Administrator and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof.

The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Parties of interest shall include but not be limited to property owners contiguous to and directly across the street from the property concerned and the applicant. At the hearing, any party may appear in person or by agent or attorney.

#### **Section 4200 – Variances:**

The Board of Zoning Appeals may authorize upon appeal in specific case 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 provisions of this Resolution would result in practical difficulties. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in practical difficulties.

#### **Section 4210 – Factors Considered Regarding Variances:**

The following factors shall be considered by the Board when determining whether to grant a variance:

- (A) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

- (B) Whether the variance is substantial.
- (C) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- (D) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage)
- (E) Whether the applicant purchased the property with knowledge of the zoning restriction
- (F) Whether the applicant's predicament feasibly can be obviated through some method other than a variance.

**Section 4220 – Procedure for Obtaining a Variance – Application Required:**

Seven copies of the application shall be submitted to the Zoning Administrator and at a minimum contain the following information:

- (A) Legal description of the property;
- (B) Name, address, and phone number of applicant;
- (C) Description of the nature of the variance requested;
- (D) A narrative statement demonstrating that the requested variance conforms to the following standards: that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure or buildings in the same district; that a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Resolution; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution, to the lands, structures, or buildings in the same district.

**Section 4230 - Public Hearing to Consider Request for a Variance:**

The Board of Zoning Appeals shall hold a public hearing within reasonable time, after the receipt of an application for a variance. Notice shall be given by first class mail at least 21 days in advance of the public hearing to the owner / applicant and to all owners of property contiguous to and directly across the road from the property concerned. Said notice shall also be published once in a newspaper of general circulation in the area at least 21 days prior to the hearing. The mailed and published notices shall set forth the time and place of the hearing and the nature or purpose of the hearing.

When the public hearing shall be held, any party may appear in person or by agent or attorney. Failure to appear in person or by agent or attorney may result in denial of variance, and forfeiture of any fees paid. Board of Zoning Appeals Members may not act as an agent or attorney for the applicant.

The Board of Zoning Appeals shall make a finding within thirty (30) days after the public hearing. When announcing a finding, the reasons set forth in the application should justify the granting of the variance, and the variance should be the minimum variance that will make possible the reasonable use of the land, building, or structure.

**Section 4240 – Supplementary Conditions and Safeguards May be Prescribed:**

In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution and punishable under this Resolution. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

**Section 4250 – Duties of the Zoning Administrator, Board of Zoning Appeals, Governing Body, and Courts on Matters of Appeal:**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator. Such questions shall be presented to the Board of Zoning Appeals only on appeal of the decision of the Zoning Administrator. Recourse from the decisions of the Board of Zoning Appeals shall be the courts, as provided by law.

It is further the intent of this Resolution that the duties of the Board of Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in this Resolution.

**Section 4260 – 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, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigation, inspection, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Township Trustees, and may be altered or amended only by the Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

**Section 4270 – Complaints Regarding Violations:**

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/She shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

**Section 4280 – Penalties for Violation:**

Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than the maximum allowable penalty under ORC 519. Additionally, such person convicted of a violation shall pay all costs and expenses involved in the case. Each day such a violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, construction contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violations.

**Section 4290 – Township Zoning Commission Created:**

The Zoning Commission shall be composed of five members who are residents of the Township. The Board of Township Trustees shall appoint the members of the Zoning Commission. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

**Section 4300 – Organization of the Township Zoning Commission:**

At the beginning of each calendar year, the Zoning Commission will hold an organizational business meeting. The purpose of such meeting will be for Members to elect a Chair and Vice Chair and set any scheduled meetings.

**Section 4310 – Alternates to the Zoning Commission:**

Alternates shall replace a member of the Zoning Commission should a regular member not be present



**Section 4320 – Removal or Resignation of Members of the Zoning Commission:**

A Member of the Zoning Commission shall be removed for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees. Upon filing of written charges to or by the Board of Township Trustees, they shall commence an investigation of the situation and hold a public hearing on the matter. The Member shall be given an opportunity to be heard and answer such charges. The Board of Township Trustees must notify the Member in writing of the charges at least ten (10) days prior the hearing either personally, by registered mail, or by leaving such copy at the Member's usual place of residence.

Any resignation of a Member must be in writing to the Board of Township Trustees. Vacancies shall be filled by Resolution of the Board of Township Trustees, for the unexpired term of the Member.

**Section 4330 – Powers and Duties of the Zoning Commission:**

The Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the Zoning Commission for the carrying out by the Board of Trustees this Zoning Resolution when requested to do so by the Township Trustees. The Zoning Commission may initiate zoning amendments, take action on proposed zoning amendments, review site development plans and, within the limits of the monies appropriated by the Board of Trustees for the purpose, employ or contract with such planning consultants, agencies, and executive and other assistants, as it deems necessary. The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide. Board of Trustees currently approves \$50 (fifty) each time the Zoning Commission members meet for business, with a minimum amount of \$50 (fifty) per fiscal year should no Zoning Commission meetings take place. No Township Trustee shall be employed by the Zoning Commission. The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

**Section 4340 – Meetings and Agenda of Zoning Commission:**

The Zoning Commission shall meet as necessary in a public building within the Township. All meetings of the Zoning Commission shall be open to the public. The meeting agenda shall be set by the Zoning Commission Chair or Vice Chair, if so asked by the Chair.

**Section 4350 – Minutes:**

The minutes of each meeting of the Zoning Commission shall be kept by the Zoning Administrator on file in the Township Hall with the other zoning records. Said minutes shall be open for public inspection by appointment. Upon request, copies of minutes may be provided to Township residents once they have been formally approved by the Zoning Commission.

**Section 4360 – Procedure for Amendment or District Changes:**

This Resolution may be amended utilizing the procedures specified in Sections 4390-4470, inclusive, of this Resolution.

**Section 4370 – General:**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by Resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

**Section 4380 – Initiation of Zoning Amendments:**

Amendments to this Resolution, including the map, may be initiated in one of the following ways:

- (A) By adoption of a motion by the Zoning Commission and submitted to the Township Trustees;
- (B) By adoption of a Resolution by the Township Trustees;
- (C) By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

**Section 4390 – Contents of Application:**

Applications for amendments to the Official Zoning map adopted as part of this Resolution shall contain at least the following information:

- (A) Name, address, and phone number of applicant;
- (B) Present use;
- (C) Present zoning district;
- (D) Proposed use;
- (E) Proposed zoning district;
- (F) A description of the proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness
- (G) Site plan showing property lines, existing and proposed future buildings including the building footprint. Setbacks should be clearly marked.
- (H) A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Administrator may require;
- (I) A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the road (street) from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned; Preliminary development plan if seeking a rezoning to a planned district consistent with the requirements of Article VI.

**Section 4400 – Involvement of the Regional Planning Commission:**

Within five days after the adoption of such motion, the certification of such Resolution, or the filing of such application for amendment, the Zoning Commission shall transmit a copy of the proposed amendment together with text and map pertaining to the proposed amendment to the Perry county Engineer. The Perry County Engineer shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

**Section 4410 – Establishment of Date for Public Hearing by Zoning Commission:**

Upon the adoption of a motion by the Zoning Commission, the certification of a Resolution by the Board of Township Trustees, or the filing of an application as outlined in Sections 4310-4470, the Zoning Commission shall set a date for a public hearing, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such Resolution, the date of adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of such hearing.

**Section 4420 – Notice to Contiguous Property Owners:**

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within 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 county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

**Section 4430 – Publication of Notice of Public Hearing for Proposed Amendment or Redistricting of Ten (10) or Fewer Parcels:**

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- (A) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
- (B) A statement indicating that the motion, Resolution, or application is an amendment to the zoning Resolution;
- (C) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
- (D) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- (E) The time and place where the motion, Resolution, or application proposing to amend the zoning Resolution will be available for examination for a period of at least ten days prior to the public hearing;
- (F) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- (G) Any other information requested by the Zoning Commission;
- (H) A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action.

**Section 4440 – Publication of Notice of Public Hearing for Proposed Amendment or Redistricting of More than Ten (10) Parcels:**

If the proposed amendment alters the text of the zoning Resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- (A) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
- (B) A statement indicating that the motion, application, or Resolution is an amendment to the zoning Resolution;
- (C) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing;
- (D) The name of the person responsible for giving notice of the public hearing by publication;
- (E) A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action;
- (F) Any other information requested by the Zoning Commission.

**Section 4450 – Submission to County Engineer:**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the County Engineer. The Commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the County Engineer. If the County Engineer notifies the Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the rezoning. If the County Engineer notifies the Trustees that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the County Engineer and the property owner, the Trustees shall proceed as required by law.

**Section 4460 – Zoning Commission Acceptance, Rejection or Modification of Amendment Request:**

The Zoning Commission shall, within thirty (30) days after such public hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification of it and submit such recommendation together with such application or Resolution, the text and map pertaining to it, and the recommendation of the Perry County Engineer to the Board of Township Trustees unless a tabling has been requested.

**Section 4470 – Establishment of Date for Public Hearing by Township Trustees & Publication of Notice:**

The Board of Township Trustees shall, upon receipt of a recommendation from the Zoning Commission, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Board in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing. The publication of such notice is the same as that outlined in either Section 4320 or 4330 depending on the size of the area to be rezoned or redistricted as directed by current regulations.

**Section 4480 – Township Trustees Acceptance, Rejection or Modification of Amendment Recommendation from the Zoning Commission:**

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 of them. If the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the majority vote of the Board of Township Trustees shall be required.

**Section 4490 – Effective Date and Referendum:**

Such amendment adopted by the Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the amendment, of the Resolution there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the Township equal to but not less than eight (8) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Trustees to submit the zoning amendment to the electors of the Township for approval or rejection at the next primary or general election. If such petition is not presented, the amendment shall be immediately reduced to writing and recorded in the Journal of the Township Trustees.

Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment Resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Ohio Revised Code.

No amendment 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 4500 – Transmittal of Amendment:**

Following the effective date of an amendment, the Zoning Administrator shall transmit copies of such amendment to the County Recorder and the County Engineer.

**Section 4510 – Office of Zoning Administrator Created:**

To assist in the administration of this Zoning Resolution, the Board of Trustees shall appoint a Zoning Administrator. The Zoning Administrator is primarily responsible for administration of the Reading Township Zoning Resolution, as written, impartially, without authority to deviate from the Resolution.

**Section 4520 – Alternates for the Zoning Administrator:**

In the event that the Zoning Administrator cannot attend a meeting of the BZA or the Zoning Commission, an alternate shall be designated by the Chair of the meeting.

**Section 4530 – Removal or Resignation of the Zoning Administrator:**

The Zoning Administrator shall be removed for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees. Upon filing of written charges to or by the Board of Township Trustees, they shall commence an investigation of the situation and hold a public hearing on the matter. The Zoning Administrator shall be given an opportunity to be heard and answer such charges. The Board of Township Trustees must notify the Zoning Administrator in writing of the charges at least ten (10) days prior the hearing either personally, by registered mail, or by leaving such copy at the Zoning Administrator's usual place of residence.

Any resignation of the Zoning Administrator must be in writing to the Board of Township Trustees.

**Section 4540– Powers and Duties of the Zoning Administrator:**

The duties of the Zoning Administrator shall include:

- (A) maintain township zoning records
- (B) provide requested information and applications to residents as needed
- (C) confirm information in applications prior to submitting to BZA or Zoning Commission
- (D) process all notices required under this Zoning Resolution
- (E) record the minutes of the Zoning Commission and the Board of Zoning Appeals
- (F) recommend enhancements for the Zoning Resolution to the Zoning Commission
- (G) assist the Zoning Commission in researching zoning topics as needed / requested
- (H) testify on behalf of the Township during BZA hearings
- (I) other such duties relating to this Zoning Resolution as the Township Trustees may from time to time direct

The Zoning Administrator shall be compensated at rates set from time to time by the Board of Township Trustees. The Township Fiscal Officer may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

## **ARTICLE V NON-CONFORMING USES**

**Section 5000 – Intent:**

Within the districts established by this Resolution or amendments that may later be adopted there exists lots, structures, uses of land and structures, and characteristics of use which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendment. It is the intent of this Resolution to permit these non-conformities to continue until they are removed. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, moved, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

**Section 5010 – Incompatibility of Non-Conforming Uses:**

Non-conforming uses are declared by this Resolution to be incompatible with permitted uses in the districts involved. A nonconforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by:

- (A) Attachment on a building or premises of additional signs intended to be seen from off the premises, or
- (B) By the addition of other uses, of a nature which would be generally prohibited in the district in which such use is located.

**Section 5020 – Avoidance of Undue Hardship:**

To avoid undue hardship, nothing in this Resolution shall be deemed to require change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**Section 5030 – Non-Conforming Lots of Record:**

In any district in which single family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution. Such lot must be in separate ownership and may not be of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals. Any and all changes to a plat and/or size of the lot, after zoning resolutions are in effect, must be compliant with the current zoning standards to be eligible for a dwelling to be constructed on said lot.

**Section 5040 – Non-Conforming Lots of Record in Combination:**

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Resolution.

**Section 5050 – Non-Conforming Uses of Land:**

Where at the time of passage of this Resolution lawful use of land exists which would not be permitted by the regulations imposed by this Resolution, the use may be continued so long as it remains otherwise lawful, provided;

- (A) No such non-conforming use shall be enlarged, increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- (B) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Resolution.
- (C) If any such non-conforming use of land ceases for any reason for a period of more than 2 years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located;
- (D) No additional structures not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

**Section 5060 – Non-Conforming Structures:**

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (A) No such non-conforming structure may be voluntarily enlarged or altered in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity, except when authorized by the Board of Zoning Appeals in accordance with this Zoning Resolution.
- (B) Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 50 percent of its reproduction value at time of damage shall not be restored except in conformity with the provisions of the regulations of the zoning district in which it is located. Non-Conforming structures that are destroyed by fire or an act of God, are permitted to be rebuilt within the same footprint of the previous non-conforming structure providing a permit to build is obtained within 12 months of the loss.
- (C) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**Section 5070 – Non-Conforming Uses of Structures or of Structures and Premises in Combination:**

If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (A) No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (B) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
- (C) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Resolution;
- (D) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- (E) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 2 years during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (F) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

**Section 5080 – Repairs and Maintenance:**

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall

not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the Zoning district in which it is located. Nothing in this Resolution 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.

**Section 5090 – Conditional Use Provisions:**

Any use which is permitted as a conditional use in a district under the terms of this Resolution, other than a change through the Board of Zoning Appeals action from a non-conforming use to another use not generally permitted in the district, shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

## **ARTICLE VI    STANDARD ZONING DISTRICTS**

**Section 6000 – Standard Zoning Districts Purpose:**

Reading Township, in order to establish the orderly process for the development of land, minimize the opportunity for nuisance and provide for the preservation of health, safety and general welfare of its citizens, establishes the following Zoning Districts and sets forth these regulations pertaining to their development. All Districts shall submit an entry elevation (exterior design) plan with application. Reading Township Zoning has the authority to accept or deny application or request changes be made, for ascetic appeal, prior to the permit being issued.

**Section 6010 – Compliance with Regulations:**

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

- (A) No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. Lands or buildings incident to agricultural uses are exempt from this section.
- (B) No building or other structure shall hereafter be erected or altered:
  - (1) To exceed the height or bulk;
  - (2) To accommodate or house a greater number of families;
  - (3) To occupy a greater percentage of lot area; and
  - (4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Resolution.
- (C) No lot or yard existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements established.

**Section 6020 - FR- FARM / RESIDENTIAL DISTRICT**

**Section 6020 – FR- Farm / Residential District Purpose:**

Permit construction of low density single family residences and permit other non-urban types of residential and agricultural activities so that the basic rural character of these areas may be preserved and maintained. In addition, the development of these lands shall be in accordance with the ability of the land to support development without central sewerage disposal and



/ or central water facilities, to prevent pollution of such lands and aquifers by excessive development, and to protect the aquifer recharge areas. Only one (1) home per deeded lot shall be permitted.

**Section 6030 – FR- Farm / Residential District Permitted Uses:**

The following uses, developed in accordance with all other provisions of this Resolution shall be permitted:

- (A) Agricultural uses as defined by the Ohio Revised Code
- (B) Home occupations
- (C) Single family dwellings
- (D) Temporary Living spaces
- (E) Accessory structures
- (F) Signs sixteen square feet or less
- (G) Roadside farm stands
- (H) Churches
- (I) Schools

**Section 6040 – FR- Farm / Residential Conditional Uses:**

No conditional use shall be implemented without a conditional use permit issued by the Zoning Administrator.

- (A) Public and semi-public uses ( except penal or correctional institutions)
- (B) Cemeteries
- (C) Airports – Private owner, public use
- (D) Recreation facilities
- (E) Clubs
- (F) Veterinary clinics or Animal hospitals
- (G) Telecommunications Towers
- (H) Mining
- (I) Commercial uses including:
  - a. Agricultural related business (i.e. Fertilizer, Grain and Implement store)
  - b. Convenience store / Service stations
  - c. Fuel Dealers
  - d. Office Buildings
  - e. Restaurants
  - f. Small retail businesses & Service Establishments
- (J) Adult Entertainment
- (K) Signs greater than sixteen square feet)

**Section 6050 – FR- Farm / Residential Prohibited Uses:**

Uses not specifically permitted, or conditionally permitted in this district shall be prohibited.

**Section 6060 – FR- Farm / Residential District Development Standards:**

Under no circumstances shall a dwelling be considered agriculture or meet agriculture exempt status.

The use of land and structures within this district shall conform to the following standards. Under no circumstances shall a recreational vehicle be considered a dwelling.

**Section 6070 – FR- Farm / Residential District Minimum Lot Area:**

Minimum lot size shall be one (1) acres.

**Section 6080 – FR- Farm / Residential District Minimum Lot Width and Frontage:**

Road Frontage – 200 feet

Lot Width –	200 feet
Side yard setback	20 feet
Front yard setback	80 feet
Rear yard setback	30 feet

\*\* All lots shall have contiguous and permanent frontage on a dedicated public road or street

All front setbacks are from the center line of the road.

**Section 6090 – FR- Farm / Residential District Minimum Living Space Requirements:**

For any residential dwelling unit (exclusive of the porch, basement and garage) - 900 square feet

**Section 6100 – FR- Farm / Residential District Depth to Width Ratios:**

(A) Minimum – 1:1

(B) Maximum – 3:1 - Does not apply to lots above 10 acres

**SECTION 6110 R-1 RESIDENTIAL**

**Section 6110 –R-1 Residential District Purpose:**

The purpose of the Residential District (R-1) is to encourage residential development at appropriate locations and at suitable densities when public service and facilities are provided, including public sewers. Additionally this district is meant to preserve established medium density single family dwellings within previously platted subdivisions within the township.

Only one (1) home per deeded lot shall be permitted. Minimum of 900 Square feet dwellings in R-1

**Section 6120 – R-1 Residential District Permitted Uses:**

The following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- (A) Single and Two family dwellings
- (B) Temporary Living Spaces
- (C) Accessory Structures
- (D) Signs nine square feet or less

**Section 6130 – R-1 Residential District Conditional Uses:**

No conditional use shall be implemented until a conditional use permit is issued by the Zoning Administrator.

- (A) Multi-family housing (3 or more family)
- (B) Home Occupations
- (C) Manufactured home parks
- (D) Nursery schools or Day nurseries
- (E) Sanitariums, Convalescent Homes or Rest Homes
- (F) Rooming, Boarding or Lodging Homes
- (G) Churches
- (H) Commercial Businesses

**Section 6140 – R-1 Residential Prohibited Uses:**

Uses not specifically permitted, or conditionally permitted in this district shall be prohibited.

**Section 6150 – R-1 Residential District Development Standards:**

Under no circumstances shall a dwelling be considered agriculture or meet agriculture exempt status. Under no circumstance shall a recreational vehicle be considered a dwelling

The use of land and structures within the R-1 District shall conform to the following standards.

**Section 6160 – R-1 Residential District Minimum Lot Area:** The minimum lot size shall be three (0.5) acres.

**Section 6170 – R-1 Residential District – Minimum Lot Width and Frontage:**

Road Frontage	40 feet
Lot Width	40 feet
Side yard setback	5 feet
Front Yard setback	30 feet
Rear yard setback	40 feet

**\*\*All lots shall have contiguous and permanent frontage on a dedicated public road or street**

All front setbacks are from the center line of the road or street

**\*\*All dwellings within the R-1 district must meet all requirements of the Perry County Board of Health regarding water and sewer disposal facilities.**

**SECTION 6180 – MANUFACTURED & MOBILE HOMES / MOBILE HOME PARKS**

**Section 6180 – Manufactured & Mobile Homes / Mobile Home Parks Purpose:**

Because terms for manufactured housing such as those currently listed in the Definitions tend to change over the years, the purpose and intent of the definition is to draw a distinction between dwellings that are produced and erected in assembly line style at the factory, from those stick-built dwellings in which a substantial amount of material and construction labor are brought together in final form at the foundation site. The above explanation is the spirit in which any future interpretation shall be made from this section, no matter what terms for manufactured housing are in vogue at any given time.

**Section 6190 – MH District Permitted Uses:**

Manufactured homes are permitted in Reading Township per the Ohio Revised Code. These homes are permitted in any Zoning District that permits single family residential housing, so long as they comply with all other criteria of that district. Manufactured homes must sit on a permanent foundation which is constructed around the perimeter of the house.

**Section 6200 – MH District Prohibited Uses:**

Uses not specifically permitted, or conditionally permitted in this district shall be prohibited.

#### **Section 6210 – Permanently Sited Manufactured Housing:**

A permanently sited manufactured home must meet the following criteria

- (A) The structure is attached to a permanent foundation and is connected to facilities and utilities.
- (B) It must have a total living area, excluding a garage, porch or other attachments, of at least 900 square feet.
- (C) Must have a minimum of 3:12 roof pitch, conventional residential siding and a 6" minimum eave overhang including appropriate gutters.
- (D) It was manufactured after January 1, 1995.

#### **Section 6220 - Single Wide Mobile Homes**

- (A) Mobile homes must be a minimum of 900 square feet
- (B) All axles and tongue must be removed
- (C) Mobile home must have skirting around entire perimeter of home using only conventional skirting specifically designed for such use.
- (D) Mobile homes must be set on concrete slabs and be affixed to the ground with mobile home ground anchors (minimum 4 per side), or per manufacturer specifications.
- (E) When replacing a mobile home with another mobile home, permits are required. Permit fees may only be waived by the Township Trustees, and in the case of catastrophe. (I.E. tornado, fire, etc...) and at the Trustees discretion.

#### **Section 6230 - Flood Plain / Flood Plain Overlay District**

##### **Section 6230- Purpose**

The purpose of the Flood Plain District (FP) is to protect those areas in Reading Township which are subject to flooding. Controlled use of these areas is required to protect human life, prevent or minimize material or economic losses, reduce the cost to the public for emergency public aid and relief efforts occasioned by unwise occupancy of flood areas, and direct development to sites which are capable of supporting the intended activity, as provided in the Reading Township Comprehensive Plan.

##### **SECTION 6240 - DATA SOURCES AND MAP**

The approximate boundaries of the FP district are shown on the map titled Flood Plain Zoning District Map (FP) which is on file in the Reading Township Hall.

Where interpretation is needed as to the exact location of the boundaries, the Zoning Inspector shall consult with the Perry County Engineer's Office.

##### **SECTION 6250 OVERLAY DISTRICT**

Due to the relationship of natural hazard areas to physical features of the terrain rather than any artificial boundaries, the FP district shall consist of an "overlay" district and may occur in one or more of the zoning districts described in this resolution. All land included in the FP district shall be subject to the requirements specified herein in addition to the normal requirements of the zoning district in which said land is located. If a building site is partially within the FP zone, the FP regulations apply only for the portion of the site within the FP zone.

#### **SECTION 6260 LIMITATIONS AND WARNING**

The degree of protection in the Flood Plain District required by this Resolution is considered reasonable for regulatory purposes. It is intended to provide protection in areas which have a potential for flooding as indicated by engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes such as ice-jams and bridge openings restricted by debris. This Resolution does not imply that areas outside the district are free from flooding. Similarly, compliance with this Resolution for uses within the FP district and the issuance of a Zoning Certificate does not imply freedom from flooding damage.

#### **SECTION 6270 REGULATIONS PERTAINING TO FLOOD PLAIN AREAS (FP)**

##### **A. Uses**

1. All permitted uses are subject to review by the Zoning Commission.
2. All conditionally permitted uses are subject to Conditional Zoning Certificate restrictions and/or regulations.

##### **B. Lot and Building Requirements**

Same as conventional zoning district with the additional requirements that follows:

1. All buildings and structures shall be reasonably safe from flooding from a flood of a 100-year frequency, by having the first floor (or basement if there is to be a basement) elevation at least two (2) feet above the level of such flood.
2. No structures or uses shall unreasonably affect the efficiency or unduly restrict the capacity of the channels or floodways of any stream, drainage ditch, or any other drainage facility or systems.
3. No materials, either organic or inorganic, shall be stored in either open storage or enclosed storage in such a manner as to present a hazard of pollution or contamination of stream waters in the case of flooding.

C. Before issuance of a zoning certificate for any permitted or conditionally permitted use in flood plain area as shown on the FP district map, the Zoning Commission shall review and comment on the proposed use. Documentation, prepared by a registered surveyor or licensed engineer, shall be submitted with the application for a zoning certificate to demonstrate to the Commission that the above requirements are met. The findings of the Zoning Commission shall be submitted in writing to the Zoning Administrator. Failure of the Zoning Commission to submit comments shall not be fatal to the issuance of a certificate.

D. Applicants wishing to build in the FP overlay zone are advised to consult in advance with the Perry County Engineer's Office prior to application for any zoning certificate

E. Zoning certificates issued by Reading Township for development in the FP overlay zone shall require compliance with the Perry County Soil and Water Conservation District.

### **ARTICLE VII – SUPPLEMENTARY DISTRICT REGULATIONS**

#### **Section 7000 – Purpose:**

Supplementary regulations apply to several districts or a set of districts and are set forth here.

#### **Section 7010 – Home Occupation – Permitted Use:**

A home occupation is permitted in districts, as specified, if they meet all of the following conditions, without exception:

- (A) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation;

- (B) Such home occupation shall be carried on entirely within the residential dwelling or in an accessory building, which is normally associated with the residential use. Such home occupation shall be carried on wholly indoors.
- (C) No person or persons, other than the owners of the premises shall operate a Home Occupation;
- (D) Not more than one, non-family on-site worker in addition to the owner shall be employed in a Home Occupation;
- (E) Not more than twenty percent (25%) or five hundred (500) square feet of the gross Floor Area, whichever is less, of any Dwelling Unit shall be used for a Home Occupation;
- (F) There shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of such Home Occupation other than one Sign, not exceeding two (2) square feet in area, non- illuminated, and mounted flat against the wall of the Building in which the Home Occupation is located;
- (G) There shall be no goods or services sold directly to customers on the premises;
- (H) Traffic generated by the home occupation shall not be in a greater volume then would normally be expected in a residential neighborhood;
- (I) No outdoor storage of vehicles, equipment, supplies, or other materials associated with such Home Occupation without being stored entirely within a building and not visible from the road or any another surrounding property;
- (J) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises; and
- (K) There shall be no increased burden placed upon existing public services provided to the residence as a result of a Home Occupation.
- (L) Hours of operation shall not exceed 8:00 a.m. to 8:00 p.m
- (M) The property occupying the Home Occupation must be compliant with current zoning standards and shall not include violations and/or non-conformities; and
- (N) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

**Section 7020 – Home Occupation – Conditional Use:**

A person may apply for a Conditional Use Permit for a Home Occupation in the FR or R-1 districts that does not comply with the requirement of Section 7010. The criteria for the issuance and maintenance of such a permit for a Home Occupation are as follows:

- (A) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation;
- (B) There shall be no more than two (2) non-residential on-site employees or volunteers to be engaged in the proposed Use, in addition to the owners;
- (C) Retail sales may be permitted within an accessory building on-site if they are incidental and relative to the Home Occupation;
- (D) No outdoor storage of vehicles, equipment, supplies, or other materials associated with such Home Occupation without being stored entirely within a building and not visible from the road or any another surrounding property;
- (E) Not more than thirty-five percent (35%) of the gross Floor Area of any residence and/or architecturally compatible accessory buildings shall be devoted to the proposed Home Occupation;
- (F) The external appearance of the Structure in which the Use is to be conducted shall not be altered and not more than one (1) Sign no larger than two (2) square feet which shall be either mounted flush to the wall of the Structure, no higher than six (6) feet, or otherwise appropriately placed on the property, no higher than four (4) feet, in accordance with the application;
- (G) Minor or moderate Alterations in accordance with the Zoning Resolution may be permitted to accommodate the proposed Use but there shall be no substantial construction or reconstruction;
- (H) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises;

- (I) No more than four (4) additional parking places may be proposed in conjunction with the Home Occupation, which must meet parking standards and shall not be located in a required Front Yard. Outside of business hours, commercial vehicles shall be enclosed within a building or moved off-site;
- (J) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use;
- (K) The Perry County Engineer's Office must have, within the past year, inspected and demonstrated compliance of all structures and driveways which are to be occupied by the Home Occupation;
- (L) A landscaping and screening plan indicating all existing and proposed plantings, unless waived by the Board of Zoning Appeals;
- (M) Hours of operation shall not exceed 8:00 a.m. to 8:00 p.m.
- (N) The property occupying the Home Occupation must be compliant with current zoning standards and shall not include violations and/or non-conformities; and
- (O) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

**Section 7030 – Setback Requirements for Corner Buildings:**

On a corner lot the main building and its accessory structures shall be required to be set back the same distance from all highway right-of-way lines as required for the front set back in the district in which such structures are located.

**Section 7040 – Visibility at Intersections:**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the center line grades of the intersecting highways in the area abounded by the highway lines of such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

**Section 7050 – Architectural Projections:**

Open structures such as porches, decks, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required setbacks for front, side or rear yard.

**Section 7060 – Temporary Buildings:**

Temporary buildings, canopies, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any District during the period construction work is in progress, but such temporary facilities shall be removed within fourteen (14) days of completion of the construction work unless a six (6) month extension is granted by the Board of Zoning Appeals. All temporary facilities for Commercial use shall require a Zoning Permit from the Zoning Administrator.

In Residential districts, tents and canopies for entertainment and play may be erected for no more than fourteen (14) days in each calendar year. RV's or campers used as temporary housing, for residential construction do not require a permit, however, still must adhere to the removal time noted above.

#### **Section 7070 – Junk/Junk Yards/ Junk Vehicles**

No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Township or general public.

Junk Yards are prohibited when they are determined to be a junk yard as defined in this resolution.

Junk Motor vehicles means any motor vehicle which is:

- 1) Without current license and registration; or,
- 2) Extensively damaged ; such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission; and,
- 3) Apparently inoperable, that is left uncovered by not being housed in a garage or other suitable structure, in the open on private property for more than 72 hours with the permission of the person having the right to the possession of the property except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of section 4737.05 to 4737.12 of the Ohio Revised Code; or regulated under one of the sections in this zoning resolution.
- 4) Notifications of any violations shall be sent by the Zoning Administrator via first class mail as evidenced by a certificate of mailing, with return receipt requested, to the person having the right to the possession of the property on which Junk or Junk vehicles is left, that within ten (10) days of receipt of the notice, the junk shall be: covered by being housed in a garage or other suitable structure: or removed from the property.

#### **Section 7080 – Private Swimming Pools:**

A swimming pool means any portable pool or permanent structure capable of containing at least 18 inches of water or more in depth; intended for recreational purposes, including wading pools, but not including an ornamental reflecting pool, landscape fountain or fish pond. No such swimming pool shall be allowed in any district unless it complies with the following conditions and requirements. The pool is intended to be and is used solely for the enjoyment of the occupants, and their invited guests, of the principal use of the property on which it is located.

It is not located, including any walks or paved areas or accessory structures adjacent thereto, closer than 20 feet to any property line of the property on which it is located.

The swimming pool, area of land immediately surrounding the pool or entire property on which it is located shall be walled or fenced to prevent uncontrolled access from the roadways or adjacent properties. Fencing requirements:

- (A) Fence or wall shall not be less than four (4) feet in height.
- (B) There shall be at least three (3) feet in width of unobstructed access around all pools.
- (C) Fence or wall must be maintained in good condition at all times.
- (D) Gates equipped with an auto closing / auto latching mechanism.
- (E) Swimming pools must be maintained for the health and safety of residents at all times. When “in season / in use”, pools must always contain clean and sanitary water. If pool is not in use (or during “off season” months), it must either be drained completely or covered completely.
- (F) No water drained from a swimming pool shall be discharged onto adjacent properties without written consent of the owner.
- (G) Private swimming pools, together with other accessory structures, shall not occupy more than 50 percent of the rear yard area.
- (H) Heating units, pumps, and filter equipment shall be housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located not closer than 10 feet to a lot line and shielded from view of any roadway.
- (I) No in-ground swimming pool may be constructed without obtaining a permit from the Township Zoning Administrator. Applicable fees for such permits shall be established by the Board of Township Trustees.



#### **Section 7090 – Ponds:**

- (J) Ponds shall be excavated as a permitted use provided the following standards are met (Also, see Ponds definition):
- (K) Perry County Soil and Water Conservation District (SWCD) must review and approve proposed construction site with landowner.
- (L) Tile found in working order on site must be rerouted around proposed pond. Soil must be spread in a manner not to encroach on adjacent properties.
- (M) The Perry County Soil and Water Conservation District (SWCD) shall be responsible for approvals of pond design and doing site inspections during construction to assure that the pond is constructed according to the approved plan.
- (N) The pond outlet must be designed not to encroach on adjacent property.
- (O) +Three (3) acre minimum lot size.
- (P) All ponds shall be at least one-fourth ( $\frac{1}{4}$ ) acre in size.
- (Q) All construction of ponds within the Township shall be accomplished in a manner consistent with maintenance of good surface and subsurface drainage.
- (R) This applies to all zoning districts.

#### **Section 7100 – Sanitary Requirements:**

Building sites in all districts shall provide sufficient area for proper sewage disposal. All proposed residential structures and manufactured homes not being connected to a public sewer system, shall have a private sewage disposal system that complies with the Perry County Health Department Regulations. Proof of compliance with the Perry County Health Department shall be required prior to the issuance of a zoning permit. All proposed commercial structures not being connected to a public sewer system shall have a private sewage disposal system that complies with the Ohio EPA regulations.

#### **Section 7110 – Temporary Living Spaces:**

A manufactured home may be permitted for use as a temporary living space if it is located on the same lot as an existing dwelling and is used ONLY as a temporary space (with permit) in the case of a hardship. Hardships typically include the care of ill or aging relatives.

All temporary living spaces shall comply with the Perry County Health Department regulations regarding sanitary sewage disposal and water supply. Compliance with the sewer and water regulations mentioned above must be met before a permit for temporary living space is granted.

All temporary living space permits shall be granted for a period of one (1) year. An extension beyond one (1) year may be granted by the Board of Zoning Appeals. The Board must specify a time period for any extension granted. Once the reason for the hardship has ceased, no further extensions shall be granted for any reason.

Each request for a temporary living space shall be reviewed as a case by case basis.

### **Article VIII – Flood Plains Overlay – Establishment of Regulatory Floodplain District:**

#### **Section 8000 - Purpose**

The Regulatory Floodplain District shall exist as an overlay district and shall apply concurrently with other zoning district classifications. Land uses and development allowed under Article IV must also meet all other applicable sections of this Section.

**Section 8010 - Designation of the Regulatory Floodplain District:**

The Regulatory Flood Plain District shall be designated as those flood hazard areas which are identified by the Perry County Soil and Water District, and accompanying Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP). These maps and data shall be on file with the Perry County Engineer.

**Section 8020 – Floodway and Floodway Fringe:**

The Regulatory Flood Plain District is further divided into two portions consisting of the Floodway and the Floodway Fringe. The Floodway is that portion of the Flood Plain consisting of the channel and sufficient adjacent lands to convey the Base Flood discharge without increasing the Base Flood Elevation more than one-half foot. The Floodway Fringe is that portion of the Floodplain outside of the Floodway. The FEMA water surface profiles of the Base Flood shall govern the location of the Floodplain boundary. The Base Flood Elevations and Floodway boundaries shall be established as those indicated by NFIP maps and data published by FEMA, including all revisions and amendments thereto. FEMA maps and data shall be used to establish the Regulatory Flood Plain District. FEMA maps and data shall govern in case of omission on or in conflict with the zoning maps.

**Section 8030 - Non-Detailed Flood Hazard Areas:**

In designated flood hazard areas for which FEMA has not determined detailed flood elevations and Floodway boundaries, the applicant shall be required to furnish such information prepared by qualified personnel to enable the administration of this Ordinance consistent with its intent. Flood maps and data published by State or Federal sources such as the USDA Soil Conservation Service, U.S. Army Corps of Engineers, U.S. Geological Survey, or Ohio Department of Natural Resources shall be utilized when available. In case of differing information from two or more of these sources, the more comprehensive and recent technical data shall be used.

When detailed flood elevations and floodway boundaries are not available for the Base Flood through FEMA or other state or federal sources, the applicant shall provide them. Such information and data shall be prepared by a qualified Professional Engineer in accordance with currently accepted hydrologic and hydraulic engineering techniques and methodology. Such studies, analysis, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the County Engineer, and the State NFIP Coordinating Agency.

**Section 8040 - Permitted Uses in the Floodway:**

The following uses, not including buildings, shall be permitted within the Floodway, provided they comply with all other applicable sections of this Zoning Resolution:

- (A) Agricultural land uses such as general farming and cultivation, pasturing, grazing, outdoor open air nurseries, truck farming, forestry, sod farming, and similar uses.  
Private or public recreational land uses such as golfing, tennis, archery, picnicking, boating, swimming; parks, wildlife, or nature preserves; shooting ranges, hunting and fishing areas; hiking, biking, jogging, and horseback riding trails; and other similar uses.
- (C) Residential open space uses such as lawns, gardens, play areas, and other similar use

**Section 8050 – Prohibited Uses in the Floodway:**

The following structures and uses are prohibited in the Floodway unless specifically listed as a Conditional Use.

- (A) Buildings and structures, including mobile homes, for residential, commercial, industrial, agricultural, or other use.
- (B) Storage or processing of materials.
- (C) Trash, garbage, or waste disposal operations; landfills; wastewater treatment and disposal facilities.
- (D) Placement of material, fill, or spoil of any type or the construction or extension of levees, dams, dikes, floodwalls, or other such mounding.
- (E) Encroachments which would cause any increase in the Base Flood Elevations.

**Section 8060 - Conditional Uses in the Floodway:**

The following uses shall be Conditional Uses within the Floodway provided they comply with all other applicable sections of this Ordinance and any conditions attached by the Zoning Committee granting the Conditional Use Permit:

- (A) Construction, placement, or improvement or maintenance of public or private culverts, utilities, bridges and stream crossings of any type or size, erosion control and protection measures.

**Section 8070 – Flood Plains Development Standards:**

In addition to other applicable Development Standard provisions, the following standards for arrangement, development, and use of land and buildings shall be required in the Regulatory Flood Plain District.

**Section 8080 – Flood Plains Development Standards – Anchoring:**

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

**Section 8090 – Flood Plains Development Standards – Maintain Flow Characteristics:**

No use of the Floodplain shall unduly or adversely affect or impact the efficiency, flow characteristics, or flood heights of the main channel or other affected tributaries, ditches, drainage facilities or systems, for storm frequencies up to and including the Base Flood event. No use or encroachment within the Floodway shall increase the Base Flood Elevation.

**Section 8100– Flood Plains Development Standards – Minimize Flood Damage:**

All activities and developments shall be planned, designed, constructed, and installed consistent with the need to minimize damages in time of flooding.

**Section 8110 – Flood Plains Development Standards – Storage or Processing of Materials:**

Storage or processing of materials which are buoyant, pollutants, flammable, explosive, or could be injurious to human, animal or plant life in time of flooding shall be stored one and one half (1 1/2) feet above the Base Flood Elevation, or suitably flood-proofed and protected. The Ohio EPA shall approve proposed protection measures and safeguards. Storage of materials or equipment or placement of other obstructions which in time of flooding may be dislodged or otherwise carried off site by flood waters to the possible damage or detriment to life or property must be protected by suitable safety measures approved by the Zoning Commission.

**Section 8120 - Buildings & Structures Located in a Flood Plain District:**

Temporary or permanent placement of buildings and structures, new construction and substantial improvement of residential and nonresidential buildings shall meet the following:

**Section 8130 - Residential Construction within a Flood Plain District:**

- (A) Flood protection shall be achieved by elevating the building. Buildings shall not be permitted with floor levels below the base flood elevation. The lowest floor, including basement, shall be at least one foot above the Base Flood Elevation, plus Floodway computation increases. Floodway computation increases range from 0.0 to 0.5 feet and are listed in the Flood Insurance Study published by FEMA.  
All structural, site and/or grading plans for residential development activities in the floodplain shall be prepared and sealed by a registered professional engineer and/or architect.
- (C) The applicant shall obtain and furnish to the County Engineer as-built elevations, certified by a Registered Surveyor, of the basement and first floor, to be maintained on file for public inspection.
- (D) No residential buildings and/or structures shall be located in the Floodway portion of the Floodplain.

**Section 8140 - Non-residential Construction within a Flood Plain District:**

- (A) New construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the Base Flood Elevation, plus floodway computation increases; or, together with attendant utility and sanitary facilities, shall be flood-proofed so that the structure is watertight with walls substantially impermeable to the passage of water to at least one foot above the Base Flood Elevation, plus floodway computation increase; have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and, be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. A flood proofing certificate, to be completed by a registered professional engineer or architect is required if flood proofing is chosen over elevation.
- (B) All structural, site and/or grading plans for nonresidential development activities in the floodplain shall be prepared and sealed by a registered professional engineer and/or architect.
- (C) The applicant shall obtain and furnish to the County Engineer as-built elevations, certified by a Registered Surveyor, of the basement and first floor, to be maintained on file for public inspection.
- (D) No nonresidential buildings and/or structures shall be located in the Floodway portion of the Floodplain.

**Section 8150– Floodways:**

The Flood Insurance Study identifies a segment within areas of special flood hazard known as a floodway. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential.

**Section 8160– Areas with Floodways:**

The following provisions apply within all delineated Floodway Areas:

- (A) Other encroachments, including fill, and other development are prohibited unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- (B) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon prior approval by the Federal Emergency Management Agency.

**Section 8170 - Areas without Floodways:**

In all areas of special flood hazard where FEMA has provided base flood elevation data but has not delineated a floodway, the following provisions apply:

- (A) Encroachments, including fill, and other development shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one-half foot at any point.

**Section 8180 – Regulatory Flood Plain District – Additional Plan Requirements:**

For Zoning Compliance, Conditional Use Permit, and Variance applications involving the Regulatory Floodplain District, the applicant shall furnish sufficient information to permit the Zoning Administrator, County Engineer and/or Zoning Committee to determine the Regulatory Floodplain and Floodway Boundaries and Base Flood Elevations, and to otherwise facilitate the administration and enforcement of this resolution. Such information shall include but not be limited to the following:

- (A) Plans drawn to scale showing the nature, location, dimensions, and details of the property, development activities, and land use, both existing and proposed;
- (B) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
- (C) Existing and proposed topographical information;
- (D) Elevation in relation to mean sea level to which any proposed structure will be flood proofed where base flood elevation data are utilized including certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria.
- (E) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.
- (F) Other information as may be reasonably deemed necessary by the County Engineer.
- (G) The applicant shall submit certification of finished elevations, and/or other proofs or assurances of compliance with approved plans to the satisfaction of the County Engineer.
- (H) Permits issued on the basis of applications, plans, specifications, and other information approved by the County Engineer shall authorize only the use, arrangement, and construction set forth therein.

**Section 8190 – Compliance with Approved Plans:**

Building Permits or Conditional Use Permits issued on the basis of applications, plans, specifications, and other information approved by the Zoning Administrator or Zoning Committee shall authorize only the use, arrangement, and construction set forth therein. The applicant shall submit certification of finished elevations, and/or other proofs or assurances of compliance with approved plans to the satisfaction of the Zoning Administrator and/or the Zoning Committee.

**Section 8200 - Compliance with the National Flood Insurance Program:**

The administration of this Zoning Ordinance shall in no way lower any requirement or standard of the National Flood Insurance Program, 44 CFR Part 60.3 and 60.6.

The County Engineer shall review all applications involving Conditional Uses and Variances in the Floodplain and prepare a brief report and recommendation to be submitted to the Zoning Committee prior to action.

**Section 8210 – Flood Zone Warning and Disclaimer of Liability**

This Part of the Zoning Resolution does not imply that areas outside the Regulatory Floodplain District or uses allowed or otherwise permitted or approved within the Regulatory Floodplain District in accordance with the provisions of this resolution will be free from flooding or flood damages. This Resolution or its administration and/or enforcement shall not create liability on the part of the Township, any officer or employee of the Township, or other staff or personnel involved in its administration and/or enforcement. Additional flood protection beyond that required by this Resolution is recommended and encouraged.

## ARTICLE IX – SIGNS AND ADVERTISING

### **Section 9000 – Signs & Advertising – Purpose:**

The purpose of this chapter is to provide standards for signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility, and protection of the Township's rural character. The provisions of this Chapter are intended to:

- (A) Encourage creative and well-designed signs that contribute in a positive way to the Township's visual environment, express local character, and help develop a distinctive image for the Township. Quality and well-maintained signs are encouraged.
- (B) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property.
- (C) Recognize that signs are a necessary form of communication, and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.

### **Section 9010 – Signs & Advertising – Applicability:**

- (A) Sign standards – The sign standards provided in this Article are intended to apply to signs in each zoning district in the Township. Only signs authorized by this Article shall be allowed.
- (B) Existing non-conforming signs – Except as otherwise specifically provided, nothing in this chapter shall require removal or discontinuance of an existing on-premises or existing off-premises sign. Such signs shall not be enlarged or extended and the same shall be deemed a nonconforming sign under the terms of this Zoning Resolution. Nonconforming signs are subject to the provisions of Article V, and any modifications/enhancements must comply with this Article.
- (C) Content not regulated – The Township regulates only the physical location, size, density and appearance of signage. This Resolution shall not be used to restrict content or Constitutionally-protected free speech.

### **Section 9020 – Signs & Advertising – Sign Permits:**

- (A) Sign permits required. To ensure compliance with the regulations of this Article, a Sign Permit shall be required in order to apply, erect, move, alter, reconstruct, or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with this article.
- (B) Review authority. The Zoning Administrator will review all sign permit applications within the Township. The Zoning Administrator has thirty (30) days from the date of submittal to review all sign permit applications and either grant or deny the sign permit application.
- (C) Preparation. Applicants for a sign permit must submit the following information.
  - (1) Color sign rendering.
  - (2) Site plan and elevations.
  - (3) Sign dimensions and dimensions of sign mounting material, where applicable.
  - (4) Distance from all public rights-of-way.
  - (5) Style, type, wattage, and location of all lighting.
  - (6) List of construction materials, including sign mounting material, where applicable.
- (D) Criteria for approval. The Zoning Administrator may only approve a sign permit, if the proposed sign meets the requirements of this Chapter.

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**9030 – Signs Exempt from Permits and Temporary Signs**

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The following sign classes are allowed in any Zoning District and are exempt from sign permits or are deemed to be of a temporary nature.

<b>Sign Class</b>	<b>Maximum number per site</b>	<b>Permit Required</b>	<b>Permitted Sign Types</b>	<b>Maximum Area per Sign</b>	<b>Maximum Height (Entire Structure)</b>	<b>Lighting Allowed</b>	<b>Additional Requirements</b>
Flags, Pennants or Insignia of any nation, state, township, political unit or educational institution		N	Flags, Pennants	N/A	N/A	Yes	
Signs of a duly constituted government body		N	All types	N/A	N/A	No	Window signs may not be larger than twenty-five (25) percent of the aggregate window area. Window signs are limited to one per window
Cornerstones, Commemorative tablets and historical signs		N		10 SF		No	
Property address signs, or signs with the names of occupants of a residential property		N	All types	1 SF	4'	Yes	No internal illumination
Official neighborhood watch signs		N	All types	2 SF	5'	No	
Signs authorized by Ohio Dept. of Transportation within their right-of-way		N				Yes	To be located in ODOT right-of-way
Off-site directional signs to publicly owned facilities or emergency facilities		N	All types	12 SF	4'	Yes	
Off-site signs that are part of and accessory to bus shelters, transit shelters, or banners attached to streetlights and other similar structures and installed by the Township or in compliance with an agreement with the Township Board of Trustees		N	Wall signs and banners	4 SF		Yes	
Signs located inside a building		N	Interior			Yes	Must not be plainly visible from the exterior of the building
Directional signs, entry or exit to parking		N		4 SF	3'	No	Cannot be in ROW or obstruct motorist line of sight

Accessibility signs indicating special parking for the handicapped	1 per parking space	N	Pole / Bracket / Wall	2 SF	4'	Yes	Imprinted with the universal sign of accessibility
Official and legal notices required by a court or government agency		N	Temporary – All types			Yes	
Real Estate signs located on < 20 acres	1 per lot	N	Temporary – All types	4 SF	10'	No	Remove 10 days after sale complete



Sign Class	Maximum number per site	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Real Estate signs located on 20 acres or more	1 per road frontage	N	Temporary – All types	32 SF per face (max 64 SF total)	8'	No	Remove 10 days after sale complete; cannot be in ROW
Open house signs	3 off premise directional	N	Maximum 48 hours display	4 SF		No	Cannot be in ROW, must be with property owners' permission
Promotion of community services, schools, churches	1 per lot	N	Maximum of 30 days uninterrupted display			Yes	
Decorations associated with national, state, local or religious holidays		N	Flags / Signs / Lights			Yes	Can contain no advertising
Political signs		N	Maximum 72 hours after the election	4 SF	4'	No	Cannot be in ROW or on any fences or poles in ROW
Business "sandwich board"	1 per business location (only adjacent to a sidewalk)	N	Limited to regular hours of business	Not more than 3' wide	4'	No	Must leave 4' of sidewalk for passage, only display during daylight hours

#### **Section 9040 – General Requirements:**

- (A) Outdoor advertising signs. Outdoor advertising signs shall be limited to signs pertaining to advertising exclusively for the use established or goods sold or services rendered on the premises.
- (B) Encroachment into public right-of-way. No sign shall encroach into a public right-of-way, except that a blade/bracket sign attached to a building may project a maximum of three feet over a public sidewalk, if the lowest part of the sign is at least eight feet above the sidewalk surface.
- (C) Illumination of signs. The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:
- (1) External light sources shall be directed downward or shielded to limit direct illumination of any object other than the sign and be turned off outside of business hours;
  - (2) The light from an illuminated sign shall not be of an intensity or brightness that will create a negative impact on residential properties in direct line of sight to the sign;
  - (3) Signs shall not have blinking, flashing, or fluttering lights, or other illuminating devices that have a changing light intensity, brightness or color;
  - (4) Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices;
  - (5) Reflective type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property; and
  - (6) Light sources shall utilize energy efficient fixtures to the greatest extent possible.

- (7) Bulbs and lamps must be maintained in working order and replaced when broken or burned out.
- (8) Lighted signs must be "turned off" when establishment is closed.
- (D) Sign maintenance: Signs and supporting hardware, including temporary signs and time/temperature signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Visible rot or rust, falling parts, burned out bulbs or broken parts are evidence that a sign is not in a state of good repair. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- (E) Notice to repair: When the Zoning Administrator determines that such a sign exists in a state of disrepair, the Zoning Administrator shall issue to the owner of the sign and the owner of the real estate a notice of such disrepair and the need for corrective action.
- (F) Sign removal or replacement: When a business ceases operation for at least 90 days, the sign shall be removed. The property owner may request a variance to extend this time. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.
- (G) Appeals: Any individual that believes the requirements of this Article impose an unreasonable burden may request and present a case for a Variance to the Township Zoning Commission. Any action or decision of the Zoning Administrator with respect to Signs, may be appealed through the Township Board of Zoning Appeals.

#### **Section 9050 – Prohibited Signs:**

The following signs and types of signs are inconsistent with the purposes and standards of this Article and are prohibited in all zoning districts unless otherwise expressly allowed by the Ohio Revised Code.

- (A) No display signs except those exempted herein, park/recreation sign, church sign, public/private school sign, comprehensive subdivision type signage, and temporary signs shall be permitted in any residential district, excluding parcels occupied by commercial uses in Planned or conditional uses permitted in a residential district
- (B) No Sign shall be placed within any public right-of-way, except by permission of Ohio Department of Transportation (ODOT) or the Perry County Engineer
- (C) Flashing, moving, rotating, intermittently lighted signs or other mechanical devices
- (D) Air actuated attraction devices
- (E) Any sign blocking visual sight distance from any vehicular intersection, whether public or privately maintained, as determined by the County Engineer's Office. Any sign not included under the types of signs permitted in any district regulations or in this section

#### **Section 9060 – Signs Exempt From Permit Requirements, Permanent:**

Sign permits shall not be required for the signs listed in this Section. These exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

- (A) The flag, pennants or insignia of any nation, state, Township, or other political unit or jurisdiction.
- (B) Cornerstones, commemorative tablets and historical signs, not to exceed ten (10) square feet in area.
- (C) Signs bearing only residential property address or names of occupants of residential premises, not to exceed one (1) square foot in area. Signs bearing only non-residential street number, not to exceed one (1) square foot in area.
- (D) One wall sign on or over a show window or door of a store or business establishment, announcing only the name of proprietor and the nature of the business, not to exceed three (3) square feet in area.
- (E) Signs located in residential neighborhoods that are designated official neighborhood watch areas and limited to two (2) square feet in area.
- (F) Signs located off-site and providing directions to publicly owned facilities or emergency facilities and limited to 12 square feet in area.
- (G) Traffic directional signs indicating points of entry or exit to off-street parking, provided such signs are not larger than four (4) square feet in area. Such signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress.
- (H) A sign(s) located inside a building, provided the sign is not visible from the exterior of the building.

- (I) Elevated signs posted to indicate special parking locations for the handicapped, imprinted with the international symbol of accessibility.
- (J) Flags, pennants, or insignia of any governmental or educational institution.

**Section 9070 – Signs Exempt from Permit Requirements, Temporary:**

Sign permits shall not be required for the signs listed in this Section. These exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

- (A) Official and legal notices required by a court or governmental agency.
- (B) Real estate for sale, sold, rental or lease signs limited to no more than four (4) square feet in area, no more than six (6) feet in height, and with one (1) sign per lot. (Properties of less than 20 acres.)
  - (2) A maximum of three (3) off-premise directional signs shall be permitted in conjunction with an open house, not to exceed forty-eight (48) consecutive hours. During the hours of the open house, one additional sign indicating that the house is open will be permitted on the property.
  - (3) For property with a lot size equal to or exceeding twenty (20) acres, real estate for sale, sold, rental or lease signs are permitted to be a maximum of thirty-two (32) square feet in area for any one display area with a total display area not to exceed sixty-four (64) square feet and no more than eight (8) feet in height.
- (C) Signs for the civic promotion of schools, church, or community service activities which may be displayed for a maximum of thirty (30) days.
- (D) Flags, signs and sources of illumination clearly in the nature of decorations customarily associated with any national, state, local or religious holiday, and containing no advertisement.
- (E) One (1) sandwich board shall be permitted for each business location not to exceed four (4) feet in height as measured from the sidewalk and shall not exceed three (3) feet in width per side. Such signs shall be limited to three (3) colors, shall be displayed only during daylight hours and shall not be located on a sidewalk less than six (6) feet in width. Damage to sandwich signs and any liability shall be the responsibility of the owner. Sandwich boards shall be placed in such a way as to leave at least four (4) feet to allow for passage.
- (F) Political signs provided that they are maintained and displayed during a period of time not to exceed thirty (30) days before the election at which such candidacy, question or issue is to be submitted to voters and removed seventy-two (72) hours following such election; that such signs shall not exceed four (4) square feet in total display area and shall not exceed four (4) feet in height above the ground level and shall be displayed behind the property line or streets on which a lot or parcel fronts. The Township may enforce, at its discretion, greater distances to achieve safe view for traffic. Such signs shall not be illuminated nor be erected within any public rights-of-way or easements nor attached in any manner to any utility pole, fence or any other structure within any public rights-of-way.
- (G) Special event signs shall be defined as signs which are used to present knowledge regarding some special event of community importance such as a church or community festival. Such signs shall be considered as temporary signs, do not require a permit before erection but are subject to the following requirements:
  - (1) Not more than two (2) such signs regarding the same topic shall be erected at any given time and located no closer than one thousand (1,000) feet from each other.
  - (2) Such signs shall not impact the traffic sight
  - (3) Such signs shall not be illuminated.
  - (4) Such signs shall not be displayed for a period more than thirty (30) days before the event and shall be removed within forty-eight (48) hours after the event if located in any public right-of-way or within five (5) days if located elsewhere.
  - (5) Flexible type signs such as banners shall be provided with internal air vents to adequately relieve wind pressure.

**Section 9080 – Abandoned Signs:**

If any sign shall become abandoned, in a manner defined herein, such sign is declared a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and creating a blighting influence on nearby properties. An abandoned sign shall be any sign that meets any of the following conditions:

- (A) Any sign associated with the abandoned nonconforming use.
- (B) Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least ninety (90) consecutive days. Seasonal businesses are exempted from this determination.
- (C) Any sign that is not maintained

**Section 9090 – Abandoned Signs – Determination of Abandonment:**

When the Zoning Administrator finds, upon investigation, that a sign has been abandoned, the Zoning Administrator shall notify the owner of said sign and the owner of the property upon which such sign is located, of any findings. Such notice shall advise the owner of the sign that said sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The owner of the sign or the owner of the property may appeal such decision to the Zoning Commission. The Zoning Administrator shall maintain a photograph of said sign along with a written report of any finding in a permanent file.

**Section 9100 – Abandoned Signs – Right to Remove:**

If the sign is not removed as ordered, the same may be removed by the Township at the expense of the lessee or owner. If the Township is not reimbursed for the cost of removal within thirty (30) days of such removal, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property upon which such sign is located.

**Section 9110 – Violations, Penalties and Remedies:**

Any person, firm or corporation violating any requirement or prohibition of this chapter shall be considered in violation of this Code. Failure to comply within thirty (30) days of receipt of notification of violation, unless extended by the Zoning Administrator, shall render such person, firm or corporation subject to the penalties provided in this resolution.

## **ARTICLE X – PARKING AND STORAGE OF VEHICLES**

**Section 10000 – Purpose:**

The purpose of this article is to promote traffic safety by minimizing conflicts between pedestrians, vehicle movement and parking. Furthermore it is intended to provide for adequate parking facilities in all land uses, to reduce environmental nuisance from dust, and to prevent nuisance and conflicts between uses that abut parking and loading facilities. Nothing in this section shall be deemed to prohibit the parking of agricultural vehicles which are being used in conjunction with the agricultural use of the property where the agricultural vehicle is parked.

**Section 10010 – General Requirements for Off Street Parking – Residential Use in Farm/Residential District**

Off-street parking shall be required on any lot with a dwelling unit. Off-street parking in this section is meant to include driveways and other areas used or designated as parking spaces. No building or structure shall be erected, substantially altered, or its use changed in any zoning district except for agricultural uses without providing off street parking and or loading spaces.

**Section 10020 – Parking and Storage of Inoperable Motor Vehicles:**

No person shall park or keep an inoperable motor vehicle in any Zoning District. As used in this section "park or keep an inoperable motor vehicle" shall mean the storing, maintaining, collecting, depositing, reserving, allowing to stand, or permitting to remain, one or more inoperable motor vehicles at any place other than in an enclosed garage.

For purposes of this section, a motor vehicle shall be deemed inoperable when any of the following conditions exist:

- (A) One or more wheels are missing;
- (B) One or more tires are missing;
- (C) Two or more tires are flat;
- (D) One or more windows are missing or broken;

- (E) The windshield is shattered or missing;
- (F) Parts necessary for the operation of the vehicle are missing; or
- (G) A license with a distinctive number and valid for the current year is not displayed thereon.

**Section 10030 – Parking and Storage of Commercial Motor Vehicles and Trailers:**

The parking and storage of commercial motor vehicles is permitted within any Zoning District which permits residential dwellings. For purposes of these sections, "commercial vehicle" means any vehicle used or designed to be used for business or commercial purposes including a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step van, tank truck, tar truck or other commercial-type vehicle licensed by the Ohio State Bureau of Motor Vehicles as a commercial vehicle or truck and which is associated with the property owner's employment. Commercial vehicles with the intent of being stationary for a period greater than 14 days, shall not be parked within the 80' front setback of the residence, unless a designated parking area is established, and is not directly in front of the dwelling. Designated parking areas must be kept grass and weed free with a minimum of a stone base. A maximum of two (2) commercial vehicles are permitted in the residential areas.

**Section 10040 – Location of Parking:**

The following regulations shall govern the location of off-street parking spaces and areas:

- (A) Parking spaces for all detached residential Uses shall be located on the same lot as the use which they are intended to serve;
- (B) Parking spaces for commercial, industrial, or institutional uses shall be located not more than 700 feet from the principal use.

**Section 10050 – Drainage of Parking & Loading Areas:**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

**Section 10060 – Maintenance of Parking & Loading Facilities:**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

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## **Article XI – PLANNED UNIT DEVELOPMENT DISTRICTS**

### **Section 11010 - Purpose of Planned Unit Development Districts:**

This section is organized as authorized under Ohio Revised Code Chapter 519.12(A). Increased urbanization and population growth creates increased demands for well-organized areas which take into account unique natural features, historic preservation, contemporary land use concepts, a balanced environment, comprehensive and orderly expansion of needed infrastructure and transportation systems and balanced, sustainable fiscal growth for the community. Planned Unit Development (PUD) Districts encourage and provide a means for effectuation of a more desirable physical development pattern than would be possible through the strict application of land uses, density and dimensional requirements, but also consider the way in which land uses are executed. Each planned development district shall promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Each PUD District shall be substantially consistent with the policies and goals of the Reading Township Zoning Resolution.

### **Section 11020 – Applicability:**

The provisions of this article of the Zoning Resolution may be applied only to lands of the Township that have been approved for a Zoning Map amendment to one of the following PUD Districts:

(A) Planned Residential District (PRD)

### **Section 11030 – Procedure to Secure Approval for a Planned Unit Development District:**

The procedure to rezone a property to the PUD District is the procedure set forth in this Resolution. If a property is rezoned to a PUD District, the preliminary development plan and text approved by the Board of Township Trustees as a part of the rezoning shall be the zoning regulations applicable, and unique to that Planned District. The regulations for all Planned Districts are not required to be uniform but should maintain the minimum standards as set forth in this Resolution.

### **Section 11040 – Planned Development District Pre-Application Meeting:**

It is recommended that any developer wishing to use the PUD District shall meet with a Pre-application Review Team, appointed by the Zoning Commission, prior to the submission of a rezoning request or a Preliminary Development Plan. The purpose of such meetings is to discuss early and informally the purpose and effect of this Zoning Resolution, and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations; it being understood that no statements by officials or others in such informal meetings shall be binding on either party. All meetings of this nature shall be open to the public. The composition of each “Review Team” shall be at the discretion of the Zoning Commission in consultation with the Township Trustees. Members of a Review

Team have the ability to seek “expert” assistance deemed necessary (for example, but not limited to, dealing with questions and issues related to roadways and utilities – the Team may invite the Perry County Engineer to participate).

**Section 11050 – Rezoning to Planned Unit Development District Request and Preliminary Development Plan Review:**

The application for rezoning to a Planned Unit Development District and the preliminary development plan and text shall be considered and acted upon in accordance with the procedures set forth in this Resolution. The text shall be so detailed and complete as to clearly define the development proposed. The following shall be considered in reviewing the rezoning application and preliminary development plan and text:

- (A) Whether they are consistent with the intent and purpose of this Resolution
- (B) Whether the proposed development advances the general welfare of the community and neighborhood;
- (C) Whether the proposed development is consistent with the policies and goals of the Reading Township Zoning Resolution
- (D) Whether the benefits, combination of various land uses, and interrelationship with the land used in the surrounding area justify the proposed deviation from standard district regulations;
- (E) Where the uses proposed will not be detrimental to present and potential surrounding area uses, but will have a beneficial effect which could not be achieved under standard district regulations;
- (F) Whether the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the proposed planned unit development district;
- (G) Whether the development will have a beneficial or an adverse effect upon township and other governmental services, including fire, emergency, law enforcement and education;
- (H) Whether the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- (I) Whether the existing and proposed utility and governmental services are adequate for the population densities and nonresidential uses proposed.
- (J) An anticipated schedule for the development of units to be constructed in progression and a description to the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed phase for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; proposed retail sales area; building heights; open space; building intensity; parking areas; population density and public improvements proposed;



(K) Engineering feasibility studies and schematic plans showing, as necessary, water, sewer, and other utility installations, waste disposal facilities, surface drainage, street improvements; and nature and extent of earth work required for site preparation and development;

(L) Site plan, showing approximate building locations, various functional use areas, circulation, and their relationship;

(M) Preliminary building plans, including floor plans and exterior elevations with details on building materials;

(N) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

#### **Section 11060 – PUD Development Plan Application Review:**

Each application for approval of subsequent use or development in a planned district shall be reviewed to determine whether the facts submitted with the application and presented at the hearings established that:

(A) The proposed phase complies with the regulations applicable to the Planned Unit Development District in which it is located, as adopted pursuant to this Resolution.

(B) The proposed phase can be completed within five years of the date of approval.

#### **Section 11070 – Planned Unit District - Action on Development Application:**

Within thirty (30) days after submission of an application for approval of subsequent use or development in a PUD District, the Zoning Commission shall hold a public hearing on the application.

Within thirty days after that public hearing, the Zoning Commission shall recommend to the Board of Township Trustees the disapproval, approval, or approval with modifications of the application, based on the criteria set forth in this Resolution.

Within thirty (30) days after receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing on the application and the recommendation of the Zoning Commission.

Within thirty (30) days of such public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification of that recommendation.

The denial or modification of the recommendation of the Zoning Commission must be by majority vote of the Board of Township Trustees, or the recommendation of the Zoning Commission shall be deemed to be adopted by the Board of Township Trustees.

The adoption, denial or adoption with modification of the application shall be effective immediately upon the action by the Board of Township Trustees; such action shall not be subject to referendum; and such action shall be subject to appeal pursuant to Chapter 2506 of the Ohio Revised Code.

**Section 11080 – Planned Unit Development District – Application Approval Period:**

The approval of an application for subsequent use or development of each phase of a Planned Unit Development District shall be for a period of three years to allow the preparation and recording of the required subdivision plat(s) and the development of the project.

If no development has commenced to effectuate the detailed development plan within three years after approval of the application is granted, that approval shall be voided, and no further development of the land covered by that application shall be permitted unless another application for that land is approved under the procedures set forth here.

An extension of time limit for an approved application may be approved by the Board of Township Trustees if it finds that such extension is not in conflict with the public interest.

**Section 11090 – PUD District - Extension or Modification of Final Development Plan:**

(A) An extension of the time limit for the approved Final Development Plan may be granted by the Reading Township Zoning Commission without public hearing provided they find that such extension is not in conflict with the public interest.

(B) A request for minor changes to the Final Development Plan may be approved by the Township. Requests for minor changes shall initially be made to the Township Zoning Commission, who shall make a recommendation and pass it on to the Trustees. In approving such requests, the Township may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.

- (1) An increase in overall ground coverage of structures;
- (2) An increase in the problems of traffic circulation or public utilities;
- (3) A reduction of off-street parking and loading space;
- (4) A reduction in required pavement widths;

(C) In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or

amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:

- (1) A change in the use or character of the development;
- (2) An increase in the density or overall number of dwelling units;
- (3) A reduction in approved open space;
- (4) A reduction of the acreage in the Planned Unit Development District. In approving such requests, the Township may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district

#### **Section 11100 – Ownership of Open Space:**

Different ownership and management options apply to the permanently protected common open space created through the development process. A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

#### **Section 11110 – Planned Unit Development District – Ownership Standards for Open Space:**

Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Township.

(A) Offer of dedication – The Township shall have the first offer of undivided common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Township may, but is not required to accept undivided common open space provided:

- 1) Such land is accessible to all the residents of the Township;
- 2) There is no cost of acquisition other than incidental costs related to the transfer of ownership;
- 3) The Township agrees to maintain such lands. Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.

(B) Homeowners Association – The undivided common open space and associated facilities may be held in common ownership by a Homeowners Association. The Association shall be formed and operated under the following minimum standards:

- (1) The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.

- (2) The Association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
- (3) Membership in the Association is mandatory for all purchasers of homes therein and their successors.
- (4) The Homeowners Association shall be force funded.
- (5) The developer will operate the Homeowner's Association until 90 percent of the lots in the development are occupied.
- (6) The method for turning over the Homeowner's Association shall be identified.
- (7) The Association shall be responsible for maintenance of insurance and taxes on the undivided common open space. The Association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
- (8) The members of the Association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.
- (9) In the event of transfer, within the methods herein permitted, of undivided common open space land by the Homeowners association, or the assumption of maintenance of undivided common open space land by the Township, notice of such pending action shall be given to all property owners within the development.
- (10) The Association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
- (11) The Homeowners Association may lease common open lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such lease agreement shall provide:
  - 1) That the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season);
  - 2) That the undivided common open space shall be maintained for purposes set forth in the approved final development plan;
  - 3) That the operation of common open space may be for the benefit of the residents only, or may be open to all residents of the Township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Township, all residents of the Township shall have access to such identified paths/walkways;

4) The lease shall be subject to the approval of the homeowner's association board and any transfer or assignment of the lease shall be further subject to the approval of the board.

(C) Condominium Association – The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.

(D) Dedication of Easements – The Township may, but shall not be required to accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners associations, provided:

- (1) Such land is accessible to Township residents;
- (2) There is no cost of acquisition other than incidental transfer of ownership costs;
- (3) A satisfactory maintenance agreement is reached between the developer, association and the Township

(E) Transfer of Easements to a Private Conservation Organization. With the permission of the Township, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:

- (1) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
- (2) The conveyance contains whatever provisions are agreed to between the Township Trustees, the owner and the organization.

(F) Third party ownership – With the approval of the Township, open space may be owned by a third party if protected by either:

- (1) An open space easement which permanently and irrevocably transfers the development rights from the open space land to a homeowners or condominium association, the Township or a conservation organization; or
- (2) Non-modifiable deed restrictions that permanently restrict the use of the open space to those uses identified in the approved development plan. Open space land to be transferred to a third party other than a Homeowners Association, Condominium Association or the Township shall also be located in a reserve with an open space notation on a recorded final plat.

#### **Section 11120 – Planned Unit Development District – Maintenance of Open Space:**

(A) Ownership:

The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special

assessments, etc. The owner shall be authorized under the homeowner association bylaws to place liens on the property of residents who fall delinquent in payment of dues or assessments.

(B) Failure to Maintain:

In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice, add to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said (30) days or any extension thereof, the Township Trustees may pursue the enforcement as a zoning violation.

**SECTION 11130 – PLANNED RESIDENTIAL DISTRICT (PRD) – Purpose**

The Planned Residential District (PRD) is a Planned Unit Development district adopted pursuant to Ohio Revised Code 519.021

- (A) And is intended to provide flexibility in the arrangement, design, lot size and setbacks of primarily single family dwellings based on a unified development plan. PRDs are intended for those areas of the township with centralized water and sewer that are also recommended for densities of up to 3.0 dwelling units per acre on the adopted Comprehensive Plan. Natural features such as topography, woodlands, wetlands, bodies of water, floodplains and drainage ways should be maintained in a natural state as much as possible to maintain a rural character. Open space is a major component of such a unified development plan.
- (B) The objectives of the Planned Residential Development District include:
- 1) To encourage creativity in residential neighborhood design through a controlled process of review and approval of particular site development plans that preserve open space, protect ravines, woodlands, wetlands and floodplains;
  - 2) To encourage development that makes more efficient use of land, and requires shorter networks of streets and utilities;
  - 3) To integrate and provide useable and accessible open space and recreation in close proximity to residential dwelling units;
  - 4) To use permanent open space as the centerpiece of residential developments.
  - 5) To permit appropriate densities in areas that have access to centralized water and sanitary sewer, while protecting natural resources via clustering of houses;
  - 6) To provide a variety of housing options.

#### **Section 11140 – Density:**

The permitted density (the number of dwelling units in the proposed PRD), is determined by multiplying the Net Developable Area for the development tract by 3.0 units per Net Developable acre. Land dedicated to and accepted for public use (school, fire station, park, etc.) may be included in the net developable area for density calculations, provided building footprints on the public dedication tract comprise less than 30% of its land area. The density of any one sub-area in the PRD may exceed 3.0 units per acre so long as the total density for the entire PRD development tract does not exceed 3.0 units per Net Developable acre.

#### **Section 11150 – Permitted Uses:**

(A) Within the Planned Residential District (PRD) the following uses, when developed in strict compliance with the approved development plan and standards, may be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

(B) Single family (detached) residential dwellings.

(C) Attached single family (attached by a common vertical firewall, such as townhouses, or patio homes) residential owner occupied dwellings in groupings of up to two attached units, so long as such attached units do not comprise more than five (5%) of the total number of residential units in the PRD.

(D) Multi-family dwellings, so long as such Multi-Family units do not comprise more than ten (10%) of the total number of residential units in the PRD.

(E) Common Open Space-Upon approval of the final development plan by the township, the following open space types may be permitted:

(1) Maintained Passive Open Space

(2) Recreational Open Space

(3) Unmaintained Passive Open Space

(F) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the PRD development, so long as no more than five (5) acres of the total PRD are dedicated to such uses. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to major thoroughfares as to permit access without burdening residential streets.

(G) Schools with adequate area as approved per plan for indoor and outdoor recreation, parking and additional setbacks as may be necessary to avoid disruption to adjacent residences

#### **Section 11160 – Accessory Uses:**

(A) Temporary structures such as mobile office and temporary buildings of a nonresidential character may be used incidental to construction work on the premises or on adjacent public projects or during a

period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than two (2) times, for a total of eighteen (18) months. Renewal of the permit shall be at the discretion of the Zoning Administrator on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Administrator may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and the fees for renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit.

(B) Conducting of casual sale of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days. The sale and parking area shall be out of the road right-of-way so as not to interfere with traffic on adjacent thoroughfares.

(D) Model Homes, defined as residential-type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder/developer features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor coverings, etc.), in the environment of a completed home. Model homes may be staffed by the builder/developer sales force. Permits for model homes shall be reviewed by the Board of Zoning Appeals in order to ensure compliance with the following restrictions:

(1) Lighting: All exterior lighting, except for security lighting, must be down-lighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting, except for security lighting, shall be extinguished at the closing time of the model home.

(2) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) parking spaces.

(3) Screening and Trash Receptacles: Landscape drawing shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home.

(4) Termination of Use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase, contiguous subdivision, shall terminate when building permits have been issued for ninety percent (90%) of the lots or after the expiration of five (5) years, whichever occurs first.

(5) Model Home Signs: The Board of Zoning Appeals may approve model home signs provided the following conditions are met:

(a) The sign shall not exceed 16 (sixteen) square feet per side with 32 (thirty two) square feet maximum total display area;

(b) The overall height of the sign shall be no more than four (4) feet above grade.



(c) Model home sign shall be located on the same lot as the model home.

(d) If sign information is not presented at the time the development is submitted and approved, the applicant will apply for a conditional use permit to the Board of Zoning Appeals, which will rule on additional sign conditions.

#### **Section 11170 – Conditional Uses:**

Unless approved as a part of the PRD development text, the Board of Zoning Appeals may approve the following conditional uses within a PRD

(A) Telecommunication towers pursuant to this Zoning Resolution;

(B) A nursing home, rest home, or home for the aging as defined in ORC 3721.01.

(C) A child day care administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than the parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home.

#### **Section 11180 – Prohibited Uses:**

(A) Uses not specifically authorized by the express terms of this Article of the zoning resolution shall be prohibited.

(B) No trailer of any type, no boats, no motor homes nor equipment of any type shall be parked in front of the building line on any parcel within this district for more than forty-eight hours in any seven (7) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.

(C) No motor home, mobile home or camper of any type may be occupied by a guest of the resident/owner.

(D) Except for permanently sited manufactured housing as may be approved in the development plan, no manufactured housing or mobile home shall be placed or occupied in this district.

(E) Agricultural uses and/or activities are prohibited in subdivisions that meet the requirements of Ohio Revised Code section 519.21.

#### **Section 11190 – Initial Discussions – Concept Stage:**

The applicant is encouraged to engage in informal consultations with the Reading Township Zoning Commission and Reading Board of Township Trustees prior to formal submission of a development plan and application to amend the zoning map. Simultaneous with Concept Stage discussions, it is recommended that the applicant schedule a walkabout on the site with the Zoning Commission and the Board of Trustees to familiarize all parties with the lay of the land, and the general design intent. No statement by officials of the Township shall be binding at the concept stage. In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to PRD shall follow the procedures herein. Such informal consultations and/or walkabouts shall occur only during properly advertised public meetings.

#### **Section 11200 – Required Design Standards: PRD developments shall incorporate the following design standards:**

(A) Minimum PRD tract size - 20 acres, unless adjacent to another PRD, in which case the Zoning Commission may permit the tract size to be reduced to 10 acres.

(B) Open Space - Open space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. A minimum of 30% of the gross acreage shall be dedicated open space, with a minimum of 15% of the gross acreage being Recreational Open Space and a minimum of 15% of the gross acreage being Maintained or Unmaintained Passive Open Space. In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included. In calculating Open Space, environmentally sensitive areas deleted from the Net Developable Area such as wetlands, floodplains, slopes greater than 20% and utility easements may count for up to 50% of the required Open Space.

(C) Perimeter PRD Setback - 50 feet from property lines.

(D) Storm Water- Open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding. Retention ponds and constructed wetlands as detention basins are preferred over plain detention basins.

(E) Subdivision standards - Improvements within the PRD shall conform to the subdivision standards for Perry County Ohio, Soil and Water Conservation District

(F) Natural area preservation - Wetlands, steep (over 25%) slopes, forests, 100 year floodplains, ravines should be preserved to the greatest extent possible. Foliage should be retained where practicable.

(G) Floodplains - No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river and no residential dwelling shall be constructed within 250 feet of a stream bank. All other floodplain standards set forth in this Zoning Resolution shall be met.

(H) Architecture - The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. Four-sided architecture is required.

(I) Sidewalks - A network of paved sidewalks, walking paths and bicycle paths shall be provided. Where located parallel to the roads, sidewalks shall be separated from the street pavement by at least a five (5) foot landscaped or grassed strip. Walking paths may be located per plan. The Zoning Commission may require paved walkways to connect residential areas and open spaces.

(J) Streets – Streets shall meet Perry County road standards, regardless of whether roads are private or public.

(K) Street Trees - Deciduous, broad leaf street trees, if required by the Zoning Commission, shall be placed one for every 50 feet of lineal road frontage.

(L) Minimum Front Setbacks - Houses, 40 feet from the street right of way, or as approved per plan. Front load garages shall setback at least 50 feet from the street right of way. Notwithstanding the foregoing, front load garages shall not be closer to the street right of way than the main house structure. Variation in front setbacks is encouraged.

(M) Minimum lot size - 15,000 square feet for single family detached dwellings.

(N) Minimum Lot Width at the building line – 80 feet for single family detached houses.

(O) Minimum Side yards - 12 ½ feet each side (25' between structures), with no encroachments, including chimneys, air conditioning units, etc.

(P) Driveway Setbacks- Three feet from side lot line. Side-load garages shall provide at least 20 feet of paved apron, exclusive of the 3' setback.

(Q) Minimum Rear yard - 30' for houses. 20' for detached garages, or as otherwise approved on the PRD development plan.

(R) Streets - Street layouts should be looped or grid to create an interconnected road network. Dead end streets should be avoided, except where severe topography or other physical condition prevents connection.

(S) Building Height Limits- No buildings in this district shall exceed thirty-five feet (35') in height measured from the elevation of the threshold plate at the front door to the highest point of the roof. Notwithstanding the foregoing, chimneys, silos, grain handling conveyors, church spires, domes, flag poles, windmills, antennas, or towers may exceed thirty-five feet in height, however such structures shall not be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract and in no event shall exceed one hundred (100) feet in height.

(T) Building Dimensions - (Floor space requirements)

(1) Each detached single family dwelling hereafter erected in this district shall have a living area not less than one thousand four hundred (1,400) square feet or one thousand (1,000) square

feet of ground floor living area, if the residence is multi-story. All such living areas shall be exclusive of basements, porches or garages.

(2) All attached single family or multi family structures constructed within a PRD shall contain the following minimum living area, or as approved per plan:

- (a) One (1) bedroom unit - 1,000 square feet
- (b) Two (2) bedroom unit - 1,100 square feet
- (c) Three (3) bedroom unit - 1,200 square feet
- (d) Four (4) or more bedroom unit – 1,400 square feet

(U) Landscaping- All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped. A landscape plan showing the caliper, height, numbers, name and placement of all material, prepared by a licensed landscape architect shall be approved as a part of the Final Development Plan.

(V) Parking- Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the provisions of this Resolution shall be incorporated unless specific divergence is approved.

(W) Signs- Except as provided under the provisions of this article for home occupations of this Resolution and except as permitted by the Board of Zoning Appeals incidental to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet of advertising area on each side. If approved as part of the PRD development plan, the owner or developer of a subdivision or similar area, upon the conditions and for the time period established by the Zoning Commission, may erect one (1) sign not exceeding thirty-two (32) square feet of advertising area per side advertising said subdivision, development or tract for sale. Signs and the surrounding area (including any landscape bed) shall be well-maintained.

(X) Exterior Lighting- All exterior lighting shall be as specifically approved as part of the final development plan.

(Y) Common Open Space- A minimum of thirty percent (30%) of the gross acreage within a Planned Residential Development shall be required to be common open space, available to all residents or users of the Planned Development. The common open space shall be subject to the following additional criteria:

- (1) The location, shape, size and character of common open space shall be suitable for the planned development in relation to the location, number and types of buildings it is intended to serve. In any case, it shall be highly accessible to all residents or users of the planned development.
- (2) The common open space shall be for the use and enjoyment of the owners and occupants of the individual building sites of the development and shall be accessible to all such owners and

occupants. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the planned development in relation to its size, density, expected population, topography, and the type of dwellings.

(3) The common open space may be suitably improved for its intended use, but common open space containing natural features worthy of preservation shall be left unimproved. The buildings, structures, and improvements that are permitted in the common open space must be appropriate to the uses that are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

(4) The proposed common open space may be conveyed to a public authority that will agree to maintain the common open space and any buildings, structures or improvements that have been placed on it. All land dedicated to the public must meet the requirements of the appropriate authority as to size, shape, and location. Public utility or other similar easements and right of way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the authority to which the land is dedicated.

(5) The proposed common open space may be conveyed to an owners' association or similar organization formed for the maintenance of the planned development. The common open space must be conveyed by covenants under such an arrangement subject to approval by the Zoning Commission. Such covenants shall restrict the common open space to the uses specified in the Development Plan and provide for the maintenance of common open space in a manner, which assures its continuing use for its intended purpose. Membership in the owners' association shall, by deed restriction, be mandatory for any owner within the planned development.

(6) If the proposed common open space is not conveyed to a public authority or to an owners' association it must be deeded in title to a fiduciary which, for a fee, acts as a trustee for the benefit of all owners and occupants of the planned development. The trustee shall give easements across the open space and the right to use the facilities to all owners and occupants of planned development. The trustee shall be provided the right to charge and lien each property of its proportionate share of upkeep costs for the common facilities.

(Z) Emergency warning sirens shall be installed within the development.

(AA) Supplemental Conditions and Safeguards - The Reading Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement and maintenance of common open space, and any other pertinent development characteristics.

(BB) Divergences - The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article that is noted "as approved per plan." An applicant requesting a divergence shall specifically list each divergence on the preliminary and final development plan submittals and shall provide written justification of such requested divergence.

### **Section 11210 – Application Procedure:**

The applicant, being the owner of subject real estate, may apply one of two ways (either A or B).

(A) File Preliminary and final development plans separately

(1) Step one- Apply for a Zoning Map amendment to designate the land as a PRD and submit a Preliminary Development Plan with the application. If the application is approved, then the Zoning Map is amended to PRD. (This is a legislative act and is subject to referendum).

(2) Step Two- Once an application for a Zoning Map amendment to PRD has been approved, the applicant submits and seeks approval of a Final Development Plan. Unless simultaneously adopted as part of the Zoning Map change, the subsequent approval or disapproval of the Final Development Plan is an administrative act by the Township (not subject to referendum), but is subject to the review and approval by the Township for appropriateness.

(B) Simultaneous Application for Zoning Map Amendment and Approval of the Final Development Plan

(1) The applicant, being an owner of real estate, may apply for a Zoning Map amendment to designate the land as a PRD and simultaneously submit, along with the application for the zoning change, a Final Development Plan acceptable to the township and in accordance with the Final Development Plan standards set forth herein. (This is a legislative act and is subject to referendum).

### **Section 11220 – Required Findings for Approval of a Planned Residential Development:**

The Zoning Commission and Trustees may approve an application to rezone property to the Planned Residential Development District provided they find that the proposed use complies with all of the following requirements:

(A) That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.

(B) That the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.

(C) That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.

(D) That the proposed plan meets all of the design features required in this Resolution.

(E) That the proposed development is in keeping with the existing land use character and physical development potential of the area.

(F) That the proposed development will be compatible in appearance with surrounding land uses.

(G) That the development promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

**Section 11230 – Effect of PRD Zoning:**

Upon approval of the PRD district, all previous regulations shall no longer be in effect, and the regulations for the PRD shall prevail.

**Section 11240 – Preliminary Development Plan:**

Upon application for a PRD, the owner(s) of lots or land within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site in accordance with PRD standards

(A) Fifteen (15) copies of the preliminary development plan shall be submitted to the Zoning Commission with the PRD application. The plan shall include in text and map form, the following:

- (1) The proposed size and location of the PRD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, existing and proposed structures, structures within 200' of the development tract.
- (2) Location of environmentally sensitive areas such as the 100 year floodplain, wetlands, slopes greater than 20%, forests and heavily wooded areas. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Perry County.
- (3) Permitted density calculations.
- (4) The intended general provisions for fire hydrants and surface drainage, to the extent known. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.
- (5) Water supply, sanitary sewage disposal feasibility, gas supply and electric supply shall be indicated in writing by the appropriate agency at the time of the preliminary plan.
- (6) The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.

- (7) A design of the open space and proposed description of its use and maintenance.
- (8) Proposed public land dedications.
- (9) Specific statements of requested divergences from the development standards in this article or other articles in this resolution.
- (10) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- (11) Emergency service provisions (letter from Fire and Police departments).
- (12) General phasing plans, if any, including density calculations by phase.
- (13) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
- (14) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.
- (15) A lighting plan identifying location, size and spillage for all street and exterior lighting.
- (16) An Economic Impact Statement setting forth the financial impact of the proposed PRD on the Township, the school district and Perry County.

(B) Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics and may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the preliminary development plan..

(C) Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PRD preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the PRD preliminary development plan.

(D) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PRD property, the applicant must submit an affidavit from each property owner within the PRD stating that the applicant may act as the owner's agent to submit the PRD application. Said affidavits shall expire after six (6) months and new affidavits shall be submitted by the applicant at the request of the Township.



### **Section 11250– Final Development Plan:**

The applicant shall submit fifteen (15) copies of the final development plan with the application. The review and approval of the Final Development Plan is an administrative act, not subject to referendum unless the final development plan is simultaneously submitted with application for the zoning change. If there is substantial deviation from the approved preliminary development plan, the final development plan shall state the areas of divergence. The final development plan shall include in text and map form the following:

(A) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PRD development.

(B) The plan shall be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following:

(1) The general development character of the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.

(2) Environmentally sensitive areas such as the 100 year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100- year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Perry County. To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.

(3) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.

(4) The proposed provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Line sizes and locations, detention basins and drainage structures shall be drawn.

(5) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.

(6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.

(7) Specific location of schools, parks and other public facility sites, within or adjacent to the site.

(8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.

(9) If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.

(10) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.

(11) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.

(12) A lighting plan identifying location, size and spillage for all street and exterior lighting.

(13) An Economic Impact Statement setting forth the financial impact of the proposed PRD on the Township, the school district and Perry County.

(14) Specific statements of divergence from the development standards and the justification therefore, unless a variation from these development standards is specifically approved, the same shall be complied with. Since the Final Development Plan is an exact rendition of what is intended to be built, all standards for setback, landscaping parking and lot size are per plan.

(15) Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

(16) The final development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.

(17) Supplemental Conditions and Safeguards:

The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the final development plan.

(18) Additional Fees:

The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PRD preliminary development

plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the final development plan.

(29) Affidavit of Property Owners:

To the extent that the applicant is not the owner of the proposed PRD property, the applicant must submit an affidavit from each property owner within the PRD stating that the applicant may act as the owner's agent to submit the PRD application.

#### **Section 11260 – Final Development Plan Approval:**

(A) Approval Period - The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development plan was granted. If the required final subdivision has not been approved and recorded, and construction commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final development plan has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as Reading Township Zoning Resolution. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PRD.

(B) Effect of Final Development Plan Approval - The Final Development Plan as approved by the Township Zoning Commission shall be the subject of a subdivision plat to be approved by Perry County if required by the Ohio Revised Code. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development.

(C) Plat Required - If required by applicable law, no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Perry County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:

(1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

(2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of

occupants, including those applicable to areas within the tract to be developed for non-residential uses.

(3) A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat recorded within three (3) years after the approval of the final development plan or within such other period as approved per plan.

(4) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning permit be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

(D) Failure to Maintain - If the approved development plan is not adhered to, or the open space is not properly maintained, the Township Zoning Administrator may serve written notice of the deficiencies and demand that corrective action be taken. The Township may pursue noncompliance as a zoning violation as provided in this Resolution.

(E) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Administrator, the Zoning Commission or their designated technical advisors for an administrative review to ensure substantial compliance with the development plan as approved, prior to issuance of a zoning permit. The Board of Trustees may establish a fee to be deposited with each administrative review in order to defray the costs associated with such a review.

(F) Extension of Time/ Modification of Final Development Plan

(1) An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

(2) A request for minor changes to the final development plans may be approved by the Zoning Commission without being subject to the same procedures as the original application.

(3) In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of preliminary, and final development plan approval as the original application. The following shall be considered substantial departures from the original application.

i. A change in the use or character of the development

ii. An increase in overall lot coverage of structures and off-street parking

- iii. An increase in the density
- iv. An increase in the problems of traffic circulation and public utilities
- v. A reduction in approved open space;
- vi. A reduction of off street parking and loading space;
- vii. A reduction in required pavement widths;
- viii. A reduction of the acreage in the planned development;
- ix. Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.

(G) Divergences - The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article. An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittals.

## **Article XII – RESIDENTIAL CONSTRUCTION MATERIAL STANDARDS**

### **Section 12000 – Residential Design Standards Purpose:**

The purpose of this section is promote the health, safety and general welfare of the residents of Reading Township by encouraging high quality in the organization, and construction of new residential developments and neighborhoods by:

- (A) Promoting new residential developments that are distinctive, have character, and relate and connect to established Township character;
- (B) Encouraging site planning that accommodates and responds to the existing natural and built environment on and adjacent to the site, including preservation of existing trees, vegetation, wildlife habitat, stream corridors, and wetlands;

### **EXTERIOR COVERINGS**

- (A) Buildings should be constructed of high-quality materials, and the use of variety of materials is encouraged. Acceptable exterior covering materials include metal siding panels, brick, stucco, vinyl siding, stone or simulated stone, wood lap siding, logs or log siding (properly primed and painted, or stained). Reclaimed wood exterior may be permitted upon approval from the Zoning Administrator. Contemporary secondary or supporting materials with the same visual characteristics as traditional materials (e.g., cement plank clapboards) are acceptable if properly detailed with surface textures and trim at openings, corners, and changes in material and in context with the primary materials. Long-term maintenance needs should be a consideration in the selection of all building materials.

- (B) At minimum, the exterior of newly constructed structures, residences, accessory buildings and all other structures which requires a permit, must be completed prior to the permit expiring.

**Section 12010 – Residential Design Standards – Required Features:**

- (A) Eaves – All single family and two-family structures shall have a minimum of 8 inch eaves on all roof lines where a gutter will be placed. This applies whether gutters are present or not.
- (B) Foundation / Basements - All single family and two-family structures shall sit upon a slab, crawl space or basement.
- (C) Exterior trim – All windows and doors shall have exterior trim.

**Section 12020– Residential Design Standards – Garage Placement & Design:**

- (A) Design standards for garages for two-family & multifamily residential:
  - (1) Garages for shall be designed and oriented so that they do not dominate the front façade of the building to which they are attached and so that they provide variety in the front plane or façade of the building and visual interest on all sides of the garage that are visible from the public right-of-way.
  - (2) Detached garages shall be designed to be compatible with the related residential structures and shall be designed and oriented to minimize the visual effect of the scale and massing of the garages and create visual interest on all sides of the garage that are visible from the public right-of-way, through the use of landscaping, berming, architectural features or styles, building materials, and/or orientation of the site.
  - (3) To the maximum extent feasible, garage entries, carports, and parking garages shall not be located between a principal multi-family building and a required street frontage,
  - (4) Detached garages and carports shall be compatible with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, colors, and details.

## **Article XIII – FENCES**

**Section 13000 – Purpose:**

The purpose of this section is to establish regulations controlling the location, installation and standards for fences in order that a property owner may construct a fence which retains the privilege of privacy, allows attractive landscape design, or offers reasonable security while assuring that such fences are located and constructed to respect the rights and enjoyment of neighboring property owner, the appearance of the community, and the overall health, safety, and public welfare of its residents.

This section sets forth regulations pertaining to the location, installation and standards for new fences in all zoning districts in the Township. Any fence erected prior to the date of this section, which does not comply with these regulations, shall be nonconforming. However, the Zoning Administrator may order appropriate remedial measures to alleviate any hazardous conditions related to any fence, whether newly constructed following adoption of this section, or constructed prior to the adoption of this section, whether conforming or nonconforming, when the Zoning Administrator determines that such condition, without immediate remedial measures jeopardizes the health and safety of nearby residents or occupants.

**Section 13010 – Fence Standards:**

General fence standards for all Zoning Districts (except for agricultural uses) shall be:

- (A) No barbed wire fence or similar sharp point fence shall be constructed, erected or maintained in any district except for agricultural uses.
- (B) Electrically charged fences shall be forbidden in all districts except on sites used to confine livestock.
- (C) All fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any ground between the fence and property line shall be well maintained.
- (D) All fences and walls must present the finished non-structural face outward.
- (E) No fence or wall may be placed such they interfere with street level sight visibility for a distance of 50 from any approach to an intersection. No fence or wall shall be permitted to encroach upon public rights-of-way or easements.
- (F) All fences must be constructed in front of any property line and/or easement.
- (G) All fences on a parcel shall have a unified style.
- (H) Guard rails shall not be used as fencing.

**Section 13020 – Fence Administration:**

Permit Required: No fence (with the exception of an agricultural fence for animal containment), shall be constructed, altered or reconstructed without a permit from the Zoning Administrator and after such application has been approved.

Inspections: It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans approved by the Township, and such fence does not encroach upon another lot or parcel of land nor is it in violation of any deed restrictions. The Township in accordance with the plans submitted for the permit, shall not be construed to mean that the Township has determined that the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him therein.

## ARTICLE XIV – TELECOMMUNICATION TOWERS

### **Section 14000 – Purpose Telecommunication Towers:**

Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the Reading Township Trustees being duly notified of a person's intent to construct a Telecommunication Tower in any area zoned for residential use, public utilities or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the conditions of this Article are met.

### **Section 14010 – Definition of Telecommunication Tower:**

A telecommunication tower shall meet all of the following conditions:

- (A) Constructed on or after October 31, 1996
- (B) Owned or principally used by a public utility engaged in the provision of telecommunication service.
- (C) A free standing structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.

### **Section 14020 – Telecommunication Tower Performance Bond:**

For each telecommunication tower, the owner or operator shall provide to the Township, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of this Article are performed and complied with, including necessary repairs, repairs to public highways and roads and the cost and expense of removal in the event of abandonment. The Reading Township Board of Trustees may draw upon the performance bond to recover any costs, damages, or expenses incurred by the Township, which arise out of the violations of this Article or the abandonment or discontinuance of the use of a tower.

### **Section 14030 – Procedure to Request Installation of Telecommunication Tower:**

Any request to the Township must include all of the following items:

- (A) The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC Section 519.211.
- (B) The applicant must demonstrate at the time of application that no technically suitable and feasible sites are available in a non-residential district. There shall be an explanation of why a tower at this proposed site is technically necessary.
- (C) Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential colocation of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing.
- (D) Setback from any residence, a minimum distance of nine hundred (900) feet
- (E) The entire structure of all new facilities proposed to be located within 1 mile of residentially zoned areas must be camouflaged through location in or on, other existing structures.
- (F) Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance of nine hundred (900) feet.
- (G) Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of nine hundred (900) feet.
- (H) Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery or other screening materials.
- (I) The applicant shall notify the Zoning Administrator within thirty (30) Days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations.
- (J) No advertising or illumination other than that required by law may be located on the structure or on the required screening.



- (K) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the Zoning Office every five (5) years which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Reading Township Zoning Administrator. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (30) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair, and/or removal.
- (L) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes, or other uses that are needed to send or receive transmissions.
- (M) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger - High Voltage." The operator must also post "NO Trespassing" signs.

## **ARTICLE XV – ADULT ENTERTAINMENT FACILITIES**

### **Section 15000 – Purpose:**

The Adult Entertainment Facilities Regulations grow out of noted concerns raised by Reading Township concerning the possibility of adult businesses locating in the Township and the potential of resulting ill effects on the health, general welfare and morals of the Township.

### **Section 15010 - Zoning Authority:**

Reading Township, Perry County, Ohio, pursuant to Ohio Revised code Section 519.02 and for the purposes specified thereunder, may and does regulate and has local zoning control over land use in Reading Township. Adult entertainment establishments are a type of land use.

### **Section 15020 - Zoning Issues Regarding Adult Entertainment Establishments:**

At the time of the adoption of this regulation there are no sexually oriented businesses in Reading Township. There is the possibility that adult entertainment businesses will someday want to locate within the Township. Renton, Washington, a suburb of Seattle, enacted 1000 foot separation standards between adult entertainment establishments and certain other land uses; those standards were upheld by the United States Supreme Court. More recently the State of Ohio Courts have upheld 1,500 foot separation standards. The Township wishes to use zoning powers to establish appropriate locations for adult entertainment establishments so as to minimize the adverse secondary effects of such establishments. Reading Township has chosen to follow the standards upheld in the State of Ohio, of 1500 foot separation standards.

### **Section 15030 – Definition of Adult Entertainment**

#### **Adult entertainment establishment definitions.**

As used in sections 503.51 to [503.53](#) of the Revised Code, "adult arcade," "adult bookstore," "adult novelty store," "adult video store," "adult cabaret," "adult entertainment establishment," "adult motion picture theater," "adult theater," "distinguished or characterized by their emphasis upon," "nude or seminude model studio," "nudity," "nude," "state of nudity," "regularly features," "regularly shown," "seminude," "state of seminudity," "sexual encounter establishment," "specified anatomical areas," and "specified sexual activity" have the same meanings as in section [2907.39](#) of the Revised Code.

### **Section 15040 - Adult entertainment establishment regulations.**

(A) Townships have authority to exercise all powers of local self-government regarding the operation of adult entertainment establishments within their limits and to adopt and enforce within their limits any local police, sanitary, and similar regulations regarding the operation of adult entertainment establishments that are not in conflict with general laws. The regulations may include, but are not limited to, antinudity restrictions, limitations on hours of operation, interior configuration requirements, and requirements that adult entertainment establishments and their employees obtain licenses or permits to operate as or to be employed by an adult entertainment establishment. The authority granted under this division shall be exercised by the adoption of resolutions and may include the adoption of resolutions that create one or more criminal offenses and impose criminal penalties related to the operation of adult entertainment establishments or may provide for civil sanction for violations of regulations established under the resolutions. Townships have the same rights, powers, and duties pursuant to the authority granted under this division as municipal corporations have under Section 3, Article XVIII, Ohio Constitution relative to their authority to exercise powers of local self-government and to adopt and enforce within their limits local police, sanitary, and similar regulations, except to the extent that the rights, powers, and duties that the municipal corporations have by their nature clearly are inapplicable to townships and to the exercise by townships of their authority granted under this division. No regulation adopted under authority of this division shall be in conflict with any provision in Chapter 4303. of the Revised Code, or with any rule adopted by the division of liquor control pursuant to that chapter, that regulates establishments that hold a liquor permit.

(B)

(1) The authority of a township granted under division (A) of this section applies to all townships. If a township has adopted a limited home rule government pursuant to Chapter 504. of the Revised Code, the authority granted under division (A) of this section is in addition to the powers and authority granted to the township under Chapter 504. of the Revised Code.

(2) Upon the request of any township, the attorney general shall provide legal guidance and assistance to the township in developing, formulating, and drafting a resolution regarding the operation of adult entertainment establishments of a type described in division (A) of this section. The attorney general shall provide this service without charge to the township for which the service is performed.

(C) In case of conflict between any resolution enacted by a board of township trustees under the authority granted under division (A) of this section and a municipal ordinance or resolution, the ordinance or resolution enacted by the municipal corporation prevails. In case of conflict between any resolution enacted by a board of township trustees under the authority granted under division (A) of this section and a county resolution, the resolution enacted by the board of township trustees prevails.

(D) All proceeds from criminal and civil sanctions for violation of a regulation established by a township under a resolution adopted under division (A) of this section that are paid to the township shall be applied initially to the payment of costs incurred in the prosecution and enforcement of the resolution, including, but not limited to, court costs, reasonable attorney's fees, and other litigation expenses incurred by the county or township.

(1)

(a) When it appears that a resolution adopted under division (A) of this section or section [503.53](#) of the Revised Code is being or is about to be violated, the township in which the violation is taking place may request the prosecuting attorney of the county in which the township is located to prosecute and defend on behalf of the township a civil action to enjoin the violation. If the township does not request the prosecuting attorney to prosecute and defend an action to enjoin the violation, the legal counsel of that township, if other than the prosecuting attorney, may prosecute and defend a civil action to enjoin the violation.

(b) A township may request the prosecuting attorney of the county in which the township is located to prosecute and defend on behalf of the township a civil action under Chapter 3767. of the Revised Code to abate as a nuisance any place in the unincorporated area of the township at which a resolution adopted under division (A) of this section or section [503.53](#) of the Revised Code is being or has been violated. If the township does not request the prosecuting attorney to prosecute and defend an action under that chapter, the legal counsel of the township, if other than the prosecuting attorney, may prosecute and defend an action under that chapter for that purpose. All proceeds from the sale of personal property or contents seized pursuant to the action shall be applied initially to the payment of costs incurred in the prosecution of the action and the costs associated with the abatement and sale ordered under division (A) of section [3767.06](#) of the Revised Code, including, but not limited to, court costs, reasonable attorney's fees, and other litigation expenses incurred by the county or township. Any proceeds remaining after that initial application shall be deposited into the township treasury and credited to the general fund.

(c) If a township has adopted one or more resolutions regarding the operation of adult entertainment establishments pursuant to the authority that is granted under division (A) of this section or if a township resolution of that nature has been adopted under section [503.53](#) of the Revised Code and the validity of the resolution is challenged, the township may request the prosecuting attorney of the county in which the township is located to prosecute and defend on behalf of the township in the trial and argument in any court or tribunal of the challenge to the validity of the resolution.

(2) Division (E)(1) of this section applies regarding all townships, including townships that have adopted a limited home rule government pursuant to Chapter 504. of the Revised Code and regardless of whether a township that has so adopted a limited home rule government has entered into a contract with the prosecuting attorney as described in division (B) of section [504.15](#) of the Revised Code or has appointed a law director as described in division (A) of that section.

Upon the request of any township in the county served by the prosecuting attorney made pursuant to division (E)(1)(a), (b), or (c) of this section, the prosecuting attorney shall prosecute and defend in the action or proceeding

as requested, as specified in division (B)(2) of section [309.09](#) of the Revised Code, without charge to the township for which the service is performed.

If a prosecuting attorney is prosecuting and defending a challenge to the validity of a resolution of a township pursuant to a request made pursuant to division (E)(1)(c) of this section and if the challenge is before a federal court, the prosecuting attorney may request the attorney general to assist the prosecuting attorney in prosecuting and defending the challenge, and, upon the prosecuting attorney's making of such a request, the attorney general shall assist the prosecuting attorney in performing that service if the resolution was drafted in accordance with legal guidance provided by the attorney general as described in division (B)(2) of this section. The attorney general shall provide this assistance without charge to the township for which the service is performed. If a township adopts a resolution without the legal guidance of the attorney general, the attorney general is not being required to provide assistance as described in this division to a prosecuting attorney.

(F) Except as otherwise provided in this division, the state shall indemnify a township and its trustees from liability incurred in the enforcement of a resolution that is authorized by this section, that was drafted in accordance with legal guidance provided by the attorney general as described in division (B)(2) of this section, and that a court finds to be unconstitutional or otherwise legally defective by paying any judgment in, or amount negotiated in settlement of, any civil action arising from the enforcement of the resolution. The state shall not indemnify a township or its trustees until all appeals have been exhausted or the action has otherwise been finally resolved.

The state shall not indemnify a township or its trustees for any of the following or to the extent that any of the following apply:

- (1) Any part of the judgment or settlement that represents damages that are covered by a policy of insurance for civil liability;
- (2) Any part of the judgment or settlement that is based upon an officer or employee of the township acting manifestly outside the scope of the officer's or employee's employment or official responsibilities, with malicious purpose, in bad faith, or in a wanton or reckless manner;
- (3) Any part of the judgment that is for punitive damages;
- (4) Any part of a consent judgment or settlement that the attorney general determines is unreasonable.

#### **Section – 15050 Initiative petition on resolution regulating or restricting adult-oriented businesses.**

(A) Resolutions of the type described in division (A) of section [503.52](#) of the Revised Code may be proposed by initiative petition by the electors of a township and adopted by election by these electors, under the same circumstances, in the same manner, and subject to the same penalties as provided in sections [731.28](#) to [731.40](#) and [731.99](#) of the Revised Code for ordinances and other measures of municipal corporations, insofar as those sections are applicable to townships, except as follows:

- (1) The board of township trustees shall perform the duties imposed on the legislative authority of the municipal corporation under those sections.
- (2) Initiative petitions shall be filed with the township fiscal officer, who shall perform the duties imposed under those sections upon the city auditor or village clerk.
- (3) Initiative petitions shall contain the signatures of electors of the township equal in number to at least ten per cent of the total vote cast in the township for the office of governor at the most recent general election for that office.
- (4) Each signer of an initiative petition shall be an elector of the township in which the election on the proposed resolution is to be held.

(B) A resolution proposed under division (A) of this section may provide for the following:

- (1) Modification of the administrative procedures, including administrative zoning procedures, of the township as those procedures apply to adult entertainment establishments to ensure that constitutional requirements are met;
- (2) Criminal and civil sanctions for adult entertainment establishments that violate regulations established by the resolution.

## **INTERPRETATION & DEFINITIONS**

### **Interpretation of Terms or Words:**

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

- (A) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (B) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (C) The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- (D) The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied”.
- (E) The word “lot” includes the words “plot” or “parcel”

### **Definitions:**

Accessory Use or Structure – A use or structure on the same lot with, and or a nature customarily incidental and subordinate to, the principal use or structure

Acre – A measure of land. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet

Addition – Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area

Adult-Oriented Business - An establishment having as its primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene

Adult - An individual eighteen years of age or older.

Adult entertainment – The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

Agricultural building – A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products grown or raised on the premises. Under no circumstances shall a dwelling be considered agriculture or meet agriculture exempt status.

Agriculture – “Agriculture” includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry; including, but not limited to , the care and raising of livestock, equine, and furbearing livestock; poultry husbandry; and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but secondary to, such husbandry or production.

Alley – Any public way or thoroughfare less than twenty (20) feet in width which is located at the back or side of properties abutting on another street. Alleys may be public or private.

Animal Feed Lot – A lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

Automotive Repair – The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision services, painting and steam cleaning of vehicles

Automotive Vehicle – A vehicle which is designed and manufactured to be self-propelling or self-moving upon the public highway. More specifically, as referred to in this Resolution, it includes: automobiles, trucks, semi-tractors and motorcycles or any vehicle licensed for highway use.

Alterations, Structural – Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Basement – A story all or partly underground but having a least one-half of its height below the average level of the adjoining ground.

Board of Zoning Appeals (BZA) – The Board of Zoning Appeals of Reading Township, Perry County, Ohio

Breezeway – A roofed structure, with or without enclosing walls, connecting an accessory structure to the principal building.

Buffer – A strip of land, fence, or border of trees between one use and another that may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another.

Building – Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Accessory – A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building, Height – The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roof, and the mean height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line – See setback line

Building Mass – The three-dimensional bulk of a building: height, width, and depth.

Building Manufactured – A manufactured building has the following features or characteristics: It is (1) mass produced in a factory; (2) designed and constructed for transportation to site with or without a chassis for installation and use when connected to required utilities; (3) either an independent, individual factory erected building or a module with two or more sides erected at the factory, for combination with other elements to form a building on the site.

Business, Convenience - Type Retail – A retail business whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Uses include, but are not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets, etc.

Business, Service – Any profit making activity which renders primarily services to the public or to other commercial or industrial enterprises. Some retail sales may be involved in connection with the service rendered.

Business, Shopping - Type Retail – A retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping type businesses are furniture stores, automobile sales and services and clothing shops.

Business Operations – Business operations are any activities that take place in connection with the day-to-day operation of or activities associated with an ongoing business concern, whether for profit or in kind payment. For enforcement purposes, this definition shall include the employment of one or more employees, or the lack thereof. The lack of a visiting customer base or clientele shall not exempt a property owner from the definition of business operations.

Campground, Commercial or Private – An area of land proving space for or containing two (2) or more recreational vehicles, cabins, camping tents, or other similar type of shelter designed for the seasonal, recreational use of transients.

Cemetery – Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Character – Those attributes, qualities, and features that make up, distinguish a development project, and give such project a sense of purpose, function, definition, and uniqueness.

Clean fill – Soil brought in to fill low areas or other depressions in the earth. Clean fill is free from hazardous substances, large stones, metals, plastics, asphalt, concrete and other debris, waste or junk.

Clinic – A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

Club – A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, fraternal or recreational purpose primarily for the exclusive use of members and their guests.

Commercial Grade Equipment – Playground and / or picnic / barbeque equipment used and intended for installation in high use areas or public settings, such as parks, or other recreational facilities

Commercial Motor Vehicle / Trailer –

- (A) The vehicle has a gross vehicle weight (GVW) rating of 26,000 pounds;
- (B) The vehicle is towing a trailer that exceeds 10,000 pounds gross weight and the combined weight of the vehicle and the trailer exceeds 26,000 pounds;
- (C) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including but not limited to a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells and a portable crane; (D) The vehicle is designed to transport more than 15 passengers including the driver

Common Access Drive – A common access driveway (CAD) is a privately constructed, privately owned, and privately maintained driveway located within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels)

Compatible or Compatibility – The characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Compatibility does not mean “the same as,” but rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Conditional Use – A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

Conditional Use Permit – A permit issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Construction – Any site preparation, assembly, erection, substantial repair, alteration, demolition, or similar action

Construction Trailer – A temporary building or trailer used in conjunction with construction work that only may be permitted in any district during the period the construction work is in progress, but shall be removed upon completion of the construction work. A construction trailer shall not be used as a residential dwelling or for storage on a residential property following completion of construction.

Corner Lot – See Lot Types



Deed Restriction – A legal restriction, not enforceable by zoning, on the use of land, contained in the deed to the property.

Display publicly – The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than hard core material are on display to the public.

Dwelling – A building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants. A dwelling shall be stick built, or a home which is manufactured off site, specifically designed for living by human occupants. Under no circumstances, shall any dwelling, of any type be considered agricultural or meet the agricultural exemption clause. All manufactured homes shall be affixed to the ground using mobile home anchors.

Dwelling, Manufactured Housing – A manufactured building or portion of a building designed for long-term residential use.

This category includes, but is not limited to the following:

- (A) Modular Unit – A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, and other prefabricated sub-elements which are to be incorporated into a structure at the site.
- (B) Sectional Unit – A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.
- (C) Manufactured Home – Manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, even when wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.
- (D) Manufactured Home, Double-Wide or Triple-Wide – A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.
- (E) Manufactured Home, Expandable – A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

Dwelling, Multi-Family – A dwelling or group of dwellings on one lot containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, and condominiums.

Dwelling, Permanently Sited Manufactured Housing – A manufactured home that meets all of the criteria set forth in this Resolution.

Dwelling, Single Family – A detached residential dwelling or housing unit other than a mobile home, designed for and occupied by one family only, including permanently-sited manufactured housing, modular homes.

Dwelling Unit – Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Dwelling Replacement – Anytime a dwelling is replaced with another dwelling, a permit is required. In the case of catastrophe, (fire, flood, tornado, etc...), the Township Trustees may, at their discretion, waive permit fees providing the replacement dwelling is the same footprint as the previous dwelling.

Easement – Authorization by a property owner for the use by another, and for a specified purpose, of any designed part of his property.

Eave – The projecting edges of a roof overhanging the wall of a building.

Emergency – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency Work – Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Essential Services – The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Establishment – Any business regulated by this Resolution

Family – One or more related persons occupying a single dwelling unit.

Farm – See Section 5713.30(A) of the Ohio Revised Code.

Farm Market – A building or structure designed or used or intended to be used for the display and / or sale of produce, raised on farms owned or operated by the farm market operator.

Farm Pond – A body of water, smaller than a lake (less than 5 acres), located on a farm

Fence - An artificially constructed barrier of wood, masonry, stone, wire, metal, vinyl, or other manufactured material or combination of materials erected to enclose, screen, or separate areas. Fences are to be maintained by the property owners on which property it sits.

Fencing, Agriculture – A fence constructed of barbed wire, woven wire or high tensile electric fence wire for the containment of livestock. Any disputes between adjoining property owners regarding agricultural fencing, Ohio Revised Code section 971.01 through 971.99 shall prevail.

Fence, barbed wire – One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals. The term “barbed wire” as used herein excludes razor ribbon.

Fence, chain link – An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports not less than 1.5 inches in diameter spaced not less than six feet, and not more than eight feet, apart.

Fence, decorative – A designed open or solid fence or wall that meets all of the following: (a) It contributes to the identification and beauty of the principal use; (b) It is not erected to satisfy any other provision of this code; (c) It does not act as a retaining structure; (e) It is not a privacy or stockade fence.

Fence, privacy – A fence no more than six feet in height intended to inhibit public view and provide seclusion. When viewed at right angles has less than sixty-six percent (66%) of its area open to light and air. Examples of privacy fences include but are not limited to:

- (A) Basket weave or woven fences – Made of interwoven strips or slats of flexible material in which the pattern has the appearance of a “basket weave”.
- (B) Louver or ventilating fences – Made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its plane.
- (C) Board on board fence – A fence made of vertical wood planks supported by horizontal framing with the vertical planks usually mounted on alternating sides of the framing. The planks may or may not be placed with a space between.

Fence, temporary – Fences erected for a specific function and limited time duration.

Fence, Functional – A barrier fence or hedge used to confine or enclose an area.

Flood Plain – That land, including the flood fringe and the flood way subject to inundation by the regional flood.

Floor Area Of A Residential Building, Usable – The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use and attached garages, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Forestry – The propagation and harvesting of forest trees.

Foundation, Permanent – A permanent perimeter masonry, concrete, or a locally approved footing or foundation to which a dwelling will be attached

Fuel Station – A premises where the commercial sale of fuel(s) occurs.

Gasoline Service Station – Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail.

Hazardous Waste – Those substances which, singly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which, singly or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bio concentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

Junk Yard – An establishment or place of business which is maintained or operated, or any other land used, for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand feet of the nearest edge of the right-of-way of a highway or street.

Juvenile – An unmarried person under the age of eighteen.

Kennel – Any lot or premise on which dogs, cats, or other household pets are boarded, bred, or exchanged for monetary compensation.

Lake – A body of fresh water of considerable size, surrounded by land.

Litter – Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, private property, or in or on waters of the state.

Live entertainment – On site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

Loading Space, Off-Street – Space logically and conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Lot – A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area for one principal building together with its accessory building and which provides such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of: a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Frontage – The front of a lot shall be construed to be the portion at the street or road right-of way line. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets or road right-of way lines shall be considered frontage, and yards shall be provided as indicated under “Yard” in this section. (Also see Lot Measurement, Width)

Lot of Record – A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types – Terminology used in this Resolution with reference to corner lot, interior lots and through lots is as follows:

- (A) Corner Lot – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- (B) Interior Lot – A lot with only one frontage on a street
- (C) Through Lot – A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- (D) Reversed Frontage Lot – A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Material, Adult – Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound or touch

Manufactured Home Park – Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Motorcycle – Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a trailer.

Motor Vehicle – Any vehicles which are propelled or drawn by mechanical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, snowmobiles, mopeds, amphibious craft on land, dune buggies, all-terrain vehicles or racing vehicles.

Motor Vehicle Salvage Facility – Any establishment or place of business which is maintained, used, or operated for buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

Noise – Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.

Noise Disturbance - Any sound which (a) endangers or injures the safety or health of humans or animals; or (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property

Noise Sensitive Zone – Any area designated for the purpose of ensuring exceptional quiet and shall include schools and churches while the same are in use, any hospital and any nursing home; provided, that conspicuous signs are displayed on the exterior realty of any such school, church, hospital or nursing home which clearly notifies a member of the general public of its use.

Non-Conformities – A building, structure or use of land existing at the time of enactment of this Resolution and which does not conform to the regulations of the district or zone in which it is situated.

Nuisance – A building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. A nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties. Examples include, noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, and debris.

Nursery, Nursing Home – A home or facility for the care and treatment of babies, children, pensioners or elderly people.

Nursery, Tree & Plant – A place where young trees or other plants are raised for transplanting and/or for sale.

Nursing Home – A home or facility for the care and treatment of pensioners or elderly people.

Offices – Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical, drafting, etc. Institutional offices of a charitable, philanthropic, financial or religious or educational nature are also included in this classification.

Open Space – An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, and other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included. Such land that shall not be developed other than for recreational purposes and may be classified as “Maintained Passive Open Space”, “Unmaintained Passive Open Space” and “Recreational Open Space”. Open Space may be owned by a homeowners or condominium association, by the township or other government agency or public body, or by a third party not-for-profit organization.

- (A) Common Open Space: Open space that is for use by the public at large or limited public use.
- (B) Maintained Passive Open Space: Open space area which is designed or well-suited for passive recreation or aesthetic effect, including but not limited to open fields and meadows which are to be mowed and maintained by the owner or responsible party. Within such areas, trees and vegetation may be planted and structures not incompatible with such purposes may be erected if approved within the development plan. Walking and bike paths may also be permitted. Such Open Space shall not be included within an individual residential lot.
- (C) Private Open Space: Open space that is under the control of a private individual, corporation or other non-public entity or is held for the private use and enjoyment of a private individual, corporation or other non-public entity.
- (D) Public Open Space: Open space that is either under the control of a public body, such as a unit of government, and or that is held for the use and enjoyment of the public at large.
- (E) Recreational Open Space: Open space area which is designed or well-suited for active recreation and accessible by the public, including but not limited to: baseball and soccer fields; jogging, walking and bike paths; playgrounds; outdoor swimming pools; shelter houses and picnic grounds; basketball and volleyball courts; and skating parks. Such Recreational Open Space shall not include private golf courses or commercial sports fields or stadiums or land owned by a public school board. Such Open Space shall not be included within an individual residential lot. Such open space shall be mowed and maintained by the owner or an approved responsibility party.
- (F) Unmaintained Passive Open Space: Undeveloped open space area which functions to: preserve a site’s natural amenities; provide a cover for wildlife; and preserve scenic views, jurisdictional wetlands, floodplains or ravines. Unmaintained Passive Open Space shall be restricted in perpetuity from development with buildings, structures or uses and shall be preserved in its natural state. Within areas designated as Unmaintained Passive Open Space, the natural resources shall remain undisturbed and no topsoil, clay, sand, gravel, rock or minerals shall be excavated or removed therefrom and nothing shall be permitted to occur thereon which would contribute to the erosion of the land and no trees or vegetation shall be cut or removed therefrom except dead, diseased or decayed trees or vegetation as may be required for conservation or scenic purposes or for reasons of public safety. No private encroachment shall occur within such Unmaintained Passive Open Space including but not limited to: the planting of flowers, shrubs, or other garden materials; dumping of trash, refuse, yard waste or debris; or the installation of any type of recreational equipment or other similar facility or convenience. No dumping or burning of refuse, trash, debris or yard waste shall occur in such Open Space. No hunting or trapping shall occur in such Open Space. No roadway nor any facility of any public utility other than existing roadways and public facilities designated in the development plan shall be constructed or installed therein, and no existing roadway or public utility facility shall be extended or enlarged within such area. Designation of such area shall not be interpreted to interfere with or detract from the use of such Open Space by the owner and their

successors in interest for all purposes not inconsistent with the provisions herein. It is the intent of the designation of such Open Space to restrict and prohibit any activity or use which would, as a natural consequence of such, impede or make more difficult the accomplishment of the purpose for which such Unmaintained Passive Open Space is created. Such Open Space shall not be included within an individual residential lot

Orchards – An area of land devoted to the cultivation and sale of fruit trees and the sale of the fruit there from.

Original Tract – A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of this Resolution.

Oriented – To locate or place a building or structure in a particular direction on a lot or site which shall generally be parallel to the adjacent street.

Parapet – That portion of an exterior wall that rises above the roof.

Parking Space, Off-Street – For the purpose of this Resolution an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Perimeter fences and walls – Those structures used for screening purposes, which shall be designed to be compatible with the related principal structures or buildings on site, including the same or similar colors and materials used on the related principal structures or buildings. Such screen walls shall not be continued for longer than fifty (50) feet without variation by using changes in height, different material combinations, offset angles, or articulation and shall include similar changes along the top of the wall.

Performance Bond (aka Surety Bond) – An agreement by a sub-divider or developer with the Board of Township Trustees for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub-divider's agreement.

Personal Services – Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, florists, beauty parlors and similar activities.

Pond – Any man made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout. Ponds include retention basins designed to permanently hold water, but does include detention basins designed for short-term water containment. Landscape water features less than one hundred and fifty (150) square feet are also not included.

Pool Barrier – A fence, wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool

Porch – A covered platform, usually having a separate roof, at an entrance to a dwelling, an open gallery or room, which is not heated or cooled, and that is attached to the outside of a building.

Printing and Publishing – Any business which is engaged in the printing and/or publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or non-profit.

Professional Engineer – A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Public Service Facility – The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water treatment plant or pump station, sewage disposal plant or pump station, communications facilities and/or equipment, electrical, gas, water and sewage service, sanitary landfills and other similar public service structures or facilities whether publicly or privately owned.

Public Uses – Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Way – An alley, bridge, channel, ditch, easement, expressway, freeway, highway, land, road, sidewalk, street, 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.

Real Property Boundary – An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but it does not include intra-building real property division.

Recreation, Commercial – Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: golf courses, bowling alleys, swimming pools, hunt clubs, campgrounds, tourist attractions, etc.

Recreation, Non-commercial – Any business which is operated as a recreational enterprise, either publicly or privately owned, non-profit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.

Recreational Vehicle – A vehicular portable structure that is designed to be used as a temporary dwelling for travel, recreation, and vacation and may be classed as follows. This list is for example only and not meant to be all inclusive:

- (A) Travel trailer – A non-self-propelled recreational vehicle that does not exceed an overall length of 35 feet, exclusive of bumper and tongue or coupling, and contains less than 320 square feet of space when erected on site. “Travel Trailer” includes a tent type fold out camping trailer as defined in section 4517.01 of the ORC.
- (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 sleep.
- (C) 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 not have floors and enables them to be used as a dwelling.
- (D) Fifth Wheel Trailer – A vehicle that is of such size and weight as to be moveable without a special highway permit, that has a gross trailer area of 400 sq. 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 ordinarily installed in the bed of a truck.
- (E) Park Trailer – A vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1998) for park trailers, is built on a single chassis, has a gross trailer area of 400 sq. feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities for the operation of installed features and appliances.



Recreational Vehicle Park – A parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Site – A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Reflective materials – Any material that returns light, glare, or radiant heat after striking the surface of that material.

Refuse – Combustible and/or non-combustible waste materials.

Right-of-Way (ROW) – A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment (such as grade separation, landscaped areas, viaducts, and bridges).

Roadway, Public – Any Road, such as a highway, freeway, street and/or bike or multi-use path, maintained by a public authority and open to the public.

Rubbish / Trash – Combustible and noncombustible waste materials including the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Salvage Motor Vehicle – Any motor vehicle which is in a wrecked, dismantled, or worn out condition, or unfit for operation as a motor vehicle.

Scale – The proportional relationship of the size of the building or structure to its surroundings.

Semi-trailer / Sea-land Containers – A vehicle designed or used for carrying persons or property with another separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. A semi-trailer shall not be used for storage, advertising, business, or residence.

Setback Line – A line established by the Zoning Resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building, or structure may be located above ground, except as may be provided in said code.

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Sewers, Central or Group – An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site – A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk – That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign – Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

Sign, On-Premises – Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

Sign-Off-Premises – Any sign unrelated to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.

Sign, Illuminated – Any sign illuminated by electricity, gas, or other artificial light including reflection or phosphorescent light.

Sign, Lighting Device – Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

Sign, Ground – A display sign supported by uprights or braces in or upon the ground surface.

Sign, Pole – Any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.

Sign, Projecting – A display sign which is attached directly to the building wall and which extends more than fifteen inches from the face of the wall.

Sign, Roof – A display sign which is erected, constructed and maintained above the roof of the building.

Sign, Temporary – A display sign, banner or other advertising device constructed on cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.

Service Station – Any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work.

Small Power Equipment – Any motorized or engine powered device, including but not limited to lawn mowers, lawn and garden tools, riding lawn tractors and power saws, excluding other motor vehicles.

Solid Waste – Any unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations. This includes but is not limited to garbage, combustible and non-combustible material, street dirt, and debris. This definition specifically excludes earth or material from construction, mining, or demolition operations, and slag and other substances which are not harmful or inimical to public health. For purposes of this definition, “material from construction operations” and “material from demolition operators” are those items affixed to the structure being constructed or demolished, such as brick, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

Stick-Built – A way of describing any structure built from board of lumber and other building materials, in which a substantial amount of the required material and construction labor are bought together in the final form at the foundation site.

Storage Facility – A structure which is partially open or fully enclosed in which animals, chattels or property are stored or kept

Story – That part of a building between the surface of a floor and the ceiling immediately above.

Structure – Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

Structure, Primary – For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

#### Subdivision

- (A) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites, shall be exempted; or
- (B) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

Supply Yards – A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Swimming Pool – A pool, pond, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager. Farm ponds are exempt from this definition.

Private Swimming Pool – Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel, and accessory use.

Community Swimming Pool – Operated with a charge for admission; a primary use.

Telecommunication Tower – Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure.

Toxic or Hazardous Material – Any substance or mixture by physical characteristic such as flammability, corrosivity, toxicity, reactivity, or infectious characteristics as to pose, a significant or potential hazard to water supplies or human health if such substances were discharged to land or waters of the community or township.

Transient Lodgings – A building in which lodging or boarding are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined. Examples include: hotel, motel, apartment hotel, or Bed & Breakfast

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 when erected on site. “Travel trailer” continues to include a tent-type fold-out camping trailer as defined in section 4517.01 of the Ohio Revised Code. A travel trailer is designed to be used as temporary (not more than 90 days) and shall not be used as a residential dwelling.

Through Lot – See Lot Types.

Transportation, Director of – The Director of the Ohio Department of Transportation

Variance – A variance is a modification of the strict terms of the relevant regulations which such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic – A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Vicinity Map – A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in questions.

Walkway – A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Waste, Construction and/or Demolition – Material from construction or demolition operations are those items affixed to the structure being constructed or demolished, such as brick, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

Weekday – Any day of the week (Monday through Friday) that is not a legal holiday.

Wholesale and Warehouse – Business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Yard – A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front – A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, Rear – A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, Side – A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Certificate – A document issued by the Zoning Administrator authorizing the occupancy or use of a building or structure or the actual use of lots or land in accordance with the previously issued Zoning Permit.

Zoning Permit – A document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

Reading Township, Perry County, Ohio  
Schedule of Fees  
Effective January 1<sup>st</sup>, 2019

Zoning Permit Applications for:

New Home and Double-Wide Manufactured Home	\$250.00
New and Exchange Single-Wide Manufactured Home	\$125.00
Temporary Living Space (each approval)	\$125.00
Detached Garage or Accessory Building	\$100.00
Room Addition / Improvement to Existing Structure	\$100.00
Porch / Deck	\$75.00
Variance or Appeal Application	\$250.00
Conditional Use Permit Application	\$250.00
Temporary Mobile Office (Commercial Application)	\$500.00
Swimming Pool – In-Ground	\$75.00
Business Signs- per business	\$100.00
Lot Split Forms	\$25.00
Planned Residential District – Model Home(s)	\$350 each
Non Agricultural Fence	\$75.00
Portable Shed on Runners	\$N/A