

SECTION VI – GENERAL REQUIREMENTS

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| <p>6.01 All Streets, Right-of-Ways Same Zoning as Abutting Property</p> <p>6.02 Public Utilities and Railroads Excluded from Resolution</p> <p>6.03 Uses Listed as Nuisances And Not Permitted</p> <p>6.04 Height Restriction Exemptions</p> <p>6.05 No Structure Altered or Used Other Than as Permitted in Its Zoning District</p> <p>6.06 Setback Calculations Defined</p> | <p>6.07 Second Main Structure on Lot Defined</p> <p>6.08 Lots Not to be Split as to Create Violations</p> <p>6.09 Lots Split Creating Violations Shall be Brought into Conformance</p> <p>6.10 If Lot With Two or More Main Structures cannot be Split To Meet Zoning, It Shall Secure Maximum Conformity Possible</p> <p>6.11 Setback Requirements for Corner Lots and Double Frontage Lots</p> <p>6.12 Performance Standards</p> <p>6.13 Agricultural Uses</p> |
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- 6.01 All streets, roads, and railroad right-of-way, if not otherwise specifically designated shall be deemed to be in the same zone as the property immediately abutting upon such street, road or railroad right-of-way. (6/17/1964)
- 6.02 This Resolution shall not apply to public utilities or railroads. (5/1955)
- 6.03 The following uses shall be deemed to constitute a nuisance and shall not be permitted in any R, B, S, THN, THC, M or RD District: (9/17/1964; Amended 12/17/1998 & 6/19/2009)
- A. Commercial amusement park. (6/17/1964)
 - B. Distilling of bones, fat or glue; glue or gelatin manufacturing. (6/17/1964)
 - C. Manufacturing or storage of explosives, gun powder or fireworks. (6/17/1964)
 - D. Dumping, storing, burying, reducing, disposing of or burning of garbage, refuse, scrap, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of the premises, unless done at a place provided by the Township Trustees for such specific purpose. (6/17/1964)
 - E. Junk yards, automobile graveyards, or places for a collection of scrap metal, paper, rags, glass, or junk for salvage or storage purposes, or for dismantling used vehicles. (6/17/1964)
 - F. Race tracks. (6/17/1964)
 - G. The maintenance of any premises or the permitting the use of any premises for the operation of two (2) or more motor vehicles, as defined in Section 4501.11 of the Revised Code of Ohio, which are participating in an attempt to outdistance each other over a selected course, intending thereby to include as a nuisance the racing of motor vehicles in any form, which practices are known by way of illustration rather than exclusion as drag racing, stock car racing and go-cart racing. (6/17/1964)
 - H. Commercial slaughter houses. (All above 6/17/1964)
 - I. Storage and Collection of Vehicles, Car Bodies, Appliances, Construction Materials and Equipment, and Temporary Structures on Property, as follows:
 - 1. No premises or portion thereof in any district shall be used for the storage, collection, or accumulation of any junk motor vehicle of any type, for a period of more than 30 days, unless the vehicle is in a place not open to view from any other property. Unlicensed collector's/historical vehicles shall be concealed by means of buildings, fences, vegetation, terrain, or other suitable obstruction.
 - 2. No premises or portion thereof in any district shall be used for the storage, collection or

accumulation of bus bodies, car bodies, truck bodies, coaches, furniture or appliances or parts thereof.

3. No premises or portion thereof in any district shall be used for the storage, collection or accumulation of construction or building materials, construction equipment or machinery except as otherwise permitted in the zoning regulations.
4. No premises or portion thereof shall be used for placement of temporary structures except as incident to proposed construction thereon, maintenance of or repair of said premises.
5. This provision shall not apply to the parking of licensed cars or trucks furnishing personal transportation for the occupant or occupants of said premises. (7/23/1974; Revised 1/22/1998 and 11/5/2004)

- 6.04 There shall be no restriction of the height of church spires, a belfry, clock tower, wireless tower, scenery loft or other mechanical appurtenances where erected upon and as an integral part of a building. (6/17/1964)
- 6.05 No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the use district in which the building or land is located. (6/17/1964)
- 6.06 No space which for the purposes of a building or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Resolution may, by reason of change of ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space requirement of or for any other building. (6/17/1964)
- 6.07 A building conforming to this Resolution may be constructed to the side or rear of existing building on a lot, provided that each building is so located that the lot may be divided and the buildings on the resulting parcels, and the parcels themselves, will conform to the applicable requirements relating to frontage on a dedicated street or road, minimum lot area, front setback, side and rear yard clearance, and location of accessory buildings. (6/17/1964)
- 6.08 As a condition of securing a Zoning Permit for a second building as provided for herein Section 6.07, the applicant shall undertake an promise that he will not convey any portion of said premises so as to create a condition violating any provision of this Resolution as existing at the time of his filing the application for the Zoning Permit, and further that if he makes such improper conveyance, he will forthwith make further conveyance or take other action to cure such violation, as may be directed by the Board of Zoning Appeals. (6/17/1964)
- 6.09 In the event conveyance is made a part of premises and as a result of such conveyance any dwelling or building located upon said premises remaining or the premises conveyed violates the provisions of this Resolution or is less in conformity with this Resolution than before such conveyance, then said building or structure shall be moved or altered in such manner as to make it and the premises conveyed with it conform to this Resolution. Or if the same cannot be done said building shall be removed entirely from said premises. No division of premises and conveyance of part thereof, shall be made if such conveyance is of a building or structure surrounded by part of such premises and as a result of said division such conveyed premises and the structure thereon violates the Zoning Resolution either for the first time or to a greater extent than did said building and the original undivided premises. (6/17/1964)
- 6.10 In the event two (2) or more buildings or structures are located on a single parcel which cannot be divided in such a way as to create two (2) or more parcels conforming to this Resolution, said single parcel shall be divided so as to secure maximum conformity of each of the constituent subdivisions thereof to the provisions of this Resolution; further provided that if the parcel is not so divided, any buildings or structures upon the constituent subdivisions of said parcel shall be removed, or moved to such location on the said subdivided parcel as to conform to the provisions

of this Resolution, unless there be first secured from the Board of Zoning Appeals, on appeal thereto, permission to make such division under the variance powers possessed by said Board. (6/17/1964)

- 6.11 A. Corner Lots - Side Yard Setbacks: The setback building lines on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. To the extent possible, the side yard clearance on the side street shall conform to the setback line for an interior lot on said road or street, but in no event shall said side yard clearance be less than fifty (50) feet from the sideline of the road or street right-of-way, or eighty (80) feet from the centerline thereof, whichever is greater, with the exception of the R-2, Planned Unit Development District. In the R-2, Planned Unit Development District, the side yard clearance on the side street shall conform to the setback line for an interior lot on said road or street, but in no event shall said side yard clearance be less than thirty (30) feet from the side line of the road or street right-of-way. (6/17/1964; Revised 5/2/1996 & 7/18/2002 & 7/16/2004)
- B. Double Frontage Lots - Rear Yard Clearance: When a rear property line of a lot abuts a public road right-of-way, the rear yard clearance for all structures on a lot shall conform to the required building setback line of that district. In no case shall the rear yard clearance be less than 50' from sideline of road or street right-of-way or 80' from centerline thereof, whichever is greater, with the exception of the R-2, Planned Unit Development District. In the R-2, Planned Unit Development District, when a rear property line of a lot abuts a public road right-of-way, the rear yard clearance for all structures on the lot shall conform to the enforced building setback line of the R-2, Planned Unit Development District as listed in Section XVI-16.10-G, but in no case shall the rear yard clearance be less than 30' from the sideline of road or street right-of-way. (7/18/2002; Amended 7/16/2004)

6.12 PERFORMANCE STANDARDS: Any use established or changed, and any building or land developed, constructed or used in any B-1, Restricted Retail; GB, Gateway Business; B-2, General Business; THN, Town Hall Neighborhood, THC Town Hall Commons; BX, Business Interchange; S, Special Interchange; M, Manufacturing; RD-2, Research and Limited Industrial District; or AP, Airport District shall comply with the performance standards set forth herein for the district in which such use or building is to be located as a precedence to occupancy and use. If any existing use or building is extended, enlarged or reconstructed, the performance standards for the district involved shall apply to such extended, enlarged or reconstructed part or parts of such building or use as a precedence to further use. (All of 6.12 6/2/2001; Amended 6/15/2007 & 6/19/2009)

- A. Dust and Smoke: Dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas or yards shall be kept to a minimum by appropriate landscaping, paving, oiling or any other acceptable treatment.

The emission of smoke, soot, fly ash, fumes and/or dust shall be controlled by precipitation devices, height of stack, rate of emission or any other manner so that the quantity deposited in any B-1, GB, B2, BX, THN, THC, S, M, RD-2, or AP District shall not be detrimental to or endanger the public safety, comfort, welfare or adversely affect property values. (Amended 6/19/2009)

- B. Fire and Explosive Hazards:
1. The storage, utilization and manufacture of materials, goods or products ranging from free to active burning is permitted, provided the materials or products shall be stored, utilized or produced within completely enclosed structures having incombustible exterior walls, and such structure shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.

2. Materials which produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in B-1, GB, B2, BX, THN, THC, S, M, AP, or RD-2 Districts except such materials as are used or required in emergency equipment or in secondary processes accessory to the main use. (Amended 6/19/2009)
- C. Glare and Heat: Any operation or process which produces glare or heat contrary to the normal and expected conditions shall be performed within an enclosure in such manner as to not be visible outside the building. Such operations shall be performed so as to not create any hazards to abutting property. (Amended 6/19/2009)
- D. Odorous Matter: The emission of odorous matter in such quantities as to produce a public nuisance or hazard outside the building is prohibited in any district. The emission of odorous matter in such quantities as to produce a public nuisance or hazard shall not be detectable beyond the lot line in a B-1, GB, B-2, BX, THN, THC, S, M, AP or RD-2 district. (Amended 6/19/2009)
- E. Toxic or Noxious Matter: The discharge of toxic or noxious matter across the lot lines wherein such a use is located is prohibited for any period of time and in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property and/or abutting property.
- F. Noise: The sound pressure level of any individual operation or operations on a lot in any GB, B-2, BX, THN, THC, S, M, AP, or RD-2 district, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise of the nearest Residential or B-1, Restricted Retail district. (Amended 6/19/2009)
- G. Vibration: Operations creating intense earth-shaking vibrations shall be permitted only in the BX, S, M, AP, or RD-2 districts. Such operations shall be set back from and controlled in such a manner as to prevent transmission of vibrations which would be perceptible without the aid of instruments at the lot line of a BX or M district. (Amended 6/19/2009)
- H. Waste Materials: Liquid wastes shall not be discharged into an open reservoir, stream or other open public body of water, or a storm or sanitary sewer unless treated or controlled so that the amount of solid substances, oils, grease, acids, alkalines and other chemicals shall not exceed the amount permitted by other Federal, State or County codes.
- I. Radioactivity: No activities shall be permitted in a B-1, GB, B-2, BX, THN, THC, S, M, or RD-2 district which emit dangerous radioactivity or which shall store, transfer or use radioactive material in a manner hazardous to human health. All activities shall be conducted in accordance with all applicable Federal, State and County codes. (Amended 6/19/2009)
- J. Electrical Disturbances: No establishment in a B-1, GB, B-2, BX, THN, THC, S, M or RD-2 district shall produce electrical or electronic disturbances perceptible beyond the property line of the establishment. (Amended 6/19/2009)
- K. Determination Methods: Upon receipt of any alleged performance standard violation, the Township Zoning Inspector, in conjunction with the Township Administrator, shall have the discretion to use any equipment normally available or obtainable without extraordinary expense to determine or evaluate any alleged offense under this section. If such equipment is unavailable, the Township may enlist the assistance of applicable agencies including, but not limited to, the Ohio Environmental Protection Agency, the Ohio Department of Transportation, the United States Army Corps of Engineers, and/or any other recognized experts in their field. (6/2/2001)

- 6.13 AGRICULTURAL USES. According to the Ohio Revised Code, a township shall have the authority to regulate agricultural uses in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of 15 or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road. In such areas, agriculture shall comply with the following: (4/1/2011)
- A. On lots one (1) acre or less and within a platted subdivision, only the raising of fruits, vegetables, or nursery stock for private use, consumption or incidental sale shall be permitted. An agriculture building shall be permitted in conjunction with such use, the size of which shall not exceed the maximum area permitted for accessory buildings in the district in which the building is located. All buildings shall also comply with the setback regulations set forth in the district in which the building(s) is located. (4/1/2011)
 - B. Buildings or structures incidental to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall comply with the setback, height and size restrictions set forth in the district in which the building or structure is located, except as otherwise required for buildings housing animals in subsection C, below. (4/1/2011)
 - C. Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres: (4/1/2011)
 1. Whenever one or more animals are kept outdoors on a lot for such agricultural uses, an accessory building for their shelter shall be constructed on the lot.
 2. The area of the accessory building intended to provide shelter for one or more animals for such agricultural uses shall not exceed the maximum area permitted for accessory buildings in the district in which the building is located.
 3. Such accessory building shall comply with the following minimum setback or clearance requirements:
 - a. 70 feet from the street right-of-way;
 - b. 25 feet from the side or rear property line;
 - c. 100 feet from any water well.

(4/1/2011)
 - D. A dwelling unit on the same lot with an agricultural use and all accessory buildings associated with the dwelling unit shall comply with the applicable district regulations. However, when the number of accessory buildings is limited in a residential district due to lot size, one (1) agricultural building may be constructed in addition to one (1) permitted non-agricultural accessory building, provided the combined area of the two (2) accessory buildings does not exceed the maximum area allowed in the district in which such accessory buildings are proposed. (4/1/2011)
 - E. This section confers no powers on the Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture and agricultural buildings and structures on lots greater than five (5) acres regardless of the district in which such lot is located. (4/1/2011)

- F. The use of any land for a roadside stand or market where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year shall be regulated as follows: (4/1/2011)
1. Each property shall be permitted only one roadside stand or market.
 2. The area of the roadside stand shall not exceed 200 square feet.
 3. The roadside stand shall be located a minimum of 30 feet from any street right-of-way line and a minimum of 15 feet from any side lot line.
 4. Adequate parking shall be available so as not to create a traffic safety hazard.
 5. Any signage advertising the sale shall be in conformance with the requirements set forth in Section XXX.
 6. The roadside stand shall be removed at the conclusion of the farm's seasonal sales and stored in an enclosed building or placed in the rear yard.

(4/1/2011)