

**AMENDMENT TO
ZONING RESOLUTION**

CHESTER TOWNSHIP

ADOPTED

MARCH 27TH, 2000

AMENDED

DECEMBER 17TH, 2012

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NOVEMBER 17TH, 2022

CHESTER TOWNSHIP

ZONING REGULATIONS

MORROW COUNTY, OHIO

DECEMBER 17TH, 2012

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CHESTER TOWNSHIP ZONING RESOLUTION
MORROW COUNTY, OHIO

ARTICLE I
PURPOSE OF THE REGULATIONS

SECTION 100 Purpose

For the purposes of promoting public health, safety, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of Trustees of this Township finds it necessary and advisable to regulate the location, height, bulk, number of stories and sizes of buildings and other structures, including tents, cabins and mobile homes, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins and mobile homes and the uses of land for trade, industry, residence, recreation or other purposes and for such purposes divide the unincorporated area of the Township into districts or zones.

ARTICLE II
INTERPRETATION

SECTION 200 Interpretations

In the interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience or general welfare. It is not intended by this Resolution to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision, law or resolution, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law and regulations governing the use of buildings or premises; provided, however, that where this Resolution imposes greater restriction than is required by existing resolution or by rules, regulations or permits; the provisions of this Resolution shall control.

SECTION 205.10 PROHIBITED USES

No use not specifically authorized by the express terms of this article of the zoning resolution shall be permitted.

ARTICLE III
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 300 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the provisions of this Resolution:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the provisions of the Resolution and any caption or illustration, the provisions shall control.

3. The word “shall” is always mandatory and not discretionary. The word “may” or “should” is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
6. Unless the context indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either/or”, the conjunction shall be interpreted as follows:
 - a. “And” indicated that all connected items, conditions, provisions or events shall apply.
 - b. “Or” indicated that the connected items, conditions, provisions or events may apply singly or in combination.
 - c. “Either/or” indicated that the connected items, conditions, provisions or events shall apply singly but not in combination.
7. All references to the “Township of Chester” or “Township” shall mean Chester Township, Morrow County, Ohio.
8. Terms not here in defined shall have the meaning customarily assigned to them.

SECTION 300.1 DEFINITIONS

1. ACCESSORY USE: An “accessory use” is a use which is clearly incidental and subordinate to, and located on the same lot as the principle use or building.
 An “accessory use” includes but is not limited to the following:
 - a. Residential accommodations for servants, caretakers, or night watchmen.
 - b. Off-street parking and loading spaces.
 - c. Swimming pools for use of the occupants of a resident or their guests.
 - d. Storage of goods used in or produced by business or industrial activities.
 - e. Home occupations.
 - f. Storage of merchandise normally carried on in connection with a business or industrial use, unless such storage is excluded from the applicable provisions of the district regulations.
 - g. Storage of goods used in or produced by industrial uses or related activities unless such storage is excluded in the applicable district regulations.
2. AGRICULTURE: Is the use of land for farming purpose including dairying, pasturage, agriculture, floriculture, horticulture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing of produce; provided the operations of such accessory use shall be secondary to

that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal's for the survival of other animals. A use shall be classified as farming of agriculture only if it is the principal or main use of the land.

3. ALLEY: Is a public right-of-way, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
4. ALTERATION: Any change, addition, alteration, or rearrangement in construction or type of occupancy, or change in the structural parts of a building such as walks, windows, partitions, columns, girders, or the moving from one location or position to another.
5. APARTMENT: Same as a "Multiple Family Dwelling".
6. BASEMENT: Is that portion of a building, which is entirely or partially below and partially above ground level, and so located that the vertical distance from the grade to the floor below is more than the vertical distance from the grade to the ceiling above. When a basement floor is less than two (2) feet below the ground level, it will be rated as the first story.
7. BILLBOARD: Is a "sign" which directs attention to a business, commodity, service, or any other activity conducted, sold, placed, or otherwise offered elsewhere than on the premises on which the billboard is located. Billboards shall be regarded as structures within the meaning of this Resolution.
8. BOARDING HOUSE OR ROOMING HOUSE: Is a dwelling where meals or lodging and meals are provided for compensation to two (2) or more persons.
9. BUILDING: Is any structure designed, built or occupied as a shelter, which is permanently affixed to the land and has one or more floors and a roof. Building includes the area closed and unenclosed devoted to porches, stairways, fire escapes and fixed canopies. When a structure is separated by a firewall, each such separated portion shall be deemed a separate building. A "building" shall not include such structures as billboards, fences, radio towers, and water towers, smoke stacks, grain elevators, coalbunkers, or similar structures with interior spaces not normally accessible for human use.
10. BUILDING HEIGHT: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of a mansard roof, and to the average height between eaves and the ridgeline of a gable, hip, or gambrel roof. Where a building is located, on sloping terrain or the side of a hill, the height may be measured from the average elevation of the finished grade at the building wall.
11. BUILDING LINE: Is a line defining the minimum front, side and rear yard setback requirements in which no building or structure may be located, except as otherwise provided herein.
12. BUILDING PRINCIPAL: Is the building housing the principal activity performed on a lot.
13. CENTRALIZED SEWER SYSTEM: Is where individual lots are connected to common sewerage collection systems and treatment plant facilities whether publicly or privately owned.
14. CENTRALIZED WATER SYSTEM: Is where individual lots are connected to a common water distribution system and plant facilities whether publicly or privately owned.
15. CLUB: Is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.
16. DENSITY: Is the number of dwelling units that can be developed on a given acre of land.

17. DEVELOPMENT: Is the construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use.
18. DISTRICT: Is a portion of the area of the Township within which certain regulations and requirements or various combinations apply under the provisions of this Resolution.
19. DWELLING: Is a building, mobile home, or modular home designed for occupancy by only one (1) family for residential purposes and having cooking and sanitary facilities.
20. DWELLING, ONE-FAMILY: Is a building designed exclusively for and occupied by one (1) family.
21. DWELLING, TWO-FAMILY: Is a building designed exclusively for occupancy of two (2) families, living independently of each other.
22. DWELLING, MULTIPLE FAMILY: Is a building or portion thereof designed exclusively for occupancy by three (3) or more families living independently of each other.
23. ESSENTIAL SERVICES: Essential services shall include the erection, construction, alteration or maintenance by public utilities or governmental agencies of: underground gas, electrical, steam or 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 which are reasonably necessary for the furnishing of adequate service by such utilities or agencies or for the public health, safety, or general welfare, but not including buildings. (State Model Zoning Code)
24. FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five persons.
25. FARM: Farm means devoted exclusively to agricultural purposes as defined in Section 300.1(2). (Revision in Effect May 28, 2003.)
26. GARAGE, PRIVATE: Is an accessory building or portion of a main building, enclosed on all sides and designed or used for the storage of motor driven vehicles, boats and similar vehicles, owned and used by the occupants of the building.
27. GARAGE, PUBLIC OR STORAGE: A place where the following services may be carried out; general repair, engine rebuilding, sale of engine fuels, body, frame or fender straightening and repair; overall painting and undercoating of automobiles.
28. GASOLINE SERVICE STATION: Is any area of land, including any structure or structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles. For the purpose of this Resolution there shall be deemed to be included within this term any area or structure used or designed to be used for greasing, polishing, washing, spraying, or otherwise cleaning or servicing such motor vehicles.
29. GREENBELT: An open landscaped area free of buildings and structures and maintained with permanent plant materials to provide a screen to abutting properties.
30. HOME OCCUPATION: Is an occupation conducted entirely within a dwelling unit and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not involve the extension or modification of said dwelling which will alter its

outward appearance as a dwelling, and in connection with which there is no display of stock in trade or commodities sold except those which are produced on the premises. Clinics, hospitals, barber shops and beauty shops with more than one chair, tourist homes, and animal hospitals, among others, shall not be deemed to be home occupations.

31. JUNK YARDS: Junk Yards Prohibited.
32. LANDSCAPED: Aesthetically improved with seeding, planting and shrubs to the extent that the resulting area is dustless and not prone to soil erosion.
33. LOT: Is a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incidental to it, together with such yards, and open spaces as are required under the provisions of this Resolution. A lot may or may not be specifically designated as such on public records.
34. LOT AREA: The total horizontal area within the lot lines of the lot.
35. LOT CORNER: Is a lot at the point of intersection of an abutting on two or more intersecting streets, the angle of intersection not being more than one hundred and thirty-five (135) degrees.
36. LOT DEPTH: Is the horizontal distance between the street right-of-way line and rear lot line measured along the median between the side lot lines. Where the right-of-way width is not established, it shall be assumed to be sixty (60) feet.
37. LOT FRONTAGE: Lot frontage means the horizontal distance between the side lot lines where in the said lot lines intersect a road approved by the Morrow County Engineer and width shall be 200 feet minimum of continuous road frontage on a public roadway.
38. LOT INTERIOR: Is a lot other than a corner lot.
39. LOT LINES: Are the lines defining the limits of a lot as described below:
 - a. Front Lot Line: In the case of an interior lot, it is that lot line separating said lot from the street. In the case of a corner lot, or double frontage lot, it is that line separating said lot from either street.
 - b. Side Lot Line: Is that lot line opposite the front lot line.
 - c. Rear Lot Line: In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than thirty (30) feet long lying farthest from the front lot line and wholly within the lot.
40. LOT OF RECORD: Is a lot the dimensions of which are recorded in a document or shown on a map on file in the office of the Recorder of Morrow County, or a lot described by metes and bounds, the deed to which has been recorded in a document or on a map in the office of the Recorder of Morrow County, Ohio.
41. LOT WIDTH: Is the horizontal distance between the side lot lines, measured between the two points where the minimum building setback line intersects the side lot lines.
42. MINIMUM BUILDING SETBACK LINE: Is a line between the front and rear lot line and parallel to the street right-of-way line as required by the minimum front yard depth in the district in which it is stated.

43. MOBILE HOMES/MANUFACTURED HOUSING: Manufactured Home means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

43-A: THE DEFINITIONS OF THE TERM “ABANDONED MOBILE HOME” SHALL BE AS FOLLOWS:

A mobile home is considered abandoned if it meets the following criteria:

1. No one is residing in the residence for the last eight months and one of the following is present:
 - a. The prior resident is not temporarily absent.
 - b. The mobile home is three years old or older.
 - c. The mobile home is extensively damaged.
 - d. The mobile home is unusable as a residence. The standard for making this determination is that the home would not be usable by a person of ordinary sensibilities. (amended 12-17-13)

44. MOBILE HOME PARK: Is any parcel of land, ten acres or greater, where ten (10) or more independent Mobile Homes are parked for dwelling or sleeping purposes.

45. MOTEL: Is a series of attached, semi-attached or detached rental units containing a bedroom, bathroom, and closet space. The units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

46. NONCONFORMING BUILDING: Is a building or portion thereof lawfully existing at the effective date of this Resolution, or amendments thereto that does not conform to the area and height regulations of the district in which it is located.

47. NONCONFORMING USE: Is a use lawfully existing at the time of the enactment of this Resolution and which does not conform to the use provisions of the district in which it is located.

48. OPEN SPACE: Is an area of land, which is in its natural state, or is developed only for raising of agricultural crops, or for public outdoor recreation.

49. PUBLIC UTILITY: Is any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing under governmental regulations to the public, electricity, gas steam, telephone, telegraph, transportation, sewer, water, T.V. cable or utility services.

50. RECREATIONAL VEHICLE AND TENTS: A portable, self-propelled or non-self-propelled, self-contained vehicle designed or intended to be used as temporary living or sleeping quarters. Recreational vehicles shall include travel trailers, tent campers, truck campers, and motor homes. A tent is defined as : a portable shelter made of canvas or other materials and stretched over poles or other support devices. Rules for the use of RV’s and tents are set forth in Article VI, Section 600.5. (amended 12-17-12)

51. SIGN: Is any card, cloth, paper, metal, painted glass, wood, plaster, stone, or other sign of any kind or character whatsoever which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business. The term “place” shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, stacking, carrying, or fastening or making visible in any manner

whatsoever. For the purpose of this Resolution the word “sign” shall not include the flag, pennant, lodge, or insignia of any government, religious, educational or similar organization.

- 52. SIGN, BUSINESS: Is a sign which directs attention to a business or profession there conducted upon the same premises.
 - 53. STORY HEIGHT OF: Is the vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.
 - 54. STREET, PUBLIC: Is a public thoroughfare which has been dedicated or deeded to the public for a public use and accepted by the Trustees and which affords principal means of access to abutting property.
 - 55. STREET, PRIVATE: Is a thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.
 - 56. STRUCTURES: Is anything constructed or erected which requires location on or below the ground, or attachment to something having a location on or below the ground.
 - 57. STRUCTURAL ALTERATION: Is any change in the supporting members of a building such as bearing walls, columns, beams, girders or any substantial changes in the roof and exterior walls.
- 57 A. THE DEFINITION OF THE TERM “SWIMMING POOL” WILL BE AS FOLLOWS:
A receptacle for water, portable or permanent having a depth at any point greater than two (2) feet or that at
anytime used a filtering or circulating system and which is used or intended for swimming or other recreational activities and which is constructed, installed or maintained on or below the ground surface. Any bodies of water contained by earth such as lakes and ponds are excluded from this definition.
(amended 12-17-13)

TEMPORARY STRUCTURE OR USE: Is a structure or use permitted by the Board of Zoning Appeals to exist during periods of construction of the principal building or use, or for special events.

- 59A. THOROUGHFARE, MAJOR ARTERIAL: Is a structure or road which is intended to carry the major portion of traffic entering or leaving an urban area and also significant inter-urban travel, such as between communities or between major urban centers. Major arterioles should form the boundaries of residential neighborhoods, but should not penetrate those neighborhoods. Access or service to abutting properties is a secondary function to the provision of travel service. For the purposes of this Resolution, St. Rt. 95 shall be considered the only major arterial in Chester Township in conformance with the Morrow County Functional Classification System.
- 59B. THOROUGHFARE, MINOR ARTERIAL: Is a street or road which is intended to connect with and augment the Major Arterial System. The function of the Minor Arterial System is to provide travel service to trips of moderate length and provide intra-community continuity.
- 59C. THOROUGHFARE, COLLECTOR: Is a street or road which is intended to collect traffic from local streets within a neighborhood and channel it onto the arterial system, or to distribute traffic from the arterial system to local streets. Access to abutting properties is equal in importance to the movement of through traffic.

60. TOURIST HOME: Is a dwelling in which overnight accommodations are provided or offered for transient guest for compensation.

61. YARDS: The open spaces on the same lot as the principal building and further defined as follows:

- a. Front Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the street right-of-way line and the nearest point of the principal building.
- b. Side Yard: Is an open space between the side lot line and the principal building, extending from the front yard to the rear yard, the width of which is the minimum horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.
- c. Rear Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.

62. ZONING, EXCEPTION AND VARIANCE:

- a. Exception: An exception is a use permitted only after review of an application by the Zoning Board of Appeals, such review being necessary because the provisions of this Resolution covering conditions, precedent or subsequent, are not precise enough to cover all applications without interpretation, and such review is required by the Resolution.
- b. Variance: Is defined as a modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Resolution would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

The crucial factors of a variance are undue hardships and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

The Exception differs from the Variance in several respects. An exception does not require “undue hardship” in order to be allowed. The exceptions, as stated within applicable provisions of the Resolution, are a form of “special approval” or review by the Zoning Board of Appeals.

63. ADULT BOOK STORES, ADULT PICTURE THEATERS, ENTERTAINMENT ESTABLISHMENTS

- a. Adult Book Stores: Adult book store means an establishment deriving a majority of its income from the sale or rental or have majority of its stock in trade, books, magazines or other periodicals, films, or mechanical or non-mechanical devices and which adult materials are obscene or harmful to juveniles as defined by the Ohio Revised Code Section 2907.01 (E) and (F).
- b. Adult Motion Picture Theaters: Adult motion picture theaters means an enclosed motion picture theater or motion picture drive-in theater presenting material for observation by the patrons therein deriving a majority of its income or having a majority of adult materials which are obscene or harmful to juveniles as defined by the Ohio Revised Code Section 2907.01 (E) and (F).
- c. Adults Only Entertainment Establishments: Adults only entertainment establishment means an establishment, which features totally nude, topless, bottomless, strippers, male or female

impersonators, or similar entertainment or services which are obscene or harmful to juveniles as defined by Ohio Revised Code Section 2907.1 (E) and (F).

- d. Adult Material: Adult material means any book, magazine, newspaper pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tapes, or other tangible thing capable of arousing interest through sight, sound or touch as defined by Ohio Revised Code Section 2907.1 (E) and (F).
- e. Bottomless: Bottomless means less than full opaque covering of male or female genitals, pubic area or buttocks.
- f. Nude: Nude means the showing representation, a depiction of human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof, below the top of the nipple, or of covered male genitals in a discernible turgid state.

64. MINIMUM FLOOR AREA PER DWELLING: The square foot area of a dwelling within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, exterior stairways, secondary stairways, bay windows, and basements contained in either:

- (1) A single, individual mobile home exclusive of additions, modifications or attachments thereto, or
- (2) An erected dwelling.

65. BED AND BREAKFAST: A facility offering overnight accommodations for guests and limited meal service to those guests with a maximum of six (6) guest rooms. The building or premises may also contain permanent accommodations for the owners or managers and a limited accessory use.

66. MANUFACTURED MODULAR HOME: A structure designed to be set on a permanent foundation with a wooden understructure.

67. GROUP RESIDENTIAL FACILITIES: A dwelling unit such as a nursing home, rest home or group home occupied by five or more unrelated persons who by reason of age or mental or physical condition required either personal care services or skilled nursing care services.

68. OBSCURING FENCE: A structure of wood, brick, stone, metal, plastic or vertical greenbelt alone or in combination, which completely prevents any view of the property through the fence.

69. VERTICAL GREENBELT:

1. GENERAL:

- a. Evergreen plantings in one or more rows of such nature and density to screen the property from view. Plants to have density with branches close to the ground level.
- b. Plants to be of upright growth; spread of plants to depend upon available space.
- c. At time of planting, plants should be no less than five (5) feet in height, natural height of screen to be minimum of six (6) feet.

- d. Plants to be selected to match site conditions in terms of light exposure, wind and soil conditions.
- e. Planting area to be mulched for weed control and moisture retention.

2. PLANT SELECTIONS:

- a. Arborvitae (Thuja species) - One of the most widely used reliable evergreen for screens. They prefer full sun with good soil moisture. They come in various heights. There are many cultivates of the American arborvitae like the American Dark Green Arborvitae (Thuja occidentals “nigra”) which makes a good hedge from screen with a height to 20 feet.
- b. Pines (Pinus species) - Pines are usually tougher and more adaptable than spruces. While forming a large needled tree, they can be pruned for thick, compact growth in hedges or screens. Austrian pines and Scotch pine can grow into a tall, attractive screen. White pine is not permitted due to the faster growth, which creates gaps between branches and loss of density.
- c. Spruces (picea species) - most are large pyramidal shaped evergreens with short needles. One of the better spruces for screening is the Black Hills spruce (Picea glauca densata) with dark green color and dense symmetrical shape.
- d. Junipers (Juniperus species) - Most junipers are unsatisfactory for screening because they are low growing. There are a few with tall, pyramidal or columnar shapes, which could be used for screening.
- e. Yews (Taxus species) - A large, diverse group used in all types of landscaping. Much variation in growth habit. Most not used in screening because of short height. One taller choice is the “Hicksii” yew, which may become 20 feet tall after 15 to 20 years. Due to slow growth, only large sized plants should be considered.

3. An alternative design is an earth mound (berm) with a height of 4 ft. or more and a width of 18 to 30 ft. with trees planted on top in a single or staggered double row.

4. The owner and tenant shall be responsible for maintaining all greenbelts in good condition to present a healthy, neat and orderly appearance. This shall be accomplished by the following standards;

- a. All plant growth in landscaped areas shall be controlled by pruning, trimming or other suitable methods so that materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitutes a traffic hazard. (AMENDED 7-30-98)

ARTICLE IV
ESTABLISHMENT OF ZONING DISTRICTS AND MAP

SECTION 400 ESTABLISHMENT OF DISTRICT

1. ZONING DISTRICTS: The intended use of standard zoning districts is to delineate areas of existing land use and development character so as to afford such areas the regulations necessary to maintain their essential qualities and to assure that any additional development will be in keeping with that which has already been established. Certain zoning districts have been included to facilitate

logically comprehensive development as those districts evolve. For the purposes of this Resolution, the Township of Chester is hereby divided into the following Standard Zoning Districts:

- | | | | |
|-----|------------------------------|----|---------------------------------|
| A | Agricultural: Green | IP | Industrial Park: Blue |
| R-1 | Residential: Yellow | PD | Planned unit Development: Brown |
| B | Neighborhood Business: Red | SU | Special Use: Purple |
| I | Light Industrial: Light Blue | | |

2. **SPECIAL DISTRICTS:** The intended purpose of the Special District is to delineate areas where, due to unique circumstances or development requirements, such activity can be carried on without subjecting the established land uses and zoning districts to undue interference or disturbance. For the purpose of this Resolution, the Township of Chester hereby provides for the necessary conditions for establishment of these districts. Such districts would include Mobile Home Districts, Planned Unit Development Districts, and Industrial Park Districts.

SECTION 400.1 OFFICIAL ZONING DISTRICT MAP

All land in the Township of Chester within the scope of this Zoning Resolution is placed into Zoning Districts as is shown on the Zoning Districts Map of the Township of Chester, County of Morrow, State of Ohio, which accompanies this Resolution, and said map with all notations, references, and other pertinent material shown thereon, is hereby made a part of this Resolution as is fully described herein.

Any district not found on the map must be added by the amendment process. Any district not on the map is prohibited until the map is amended. Fine is one thousand five hundred (1500) dollars.

SECTION 400.2 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

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

1. Boundaries indicated as approximately following the centerlines of streets, highway, or alleys, shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the corporation boundary line shall be construed as following the corporation boundary line.
4. Boundaries indicated as following railroad tracks shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the centerline of streams, rivers or other bodies of water shall be construed to follow such centerlines.
6. Boundaries of Residential Districts, which do not follow lot lines and are parallel to roads, shall be construed to be three hundred (300) feet from the right-of-way lines of such roads. Boundaries of Business and Industrial Districts, which do not follow lot lines and are parallel to roads, shall be construed to be five hundred (500) feet from the right-of-way lines of such roads.

7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 6 above shall be so construed. Distances not specifically indicated in this section or on the official Zoning Districts Map shall be determined by the use of a scale shown on the Map.

ARTICLE V

STANDARD DISTRICT REGULATIONS

SECTION 500 REGULATIONS OF USE AND DEVELOPMENT

Regulations pertaining to the use of land and/or structures and physical development within each of the Zoning Districts, as adopted as a Standard Zoning District in Article III, and as shown on the Zoning District Map, are hereby established and adopted.

SECTION 500.1 PERMITTED USES

Only a use designated as a PERMITTED USE shall be allowed as a matter of right within a Zoning District and any use not so designated shall be prohibited except, when in character with the Zoning District, such additional uses may be added to the PERMITTED USES of the Zoning District by amendment of this Resolution.

SECTION 500.2 CONDITIONALLY PERMITTED USES

A use designated as a CONDITIONAL USE shall be allowed in a Zoning District when such CONDITIONAL USE, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of the adjacent lots in the manner prescribed for the Zoning District. To this end the Zoning Board of Appeals shall, in addition to the Development Standards for the Zoning District, set forth such additional requirements as will, in its judgment render the CONDITIONAL USE compatible with the existing and future use of adjacent lots and the immediate surrounding area.

SECTION 500.3 DEVELOPMENT STANDARDS

The Development Standards set forth shall be the minimum allowed for development in a Zoning District. If the Development Standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standards shall govern.

SECTION 501.00 AN AGRICULTURAL DISTRICT

SECTION 501.1 PURPOSES

The purpose of the Agricultural District is to preserve and protect the decreasing supply of prime agricultural land. This district also is established to control the indiscriminate infiltration of urban development in agricultural areas, which adversely affects agricultural operators.

SECTION 501.2 PERMITTED USES

1. Single-family dwellings
2. Agricultural, including farming, dairying, pasturage, apiculture, floriculture, horticulture, viticulture, animal and poultry husbandry.

SECTION 501.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, and subject further to the review and approval of the Township Zoning Board of Appeals.

1. Churches and other buildings for the purpose of religious worship subject to the following conditions:
 - a. Building of greater than the maximum height allowed in Section 505, SCHEDULE OF REGULATIONS, may be allowed provided front, side and rear yards are increased above the minimum required yard setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 - b. Whenever the off-street parking area is adjacent to land developed for one and two family residential purposes, a continuous and obscuring year-round greenbelt or obscuring fence six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development.
 - c. The proposed site shall have at least one (1) property line abutting a major thoroughfare as designated on the County Highway Map for Morrow County. Access to and from the site shall be provided by a major thoroughfare or a service access road.
2. Cemeteries subject to statutory limitations and further subject to the following conditions:
 - a. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
 - b. All points of ingress and egress should be located no closer than two hundred (200) feet from the intersection of two major thoroughfares and no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
 - c. Points of ingress shall be available only from abutting major thoroughfares or collector streets and shall not be available from any local residential street.
3. Recreational uses other than those governmentally owned and or operated, consistent with the rural character of the area but expressly excluding adult book stores, adult motion picture theaters and adults only entertainment establishments. The First Amendment rights to free speech, but to prevent blight, crime, deterioration of property values and to protect the township's retail trade base.
 - a. Adult Book Stores: Adult book store means an establishment deriving a majority of its income from the sale or rental or have majority of its stock in trade, books, magazines or other periodicals, films, or mechanical or non-mechanical devices and which adult materials are obscene or harmful to juveniles as defined by the Ohio Revised Code Section 2907.01 (E) and (F).
 - b. Adult Motion Picture Theaters: Adult motion picture theaters means an enclosed motion picture theater or motion picture drive-in theater presenting material for observation by the

patrons therein deriving a majority of its income or having a majority of adult materials which are obscene or harmful to juveniles as defined by the Ohio Revised Code Section 2907.01 (E) and (F).

- c. Adults Only Entertainment: Adults only entertainment establishment means an establishment, which features totally nude, topless, bottomless, strippers, male or female impersonators, or similar entertainment or services which are obscene or harmful to juveniles as defined by Ohio Revised Code Section 2907.1 (E) and (F).
 - d. Adult Material: Adult material means any book, magazine, newspaper pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tapes, or other tangible thing capable of arousing interest through sight, sound or touch as defined by Ohio Revised Code Section 2907.1 (E) and (F).
 - e. Bottomless: Bottomless means less than full opaque covering of male or female genitals, pubic area or buttocks.
 - f. Nude: Nude means the showing representation, a depiction of human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof, below the top of the nipple, or of covered male genitals in a discernible turgid state.
4. Water conservation uses including water supply works, flood control and water protection works, fish and game hatcheries and preserves, and other uses similar in character with the above specified uses.
5. Gas and oil wells subject, however, to the following terms and conditions:
- a. A drilling permit shall be procured prior to commencement of each drilling operation, or reopening of previously drilled well upon premises within the unincorporated area of Chester Township from the Chester Township Clerk:
 - 1) Upon tender of a fee of \$100.00, payable to the Chester Township Clerk;
 - 2) Upon a deposit, with said Clerk, of a surety bond in the sum of \$2,500.00 with the surety approved by the Board of Township Trustees of Chester Township, Morrow County, Ohio, as obligee, to insure the performance by the permit holder of rules and regulations as hereinafter set forth;
 - 3) Upon deposit, with said Clerk, of a certified copy or photo reproduction of a currently effective drilling permit issued by the State of Ohio, Department of Industrial Relations, Bureau of Mines;
 - 4) An applicant for a permit authorizes the Township Inspector to enter upon premises for which a permit is issued at all reasonable times for purpose of inspection to insure compliance with this supplement.
 - b. The oil and gas drilling regulations adopted under authority of law by the State of Ohio, Department of Industrial relations, Bureau of Mines, as amended from time to time, are hereby adopted and made a part of the Chester Township Zoning Resolution as if fully rewritten herein, and a drilling permit holder under this Resolution shall comply therewith;

provided that failure of a drilling permit holder to comply with said regulations shall be sufficient cause for a revocation of the drilling permit issued hereunder, and provided in the event a permit holder operates in violation of said regulations, the Zoning Inspector shall notify said permit holder of said violation by certified mail, return receipt requested that unless full compliance with said regulations is had within 24 hours of receipt of notice, at which time hearing will be had at the next succeeding regular or special meeting of the Board of Township Trustees detailed in such notice, at which time the permit holder shall be afforded the opportunity to show cause why the permit should not be revoked. Revocation of the permit of the State of Ohio, Department of Industrial Relations, Bureau of Mines, shall affect an automatic revocation of any permit granted hereunder.

- c. A drilling permit is not transferable but may be reissued to a “successor” owner as defined in said regulations of the State of Ohio, Department of Industrial Relations, and Bureau of Mines.
 - d. A Township permit shall be displayed continuously at the drilling or operation site.
 - e. Unless operations authorized by a permit have started within 180 days from the date of issue the permit shall expire.
 - f. Bond filed under sub-paragraph 1 (b) shall insure to the benefit of the Board of Township Trustees to insure restoration by permit holders of terrain of the premises upon which drilling or extraction operations are performed or upon premises or Township highways affected thereby, to its original condition. Said bond shall be subject to forfeiture to the extent necessary to restore said lands, as aforesaid, if the permit holder shall fail to do so at the conclusion of operations. Said bond shall further be subject to forfeiture for any and all damages arising out of the failure of permit holder to comply with Chapter 4159 and Section 4151.03, Ohio Revised Code, and with the regulations of the state of Ohio, Department of Industrial Relations, Bureau of Mines, as aforesaid.
 - g. Bond filed under sub-paragraph 1 (b) shall be released 30 days after cessation of all drilling and/or extraction under the permit, and upon full compliance by permit holder with State regulations as aforesaid, and this supplement to the Chester Township Zoning Regulation.
 - h. All permit holders under this section shall install access driveways from abutting public highways with number four (4) stone or larger, together with all necessary culverts prior to initiating any operation under the permit granted. Provided further that said driveways and culverts shall be maintained during operations so as to insure continued and adequate drainage along the abutting highway, and so as to preclude the creation of safety hazards by the tracking of mud or other debris on to the highways.
- 6. Public schools and related parks and recreations facilities.
 - 7. Parochial and other private elementary or intermediate schools offering courses in general education.
 - 8. Utility and public service buildings and uses (excluding storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
 - 9. Gravel extraction and open pit mining subject to the following conditions:
 - a. The site shall be completely enclosed by a continuous and obscuring fence at least six (6) feet in height.

- b. All areas shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.

10. Temporary structures subject to the following regulations and conditions:

- a. An independent mobile home or temporary structure may be temporarily used, as a resident on a lot while a dwelling is being reconstructed or repaired as the result of an emergency situation, which required a substitute residence.
- b. That the maximum length of stay be limited to six (6) months.

11. Home occupations subject to the following conditions:

- a. Such uses shall be secondary in importance to the use of the dwelling unit for dwelling purposes.
- b. Home occupations shall be conducted by the residents with no additional employees.
- c. Such occupations shall be carried on entirely within the dwelling unit and not in an accessory building. The garage may be used providing the occupation does not preclude the storage of the number of vehicles for which the garage was designed.
- d. The area for a home occupation shall not constitute more than thirty (30) percent of the gross first floor living area of any one dwelling unit.
- e. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public thoroughfare or adjacent property.

12. Farm: Farm means, for purposes of this resolution, devoted exclusively to agricultural purposes as defined in section 300.1 (2). (Revision in effect May 28, 2003)

13. Lot Frontage: Lot frontage means the horizontal distance between the side lot lines wherein the said side lot lines intersect a road approved by the Morrow County Engineer.

14. Bed and Breakfast subject to the conditions:

- a. The facility shall be identified by only one unlighted sign of no larger than twelve (12) square feet and located fifteen (15) feet from the road right-of-way.
- b. Only those indoor/outdoor recreational uses shall be permitted which do not create noise that can be heard off of the premises. No motorized vehicles or firearms may be used in these activities.
- c. Off-road parking shall be provided with a minimum of one space for each guest room in addition to parking needed by residents.
- d. The facility shall retain an essentially residential appearance.

- e. The Board of Zoning Appeals shall find that the facility will not adversely affect the neighboring properties due to the location of the buildings or traffic flow and may also require driveway or lanes and parking areas to be treated to minimize dust.
- f. The owner and or manager of the Bed and Breakfast shall be a resident of Chester Township.

15. Wireless and Communication Facilities. Facilities includes:

- a. Relay towers which receive and re-transmit signals for communication purposes, such as telephone service and
- c. Transmitting towers which transmit broadcast signals, such as radio or television service.

All facilities shall conform to O.R.C. 302.211 and 519.211.

SECTION 501.4 AREA AND BULK REQUIREMENTS

- a. The division of a parcel of land results in all new parcels which must meet the requirements of this Zoning Resolution.
- b. No parcel of land may be created with less than two hundred (200) feet of continuous frontage on a maintained road.
- c. No parcel of land may be created with a depth that exceeds three (3) feet for every 1 (one) foot of lot frontage. However, lots that are in excess of twenty (20) acres with a minimum of three hundred (300) feet of road frontage will be exempt from the three feet to one-foot requirement. (Amended 12-17-13)
- d. All parcels of land created in Agriculture (A) district must be either four (4) acres or less, or fifteen (15) acres or more. (Revision in effect May 28, 2003)
- e. Minimum parcel area shall be two (2) acres.
- f. Maximum dwelling units per parcel shall be one (1).
- g. Maximum dwelling height shall be thirty (30) feet.
- h. Minimum dwelling floor area shall be one thousand two hundred fifty (1250) square feet (See Section 300.01 (64)).
- i. Minimum building setback shall be one hundred twenty (120) feet from all public roads, measured from the center line of the road.
- j. Minimum side yard setback (each side) shall be fifteen (15) feet from the parcel/lot line, measured at the front yard setback line.
- k. Minimum rear yard setback shall be twenty (20) feet, measured from the rear lot line.

SECTION 501.5 PROHIBITED USES

- a. No use not specifically authorized by the express terms of this chapter of the zoning resolution shall be permitted.

SECTION 502 R-1 RESIDENTIAL DISTRICT

SECTION 502.1 PURPOSE

The R-1 Residential Districts are established in recognition that sections of the Township include low-density residential developments that are rural in nature. These Districts provide for residential uses with large lot sizes, not used primarily for agriculture.

SECTION 502.2 PERMITTED USES

1. One family dwellings.
2. Cemeteries which lawfully occupied the land at the time of adoption of this Resolution.
3. Accessory building and uses as regulated in Article VI, GENERAL PROVISIONS.
4. All uses permitted in A-1.

SECTION 502.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VI, and subject further to the review and approval of the Zoning Board of Appeals:

1. Public schools, parks, and recreational facilities
2. Parochial and private schools
3. Churches and other buildings for the purpose of religious worship subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in Section 505, SCHEDULE OF REGULATIONS, may be allowed provided front, side, and rear yards are increased above the minimum required yard setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
 - b. Wherever the off-street parking area is adjacent to land developed for one and two family residential purposes, a continuous and obscuring year-round greenbelt or obscuring fence six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development.
 - c. The proposed site shall have at least one (1) property line abutting a major thoroughfare as designated on the County Road map for Morrow County. Access to and from the site shall be provided by a major thoroughfare or a service access road.
4. Private recreational areas, swimming pools, golf courses, tennis clubs, and institutional or community recreation centers but expressly excluding adult book stores, adult motion picture theaters and adults only entertainment establishments.
5. Temporary structures subject to the provisions of Section 501.3 (10).

6. Home occupations subject to the provisions of Section 501.3 (11).
7. **WIRELESS AND COMMUNICATION FACILITIES.**
Facilities includes:
 - a. Relay towers which receive and re-transmit signals for communication purposes, such as telephone service, and
 - b. Transmitting towers which transmit broadcast signals, such as radio or television service.
All facilities shall conform with O.R.C. 302.211 and 519.211.

SECTION 502.4 AREA AND BULK REQUIREMENTS

- a. The division of a parcel of land results in all new parcels which must meet the requirements of this Zoning Resolution.
- b. No parcel of land may be created with less than two hundred (200) feet of continuous frontage on a maintained road.
- c. No parcel of land may be created with depth that exceeds three (3) feet for every one (1) foot of lot frontage. (Revisions in effect may 28, 2003)
- d. Minimum parcel area shall be two (2) acres.
- e. Maximum dwelling units per parcel shall be one (1).
- f. Maximum dwelling height shall be thirty (30) feet.
- g. Minimum dwelling floor area shall be one thousand two hundred fifty (1250) square feet (See Section 300.01 (64)).
- h. Minimum building setback shall be one hundred twenty (120) feet from all public roads, measured from the center line of the road.
- i. Minimum side yard setback (each side) shall be fifteen (15) feet from the parcel/lot line, measured at the front yard setback line.
- j. Minimum rear yard setback shall be twenty (20) feet, measured from the rear lot line

SECTION 502.5 PROHIBITED USES - RESIDENTIAL

- a. No use not specifically authorized by the express terms of this chapter of the Zoning Resolution shall be permitted.

SECTION 502.6 R-2 RESIDENTIAL DISTRICT

SECTION 502.7 PURPOSE

The R-2 Residential Districts are established for the purpose of providing areas within the Township where residential uses of moderate density can be developed in conjunction with single-family residences and are limited nonresidential uses which are not inconsistent with such residential uses.

SECTION 502.8 PERMITTED USES:

1. All uses permitted in R-1 Residential District under Section 502.2.
2. Two-family dwelling units.

3. Multi-family dwelling units, providing a public or EPA approved centralized sanitary sewer system is available.
4. Group residential facilities.
5. Accessory buildings and uses to any of the above as regulated in Article VI.

SECTION 502.9 CONDITIONALLY PERMITTED USES:

The following uses shall be permitted in the R-2 Residential District subject to the conditions hereinafter imposed for each use, the provisions of Article VI and subject further to the review and approval by the Board of Zoning Appeals.

1. All uses conditionally permitted in the R-1 Residential District as provided in Section 503.2 (C) subject to the following conditions:
 - a. A greenbelt at least twenty-five feet in width and/or a six-foot high obscuring fence on those sides and rear yards abutting the A-1 or R-1 District.
 - b. Accessory building and uses provided one accessory building shall be permitted on each property and only in the side and rear yard and no closer than ten (10) feet from the side and rear property lines.
 - c. Off street parking subject to the General Regulations of Section 600.3 paragraphs one and four and with one space for each employee expected to be present at the same time and one space per three hundred (300) square feet of floor space.
 - d. All parking areas located in the front yard as approved by the Board of Appeals shall be located no closer than ten (10) feet from the street right-a-way so as to allow this space as a minimum front yard set back exclusive of drives and aisles.

SECTION 503 B-NEIGHBORHOOD BUSINESS DISTRICT

SECTION 503.1 PURPOSE

The B-Neighborhood Business District is intended to encourage the grouping of small individual retail establishments to promote convenience in serving the daily needs of persons living in adjoining areas. These groups of establishments generally occupy sites that are in proximity to the residential population to be served.

SECTION 503.2 PERMITTED USES

1. All uses permitted in a R-Residential District.
2. Including but not limited to the following retail, personal service and business and professional office uses providing a six (6) foot high obscuring fence and a greenbelt at least twenty-five (25) feet in width is provided on those side and rear yards abutting an R-Residential District.
 - a. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods.

- Hardware stores
- Grocery stores
- Meat and Fish markets
- Candy, nut and confectionery stores
- Dairy Products stores
- Retail Bakeries
- Drug and proprietary stores
- Florists
- Toy and Gift stores
- Clothing stores
- Furniture stores
- Appliance stores
- Auto sales

b. Personal Service Establishments

- Self-service laundries
- Beauty shops
- Barber shops
- Shoe repair shops, shoe shine shops
- Radio and Television repair shops

- Pressing, Alteration and Garment repair
- Motels

c. Business and Professional Offices

- Commercial and Stock Savings Banks
- Credit Agencies
- Personal Credit Unions
- Insurance Agents, Brokers and Service
- Real Estate Agents and Brokers
- Offices of Physicians and Surgeons
- Offices of Chiropractors
- Legal Services
- Dentist Offices
- Offices of Architects, Engineers, & Surveyors
- Offices of Accountants

3. Accessory buildings and uses as regulated in Article VI, GENERAL PROVISIONS of this Resolution.

4. Parking and loading as regulated in Article VI, GENERAL PROVISIONS of this Resolution.

SECTION 503.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VI, and subject further to the review and approval of the Township Zoning Board of Appeals:

1. Eating Places.

2. Drive-in Restaurants, subject to the following conditions:
 - a. All lighting shall be shielded from adjacent R-Residential Districts.
 - b. Whenever the site is adjacent to land developed for one and two family residential purposes, a continuous and obscuring year round greenbelt or obscuring fence six (6) feet in height shall be provided along the sides of the site adjacent to the residential development. The greenbelt shall be further subject to the provisions of Article VI, GENERAL PROVISIONS, of this Resolution.

3. Gasoline service stations, subject to the following conditions:

- a. Such stations shall be used for the sale of gasoline, oil, minor accessories, and minor repair work only. No repair work will be done including vehicle body repair, painting, tire recapping, engine rebuilding, upholstering, auto glass work and such other activities where the external effects of the activity could adversely extend beyond the property line.
- b. Curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than seventy-five (75) feet from a street intersection (measured from the intersection of the curb lines) or from adjacent residential district.
- c. The minimum lot area shall be twenty-two thousand (22,000) square feet, with access drives so arranged that ample space is available for motor vehicles, which are required to wait.
- d. The minimum lot width shall be at least one hundred (100) feet and pump islands shall be setback at least fifteen (15) feet (measured from the street right-of-way line). All buildings and other structures shall have a front yard set back of fifty (50) feet back from the street right-of-way line.
- e. Underground storage gasoline tanks shall be located not less than fifty (50) feet from any R-Residential District and/or Agricultural District.
- f. Construction shall begin within one (1) year from the date of approval by the Township Zoning Board of Appeals.
- g. All lighting shall be shielded from all adjacent properties.
- h. Gasoline service stations shall provide a fence at least six (6) feet in height and a greenbelt at least ten (10) feet in width on those side and rear lot lines abutting a R-Residential District and/or Agricultural District.

- i. Abandoned Service Stations

If any service station shall become abandoned, such service station shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated. Abandoned is defined as a failure to operate said service station for at least three (3) consecutive months.

Whenever the Zoning Inspector shall find any service station to be abandoned within the meaning of this Section, he shall give notice in the same manner as service of summons in civil cases, or by certified mail addressed to the owner of record of the premises at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within one hundred and eighty (180) days either by placing the station in operation in accordance with this Resolution, adapting and using the building for another permitted business use, or by razing the service station structure, removing the pumps and signs, in order to eliminate the potential for underground tanks to develop leaks, thereby contaminating underground wells, basements and streams, all underground tanks and plumbing thereto shall be removed. Area of removal shall be back-filled with clean fill to driveway grade and drive resurfaced to correspond with surrounding driveway surfaces. However provided, that if the station is in operation at the time notice is given and remains in operation for ninety (90) consecutive days thereafter, the provisions of this Section shall not apply; and provided, further that if there should be declared a national emergency which would curtail the operation of motor vehicles or if the Trustees should determine that there exists a state of general economic depression, the provisions of this Section shall not apply.

Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Zoning Inspector shall take such action as may be necessary to abate said nuisance.

Inoperative service stations which do not come within the definition of abandoned service station shall be maintained in accordance with the provisions of this Resolution and the owner shall cut all grass and remove all rubbish and weeds from the premises. The parking of motor vehicles upon said premises shall be prohibited and the owner shall place in the window of such service station of at least ten (10) square feet in area notifying the public of this fact. Notwithstanding any other provisions of this Resolution if the Zoning Inspector shall find that such notice is not complied with by the public, he may order the owner of the premises on which the station is inoperative for more than six (6) months to install fencing access to said property.

4. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, excluding storage yards.

SECTION 503.4 AREA OF BULK REQUIREMENTS

- a. The division of a parcel of land results in all new parcels which must meet the requirements of this zoning resolution.
- b. No parcel of land may be created with less than two hundred (200) feet of continuous frontage on a maintained road.
- c. No parcel of land may be created with a depth that exceeds three (3) feet for every one (1) foot of lot frontage
- d. Minimum parcel area shall be two (2) acres.
- e. Maximum dwelling units per parcel shall be one (1).
- f. Maximum dwelling height shall be thirty (30) feet.
- g. Minimum dwelling floor area shall be one thousand two hundred fifty (1250) square feet (See Section 300.1 (64).
- h. Minimum building setback shall be one hundred twenty (120) feet from all public roads, measure from the center line of the road.
- i. Minimum side yard setback (each side) shall be fifteen (15) feet from the parcel/lot line, measured at the front yard setback line.
- j. Minimum rear yard setback shall be twenty (20) feet, measured from the rear lot line.

SECTION 503.5 PROHIBITED USES - NEIGHBORHOOD DISTRICT

- a. No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.

SECTION 504 I-INDUSTRIAL DISTRICT

SECTION 504.1 PURPOSE

The I-Industrial District are intended to accommodate use which provide for the repair, storage, compounding, processing, manufacturing or assembling of materials or parts, provided that the emission of smoke, dust fumes, vibration, odor and noise is restricted to the premises or held to minimum levels such that they will not have an adverse or detrimental effect on surrounding residential and business districts.

SECTION 504.2 PERMITTED USES

1. All uses permitted in a "B" District but expressly excluding adult bookstores, adult motion picture theaters and adults only entertainment establishments.
2. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
3. Warehouse, storage and distribution facilities, buildings, railroad or truck transfer or terminal facilities and parking areas.
4. The manufacturing, compound, processing, assembly or repair of products when conducted wholly within a completely enclosed building or within an area enclosed on all sides by a six (6) foot high obscuring fence or wall.
5. Contractor's offices, repair and storage yards, lumber and building material sales yards provided all materials are located within an area enclosed on all sides by a six (6) foot high obscuring fence or wall.
6. Public utilities installation such as gas and electrical service buildings, water or gas storage tanks, pipeline pumping stations, and similar utility uses.
7. Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises of an adjacent public project or during a period while the permanent structure 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 twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of this resolution.

SECTION 504.3 GENERAL CONDITIONS

The following general conditions shall apply to all industrial uses described above and permitted in an I-Industrial District:

1. A greenbelt thirty (30) feet in width shall be provided on all sides of the industrial property.
2. Where an industrial district abuts a residential district:
 - a. Those sides abutting residential property must have a one hundred (100) foot greenbelt.
 - b. The area of use, and all parking areas shall be screened by a six (6) foot high obscuring fence and appropriately landscaped to be harmonious with surrounding properties.
 - c. Loudspeakers, horns, whistles, or lighting which cause a hazard or annoyance shall not be permitted.
3. All outdoor storage areas shall be completely enclosed by a six (6) foot obscuring device being a fence, wall, or dense planting, etc.
4. Truck parking areas, maneuvering lanes, and points of ingress and egress shall be designed to cause no interference with the safe and convenient movement of vehicles on adjacent thoroughfares. Points of ingress and egress shall not be located closer than one hundred fifty (150) feet from the intersection of two major thoroughfares or the intersection of a major thoroughfare and collector thoroughfare.
5. All industrial uses shall be located along major thoroughfares, railroads, and/or in an industrial park.
6. Removal of Equipment; If any facility that is used for manufacturing, compounding, processing, assembly or repair of productions, remains idle for three hundred and sixty-five days, the owner will be issued a notice to remove all equipment or tools from the site within forty-five days. The only exception will be fixtures that actually have a UCC fixture filing. Those items will be permitted int remain when proof of said filing is presented to the zoning inspector. (amended 12-17-13)

SECTION 504.4 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VI, GENERAL PROVISIONS, and subject further to the review and approval of the Township Zoning Board of Appeals:

1. Restaurants or other places servicing food or beverages except those having the nature of a “drive-in” subject to the following restrictions:
 - a. The entire activity shall be conducted within a totally enclosed main building.
2. Strip mining and gravel extraction operations subject to the following restrictions:
 - a. A completely enclosed fence six (6) feet in height shall be provided around the entire periphery of the development.

- b. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

No rehabilitated slope shall exceed an angle with the horizontal of thirty (30) degrees.

- c. Established routes for truck movements into and out of the development shall be indicated in such a way that it will minimize the wear on public streets and damage to any adjoining property.
- d. Topsoil may be stripped from the roadway, construction and excavation areas, piled separately but not removed from the site or used as spoil. As many trees as can be reasonably utilized in the final development plan should be retained, and the grading should be adjusted to the grade at the existing line of trees.

3. "Junk Yards Prohibited".

4. Gasoline service stations, subject to the following conditions: (see Section 503.3)

SECTION 504.5 AREA AND BULK REQUIREMENTS

See Section 505, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum yard setback requirements.

SECTION 504.6 PROHIBITED USES

- a. No use not specifically authorized by the express terms of this article of the Zoning Resolution permitted.

SECTION 505 SCHEDULE OF REGULATIONS (Amended 7-30-98)

Limiting height, bulk, density and area by Zoning District:

| Use Districts | Max. D.U. Per Acre | Minimum Lot <u>Area Requirements</u> Area In Acres Or Sq. Ft. | Width In Feet | Maximum Height of <u>Building</u> | |
|--------------------|-----------------------------|---|------------------|---|---------------|
| | | | | In Feet | In Stories |
| - A Agriculture | 1.0 | 2 acres | 200 | 30 | 2 |

| | | | | | | |
|----------------------|-------------|---------|-----|----|-----|--|
| - | | | | | | |
| R-1 Residential | | | | | | |
| One Family | 1.0 | 2 acres | 200 | 30 | 2 | |
| R-2 Residential | | | | | | |
| One Family | 1.0 | 2 acres | 200 | 30 | 2 | |
| Two Family | 2.0 | 2 acres | 200 | 30 | 2 | |
| Multi-Family | 4.0 | 2 acres | 200 | 30 | 2 | |
| Group Residential | 4.0 | 2 acres | 200 | 30 | 2 | |
| Office | --- | --- | 100 | 15 | 1 | |
| ----- | | | | | | |
| B-1 Neighborhood | | | | | | |
| Business | --- | --- | --- | 40 | 2 | |
| One Family | Same as R-1 | | | | | |
| Two Family | Same as R-1 | | | | | |
| Townhouse | Same as R-1 | | | | | |
| Multi Family | Same as R-1 | | | | | |
| - | | | | | | |
| I-1 Light Industrial | | 2 acres | | | | |
| Business | --- | | --- | 50 | --- | |
| ----- | | | | | | |

SECTION 505 SCHEDULE OF REGULATIONS (Amended 7-30-98) (CONTINUED)

| Use Districts | Minimum Yard Setback (Per Lot In Feet) | | | Sum of the Widths | Rear | Minimum Floor Area Per Unit | |
|-------------------|---|---------------------|------|-------------------------|------|-----------------------------------|-----------|
| | Front | One Side Yard | Yard | | | Yard | (Sq. Ft.) |
| - | | | | | | | |
| A Agriculture | | 90 | 10 | 30 | 40 | 1250 | |
| - | | | | | | | |
| R-1 Residential | | | | | | | |
| One Family | | 90 | 10 | 30 | 40 | 1250 | |
| - | | | | | | | |
| R-2 Residential | | | | | | | |
| One Family | | 90 | 10 | 30 | 40 | 1250 | |
| Two Family | | 90 | 10 | 30 | 40 | | |
| Multi Family | | 90 | 10 | 30 | 40 | (d) | |
| Group Residential | | 90 | 10 | 30 | 40 | | |

| | | | | | |
|-------------------------------|---------|---------|-----|---------|-----|
| Office | 90 | 25 | 50 | 40 | |
| B-1 Neighborhood Business | 80(e) | (f) | --- | 25(g) | --- |
| One Family | | | | | |
| Two Family | | | | | |
| Townhouse | | | | | |
| Multiple Family | | | | | |
| - | | | | | |
| I-1 Light Industrial Business | 110 | (h,I,j) | --- | (h,I,j) | --- |
| One Family | (e,f,g) | h,I) | | | |
| Two Family | | | | | |
| Townhouse | | | | | |
| Multiple Family | | | | | |
| - | | | | | |

NOTES TO SECTION:

- b. Where a centralized sewer system is furnished, the minimum lot area may be reduced to 20,000 sq. ft.
- c. Where centralized sewer and water facilities are not provided, the minimum lot area shall be at least two (2) acres per dwelling with a minimum width of 200 feet of continuous road frontage on a public roadway.
- d. In an R-1 Residential district, front, side or rear yards do not refer directly to the spacing between buildings for a multiple family development for two or more buildings on the same parcel. In case, the minimum distance between any two buildings shall be based on the height of each building and in no instance shall this distance be less than forty (40) feet. Whenever the side or rear yard of a multiple family development abuts a one-family development, the minimum side yard width and rear yard depth shall be at least thirty-five (35) feet.
- e. Minimum floor areas per dwelling unit in a multiple family dwelling shall be based on the following formula: Efficiency - 400 sq. ft., 1 bedroom - 500 sq. ft., 2 bedrooms - 625 sq. ft., 3 bedrooms - 750 sq. ft., 4 bedrooms - 900 sq. ft.
- f. Off-street parking shall be permitted to occupy part of the required front yard after approval of the parking plan layout and points of ingress and egress by the Township Zoning Commission.
- g. No side yards are required along the interior side lot lines of the District. On an exterior side yard abutting a residential district, there shall be provided a minimum side yard setback of thirty (30) feet.
- h. Off-street loading space shall be provided in the rear yard in accordance with the provisions of Section 600.4 of this Resolution and shall be provided in addition to any required off-street parking facilities.
- i. Where there is a front-to-front industrial relationship, or a front-to-side industrial relationship, the minimum front yard setback may be reduced to twenty-five (25) feet. All front yards shall be landscaped in accordance with the provisions of Article VI.

- P. Side and rear yards shall be equal to at least the height of the average of the various heights of the building masses, excluding towers and other appurtenances. All side and rear yards abutting a Residential District shall provide open space equal to at least one hundred (100) feet in width.
- Q. A six (6) foot obscuring fence or screen, or a twenty (20) foot side greenbelt measured from the lot line shall be provided along those side and rear lot lines abutting a residential development.
- r. Lots of less than three (3) acres will follow the Schedule of Regulations in Section 505, lots of 3 acres or more will follow the Schedule of Regulations in Section 505 and the 3 to 1 ratio.

SECTION 506 MH MOBILE HOME PARK DISTRICT

SECTION 506.1 PURPOSE

The Mobile Home Park (MH) District is established in recognition of mobile homes, which are of such a nature as to warrant individual consideration and regulations due to the unique demands they place upon the public health and welfare, and the requirements of location and development that generally are peculiar to these uses.

It is the intent of the Section to allow mobile homes to be suitably located and developed in unified areas having all necessary services and facilities comprehensively provided in accordance with a predetermined site plan.

SECTION 506.2 PERMITTED USES

1. Mobile Home Park developments developed in accordance with the following regulations and subject further to the review and approval of a site plan by the Township Zoning Commission and the Township Trustees:
 - a. The Mobile Home Park shall include at least ten (10) acres of land and at least ten (10) mobile home stands.
 - b. The Mobile Home Park shall provide a twelve (12) foot wide greenbelt together with a six (6) foot high obscuring screen on those side or rear yards of the Park, which abut onto an “R”, “B”, or “I” District. The obscuring screen shall be a continuous, year-around screen.
 - c. Access from Mobile Home Parks to the nearest public thoroughfare shall be by means of a public right-of-way not less than sixty (60) feet in width. No access shall be permitted through and “R” Residential District.
 - d. An adequate road and walkway system shall be provided throughout the park to serve each mobile home stand. Four (4) foot sidewalks must be provided on each side of the road unless an internal sidewalk or walkway system is provided. The road and walkway system shall be constructed in accordance with the required improvement specifications of the Subdivision Regulations of the applicable jurisdiction.
 - e. Each mobile home stand shall be served by centralized water and sewer facilities of the type approved by the Ohio Department of Health.
 - f. Each mobile home stand shall be furnished with power and heating fuel hook-ups.

- g. Each mobile home stand shall be equipped with individual trash receptacles adequately protected from spillage. The owner of the Mobile Home Park shall be responsible for furnishing each lot with trash receptacles.
 - h. The Mobile Home Park shall further comply with any other county and state health department regulations, and any other resolution of Chester Township.
 - i. A centralized radio or television tower shall be provided to service all of the mobile home units in the Mobile Home Park. Such tower shall be located in a convenient area and shall be located at least twenty-five (25) feet away from any lot line. This tower shall be surrounded with a chain link fence at least six feet in height with a lockable gate.
 - j. The occupant of the mobile home unit shall provide a continuous opaque skirting consisting of non-flammable material around the entire base of the unit to the finished grade of the stand.
2. Accessory uses as regulated in Article VI, GENERAL PROVISIONS, of this Resolution.
 3. Automobile parking spaces as regulated in Article VI, GENERAL PROVISIONS, of this Resolution.
- (AMENDED 7-30-98)

SECTION 506.3

SCHEDULE OF REGULATIONS
SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT

| Use Districts | Mobile Home Park* |
|-------------------------------|-------------------|
| Max D.U. Per Acre | 7.0 |
| Minimum Lot Area Requirements | |
| Area In Acres or Sq. Ft. | 6,000 sq. ft./lot |
| Width in Feet | 60 |
| Maximum Height of Building | |
| In Feet | 25 |
| In Stories | 1 |
| Minimum Yard SetBack | |
| (Per Lot In Feet) | |
| Front Yard | 20 |
| Each Side Yard | 15 |
| Sum of the Widths | 30 |
| Rear Yard | 20 |
| Minimum Floor Area Per Unit | |
| (Square Feet) | 1250 |

*Minimum site requirement: 10 acres

SECTION 506.4 PROHIBITED USES

No use not specifically authorized by the express terms of this article of the zoning resolution shall be permitted.

SECTION 507 FLOOD PLAIN (FP) OVERLAY DISTRICT

Specific areas adjacent to streams within Chester Township are subject to periodic inundation, which may result in loss of life and property, hazards to health and safety, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the occupancy of flood hazard areas by unsuitable land uses, and the cumulative effect of obstruction in flood plains, causing increased flood heights and velocities.

SECTION 507.1 PURPOSE

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize losses resulting from periodic inundation of floodwaters in Chester Township by:

1. Restricting or prohibiting uses and activities that are dangerous to health, safety or property in times of flooding, or cause excessive increases in flood heights or velocities;
2. Controlling and filling, grading, dredging and other development which may increase flood damage; and
3. Controlling and alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

SECTION 507.2 SCOPE AND APPLICATION

This article shall apply to all lands within Chester Township shown as within the 100-year flood plain, as identified by the Federal Emergency Management Agency on the Flood Insurance rate map numbers and dates as follows:

390868 dated April 1, 1992

The above Flood Insurance Rate Map with accompanying Flood Insurance Studies, and any subsequent revisions and/or amendments is hereby adopted by reference and declared to be a part of this Article.

SECTION 507.3 OVERLAY DISTRICT DESIGNATION

The areas of special flood hazard identified on the Official Zoning Map District map shall be considered as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

The Flood Plain Overlay (FP) District shall be superimposed over the Official Zoning District Map. The underlying zoning district, shown on the official Zoning District map, shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district; however, when the requirements governing the Flood Plain Overlay District are more restrictive than those of the base district, the provisions of this Article shall supersede those of the base district.

SECTION 507.4 INTERPRETATION BOUNDARIES

When disagreement exists as to the boundaries of the Flood Plain Overlay District, those boundaries shall be interpreted to be the boundaries as shown on the Flood Insurance Rte Maps referenced in Section B above. Actual boundaries may also be determined by use of the flood elevations profile information provided in referenced Flood Insurance Study and topographic survey of the site in question.

SECTION 507.5 WARNING AND DISCLAIMER OF RESPONSIBILITY

The degree of flood protection required by this Article is considered reasonable for regulatory purposes. 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 Article does not imply that areas outside the Flood Plain Overlay District boundaries or land use permitted within such district will be free from flooding or flood damage. This Resolution shall not create liability on the part of Chester Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made there under.

SECTION 507.6 DEVELOPMENT STANDARDS

4. Open space uses shall be permitted within the FP District to the extent that they are allowed as permitted, accessory or conditional uses in the base-zoning district.
5. No habitable structure shall be constructed within the FP District.
6. No other structure shall be permitted within the identified flood plain, and no use shall be established, which would unduly restrict the capacity of the channel or floodway of the main stream, its tributaries or drainage facilities.
7. No grading or filling within the FP District shall be permitted unless it is demonstrated to the Board of Zoning Appeals, by hydrologic and hydraulic analysis prepared by a Professional Engineer registered in the State of Ohio, that the cumulative effect of the proposed activities shall not increase the water surface elevation of the base flood more than one (1) foot at any point. In acting on such a proposal, the Board shall seek the input of the Morrow County Soil and Water Conservation District or other consultant determined by the Board to be necessary to make such a determination. The applicant for the proposed development shall be responsible for the costs of such examination and/or analysis.
8. The applicant proposing any development activity within the FP District shall obtain a flood plain development permit from Morrow County Board of County Commissioners and shall present evidence of same prior to receiving zoning approval for the proposed activity.

SECTION 508 PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 508.1 INTENT – It shall be the policy of Chester Township to promote progressive development of land and construction thereon by encouraging Planned Unit Developments with the following objectives:

- A) To promote flexibility in design and permit planned diversification in the type and location of structures;
- B) To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities;
- C) To preserve, to the greatest extent possible, the existing landscape features and amenities and to utilize such features in a harmonious fashion;

- D) To provide for more usable and suitably located recreation facilities and other public and common facilities that would otherwise be provided under conventional land development procedures;
- E) To combine and coordinate architectural styles, building forms, and building relationships within the Planned Unit Development;
- F) To ensure the development will not degrade or endanger the quality of life presently enjoyed by the existing residents.

SECTION 508.2 APPLICABILITY & PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT DISTRICTS

Section 508 et seq. is adopted pursuant to Section 519.021(C) of the Ohio Revised Code. It is applicable to any property that has been rezoned as a Planned Unit Development District by the Board of Township Trustees. An owner may make application in accordance with all the Township's Section 508 regulations. Any other zoning regulations and zoning districts that exist at the time a Planned Unit Development district is established under Section 508 shall continue to apply within the Planned Unit Development district until the Township Trustees approve the owner's Planned Unit Development application. In the event any land use matter is not addressed by Section 508, then the existing and applicable regulations elsewhere within the Township's zoning resolution shall apply.

SECTION 508.3 USES PERMITTED

In a Planned Unit Development District no land may be used or occupied and no structure created, altered or used except for the following:

- A) Residential
- B) Commercial
- C) Industrial
- D) Schools, churches and other public uses
- E) Golf courses,, Clubhouses, Lodges, Recreational Uses, including pool and tennis courts

For purposes of Section 508.3, the following definitions shall apply:

- A) Residential
 - 1) Single-family or multi-family permanent dwelling be it either detached, semi-detached, attached apartments, industrial unit, cluster, patio, common wall or any reasonable variation on the same theme including condominiums.
 - 2) 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 Planned Residence District.
- B) Commercial
 - 1) Commercial and Office Establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
- C) Light Industrial

- 3) Light industrial uses of all types designed, maintained and conducted wholly within, completely enclosed building, and are developed within an organized development plan which can be integrated with and are compatible with adjoining Residential neighborhoods and commercial activities.

SECTION 508.4 – All Planned Unit Developments shall have a minimum of two (2) means of ingress and egress. The entrances and exits shall connect with Federal, State or County roads. Each point of ingress/egress shall be separated by at least seven hundred and fifty (750) feet and be located on two (2) or more separate roads where possible.

SECTION 508.5 The means of ingress and egress may be approved by the Township Trustees to utilize Township roads provided that the developer of the Planned Unit Development upgrades the roads to the County standards as reviewed and approved by the County Engineer. The upgrade shall extend in each direction to the nearest intersection with a maximum distance of a quarter (1/4) of a mile in each direction. This means that if the intersection is less than a quarter (1/4) of a mile away, the required upgrade only extends to the road to the intersection. If the intersection is more than a quarter (1/4) of a mile away, the upgrade to County standards must extend the first quarter (1/4) of a mile in both directions from the entrance and/or exit to the Planned Unit Development. There shall be no cost to the Township for any upgrading. This upgrading of the roads shall be completed before uses served directly by the road are sold. Actual upgrades will be performed and completed in accordance with Township and County statutory requirements of the Ohio Revised Code. The developer shall secure and pay all costs, i.e. engineering, construction, incurred by the Township or County prior to any upgrade.

SECTION 508.6 All Planned Unit Development public roads shall be constructed to the County standards and approved by the County Engineer prior to any site development. Private road standards shall be approved at the discretion of the County Engineer. Utilities such as water, sewer, electric, gas, etc. may be located in the right-of-way during the road construction phase. All public roads to be constructed shall be designed, engineered, and constructed in accordance with the Ohio Revised Code and Township and County regulations.

SECTION 508.7 All Planned Unit Developments shall be served by underground utilities. No aboveground devices or equipment other than pad mount transformers, gas, electric and water meters, telephone junction boxes, etc. shall be allowed.

SECTION 508.8 Section 508.7 is not intended to prevent the homeowner from installing and using above ground equipment such as pools, game courts, T.V. satellites, etc.

SECTION 508.9 – The minimum lot size for residential buildings with private sewage systems will be three (3) acres. These homes will be constructed on lots with a frontage ratio of two (2) to one (1) depth to width ratio. This means that the depth cannot exceed two times the width of the lot that is along the public road or highway. If public sewage is available, then lot size can be reduced to a quarter (0.25) acre, if an equal lot area is permanently preserved in green space within the development through subdivision plat. All lots must still meet the frontage ratio of two (2) to one (1).

SECTION 508.10 – All Planned Unit Developments with private septic systems shall have ground borings done prior to installation by a private testing company at the expense of the builder. The County Health Department must approve all borings and all private septic systems.

SECTION 508.11 – All Planned Unit Developments shall preserve a minimum of twenty (20 %) percent of the total area of the Planned Unit Development as a “green space.” The “green zone” shall consist of old forest, ponds and wetland or other natural areas deemed acceptable by the Trustees. They shall be generally square or round and located to provide visual and sound blocking, where possible, for existing residential homes.

SECTION 508.12 – All Planned Unit Developments shall maintain an owners’ association when required by Ohio Revised Code Chapter 5312.

SECTION 508.13 – Prior to beginning development the developer will submit a stormwater study to the following departments: The Chester Township Trustees, The Morrow County Engineer's Office, The Morrow County Health Department of The Morrow County Conservation Department, and The Morrow County Soil and Water District. The developer shall comply with all requirements or directives from these departments.

SECTION 508.14 – Planned Unit Developments shall not be approved for construction on less than fifty (50) contiguous acres.

SECTION 508.15 - Reserved

SECTION 508.16 – All Planned Unit Developments shall design, construct, and maintain water and wastewater systems required by the Ohio EPA and the Morrow County Health Department.

SECTION 508.17 – There shall be no dead-end public road allowed in any Planned Unit Development, except for cul-de-sacs. All cul-de-sacs must be one hundred and fifty (150) feet wide at turn around unless State specifications are larger.

SECTION 508.18 – Approved fire hydrants shall be installed throughout the Planned Unit Development along the roads as directed by the Fire District serving the area. In no case shall the hydrants be located more than five hundred (500) feet from proposed buildings to be regularly occupied.

SECTION 508.19 – All roads including driveways shall be designed to support without damage the weight of fully loaded public safety vehicles. The design weight shall be no less than fifty thousand (50,000) pounds, unless otherwise specifically approved by the Zoning Commission per plan.

SECTION 508.20 – All official directives and orders of the Fire District shall be considered mandatory and incorporated in the initial design of the Planned Unit Development.

SECTION 508.21 – The developer shall post a bond or other approved security with the County Engineer to cover the cost of any improvements or repairs necessary to existing County and Township roads. The amount of that bond or security shall be determined by the County Engineer.

SECTION 508.22 – Construction traffic shall be routed on roads selected and approved by the Township and County.

SECTION 508.23 – The Township shall have authority to require a bond or bonds from the Planned Unit Development developer to protect the Township from any costs that may be incurred for public road

improvements or other repairs to public roads made necessary by the developer's activities, including those of contractors and subcontractors.

SECTION 508.24 – Prior to the beginning of construction the developer will forward to the Township Trustees a map of all roads that will be used in the project. This requirement is limited to roads located in Chester Township. Construction debris, mud or other material from the Planned Unit Development shall be cleaned off all roads at least twice per day or as directed by the Township. Failure to comply shall result in forfeiture of the bond or security required in 508.23.

SECTION 508.25 – The developer shall maintain general liability insurance coverage of Five Million (\$5,000,000.00) Dollars or as may be required by Federal, State and County regulations. Copies of all insurance policies in effect shall be provided to the Township and any changes immediately reported to the Township Trustees.

SECTION 508.26 – (Reserved)

SECTION 508.27 – Ohio is known to have many historical sites containing valuable artifacts. Uncovering any artifact must be reported immediately to the Township and all work in the involved area must stop pending investigation by the Ohio Historical Society.

SECTION 508.28 – Off-street parking, loading and service areas shall be provided in accordance with applicable Zoning Resolution regulations for residential, commercial, and industrial uses.

SECTION 508.29 – Any building, accessory building, tennis court, golf course, pool or clubhouse shall be no closer than one hundred (100) feet from any boundary line of the Planned Unit Development, unless specifically approved by the Township Trustees per plan.

SECTION 508.30 – At any point where the Planned Unit Development abuts an existing public right-of-way, or where any such right-of-way is extended through the Planned Unit Development, the minimum setback from such shall be one hundred (100) feet, unless specifically approved by the Township Trustees per plan.

APPLICATION PROCEDURE

SECTION 508.31 – The owner may request a meeting with the Zoning Inspector and Township Zoning Commission prior to owner's submittal of the PUD application. The purpose of the meeting will be to clarify and explain development plans and to discuss the Township's Planned Unit Development regulations.

SECTION 508.32 – The owner of the property to be subject to Township PUD regulations shall file the application with the Township Zoning Inspector. The owner's application shall include, but not be limited to, the following:

A) WRITTEN DOCUMENTS

- 1) A legal description of the total site proposed for development;
- 2) Name, address and telephone number of owner. If the owner is represented by an agent, then the agent's name, address, telephone number and e-mail address shall be provided.
- 3) A Master Plan or Comprehensive Plan statement of planning objectives to be achieved by the Planned Unit Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant. If the owner's plan

proposes a development to be developed in phases, then the owner's Development Plan shall state the actual number of phases in numerical order for completion. Each phase shall be fully described and documented as required by the Township's PUD regulations. A timeline for each phase shall be provided.

- 4) A table of information about the proposed Planned Unit Development which includes the total area of the proposed Planned Unit Development and the total number of dwelling units and/or any other non-dwelling units allowed to be built within the development project.

This information may be included on one or more of the maps required for this application.

B) SITE PLANS AND SUPPORTING MAPS – A site plan and any maps necessary to show the major details of the proposed Planned Unit Development must contain the following minimum information:

- 1) The existing site conditions including contours at two (2) foot intervals, water course, flood plains, unique natural features and forest cover.
- 2) Proposed lot lines and plot designs.
- 3) The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, types of all existing and proposed buildings, structures and other improvements, density per type and architectural renderings of typical structures and improvements sufficient to relay the basic architectural intent of the proposed improvements, but should not be encumbered with final detail at this stage.
- 4) The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses.
- 5) The proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas, and major points of access to public right-of-ways (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate.
- 6) The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system. Indicating proposed treatments of points of conflict.
- 7) The existing and proposed utility systems including sanitary sewers, storm sewers, water, electric, gas, telephone lines, surface water drainage, and storm water drainage system.
- 8) A general landscape plan indicating the treatment of materials used for private and common open spaces.
- 9) Enough information on land areas adjacent to the proposed Planned Unit Development to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land used, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape.
- 10) The proposed treatment of the perimeter of the Planned Unit Development, including materials and technique used such as screens, fences and walls.
- 11) Any additional information as required by the review authority necessary to evaluate the character and impact of the proposed Planned Unit Development.
- 12) A required subdivision Plat prepared in accordance with the Subdivision Regulations for Morrow County, Ohio and these Regulations.

All site plans and supporting maps shall be at a scale which is adequate to convey the information thereon. It is the discretion of the Trustees to judge the adequacy of such maps.

C) ENVIRONMENTAL AND ECONOMIC IMPACT STATEMENT – The Development Plan should provide the following details:

- 1) Impact on environmental factors:
 - a. Preservation of natural areas;

- b. Water supply is not to be degraded by pollutants including those transported in storm water.
 - c. Identification of areas in the PUD
 - i. Areas presently developed;
 - ii. Currently vacant land suitable for development;
 - iii. Currently vacant land having some constraints to development that could be readily corrected.
 - d. Soils and flooding:
 - i. Review of soil maps to determine the limitations of the local soils;
 - ii. Depiction of the flood prone areas; development will not increase the flood potentials for other properties.
2. Impact on economics:
- a. Schools and township services;
 - i. The amount of money brought in by the Township in relation to money expended for additional facilities and services needed.
 - b. Property value stability:
 - i. Show that the proposed change will not adversely affect property values;
 - ii. Enlisting the use of site planning to show that buildings relate harmoniously to terrain, existing buildings and roads, and nearby residences.

SECTION 508.33 – The owner/applicant must deposit with the application the required non-refundable filing fee adopted by the Township Trustees.

SECTION 508.34 – Upon the filing of an application, the Zoning Inspector shall transmit a copy to the County Regional Planning Commission. The Commission shall be requested to review and comment on the application and furnish such other assistance that may be requested by the Township Zoning Inspector or Township Trustees.

SECTION 508.35 – The Township Trustees shall schedule a meeting with the owner/applicant not more than twenty (20) days from the application filing date. The purpose of the meeting will be to discuss application procedures, the readiness of the owner for the hearing, and to schedule a hearing date for the owner before the Township Trustees.

SECTION 508.36 – The owner’s hearing before the Township Trustees shall be conducted in accordance with the following:

- A) A transcript shall be taken containing all the testimony and all evidence admitted or proffered by the owner.
- B) All testimony must be given under oath.
- C) The owner or owner’s attorney shall be permitted to do the following:
 - 1) Present the owner’s position, arguments, and contentions;
 - 2) Offer and examine witnesses and present evidence in support;
 - 3) Cross-examine witnesses purporting to refute the owner’s position, arguments, and contentions;
 - 4) Offer evidence to refute evidence and testimony offered in opposition to the owner’s position, arguments, and contentions;
 - 5) Proffer any such evidence into the record, if the admission of it is denied by the Township Trustees.
- D) The owner shall be afforded the opportunity to use the power of subpoena.
- E) Conclusions of Fact supporting the Township Trustees’ decision shall be filed with the transcript.

SECTION 508.37 – For purposes of considering the approval or denial of each owner’s application, the Township Trustees shall include consideration of the following criteria:

- A) If the proposed development is consistent in all respects with the purpose, intent, and applicable standards of the PUD regulations.
- B) If the proposed development advances the general public welfare of the Township and the immediate vicinity.
- C) The stated intent of Section 508.1.

SECTION 508.38 – Within twenty (20) days after the hearing, the Township Trustees shall either adopt or deny the owner’s application. The Township Trustees’ decision shall include a written Conclusions of Fact supporting their decision whether the application and plan complies with the Township’s Planned Unit Development regulations.

SECTION 508.39 – When the application and plan are approved, it shall go into immediate effect. An approved development application shall be effective for twenty-four (24) months after approval by the Township Trustees. The approved development application may be extended an additional twelve (12) months provided there is approval by the Township Trustees. In the event the applicable approval period(s) does pass without the owner’s commencement of his actual construction of any phase of the approved Development Plan for the Planned Unit Development, then the plan approval shall expire and be of no effect. The filing of a new application for a Planned Unit Development with application fee shall be required.

ADMINISTRATION OF THE DEVELOPMENT PLAN

Administration of the Development Plan shall be performed by the Township Trustees in accordance with the following procedures:

Administration Review; Minor Deviations

All plats, construction drawings and other necessary documents shall be submitted to the Township Trustees or their designated technical advisors for administrative review and approval before owner’s commencement of his actual construction under any phase of an approved Development Plan to insure compliance with the Development Plan as approved. Minor changes in the approved Development Plan in the location of buildings, structures, streets or parking areas may be approved without public meeting by the Township Trustees upon submittal of a written application.

Major Deviations and Public Hearing

For the purposes of Administration, a major deviation from an approved Development Plan shall include but not be limited to changes in the use and/or character of the owner’s Development Plan, increases of density of more than ten (10%) percent, increases in numbers of structures and changes in the commencement and completion of development timeline.

Any major deviation from the approved Development Plan shall not be considered by the Township Trustees until the owner of the property makes a detailed written application to the Township Trustees. The application shall specifically detail the changes requested and the reasons for the change.

Upon receipt of any application for a major deviation from the approved Development Plan, the Township Trustees shall forward the application to the Township Zoning Commission. The Commission shall make a written recommendation for the approval, modification, or denial of the application. Upon receipt of the Commission’s recommendation, the Township shall hold a public meeting on the application. The public meeting shall be held within ten (10) days of receipt of the Commission’s recommendation. Notice of the public meeting shall be posted as required by Township rules in compliance with R.C. 121.22 Within twenty (20) days of the

meeting, the Township Trustees shall either approve or disapprove the owner's application. The applicant can amend his application at any time prior to the Township Trustees vote. Approval of the application shall require a majority vote of the Trustees. An applicant can submit subsequent applications for major deviations at any time provided there is a reasonable and material amendment to the preceding application.

The Township Trustees shall not conduct the meetings in a quasi-judicial manner wherein the opportunity for hearings and the introduction of evidence is permitted. The decisions of the Township Trustees shall be final and not appealable.

(Sections 508 – 508.39 amended and adopted January 16, 2019)

SECTION 508.50 SOLAR ENERGY SYSTEMS ZONING

SECTION 508.51 PURPOSE

It is the purpose of this chapter to regulate the land use of solar energy systems including their location, set back lines and abandonment, subject to reasonable regulations that will protect the public health and safety, yet allow for the safe, effective, and efficient use of solar energy systems. Solar energy systems shall be considered a permitted accessory use in any zoning district, subject to applicable district requirements except such systems located on non-residential vacant property exceeding 5 (Five) acres shall be conditionally permitted uses.

SECTION 508.52 DEFINITIONS

- (a) *Abandonment* means choosing to give up or discontinue use of the solar energy generation system in whole or part.
- (b) *Alternating-current (ac) module* means a complete, environmentally protected unit consisting of solar cells, optics, inverter, and other components, exclusive of tracker, designed to generate ac power when exposed to sunlight.
- (c) *Applicant* means the person or entity filing an application who is the owner or lessee of the property.
- (d) *Array* means a mechanically integrated assembly of modules or panels with a support structure and foundation, tracker, and other components, as required, to form a direct-current power producing unit.
- (e) *Facility owner* means the entity or entities having equity interest in the solar energy facility, including their respective successors and assigns.
- (f) *Ground mount* means a solar electrical system that is mounted directly to ground-Mounted structure instead of solely on a building wall or roof.
- (g) *Operator* means the entity responsible for the day-to-day operation and maintenance of the solar energy system.
- (h) *Solar cell* means the basic photovoltaic device that generates electricity when exposed to light.
- (i) *Solar energy system (active or passive)* means the equipment, assembly or building construction and requisite hardware that provides and is used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating, electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. Such systems include Passive Solar Energy Systems that capture the Sun's energy in building design and construction components; Solar Thermal Energy Systems that convert sunlight to heat as in a hot water tank or swimming pool; and Photovoltaic Solar Energy Systems that convert sunlight to electricity.

- (j) *Solar panel* means one of any type of assembly that produces energy, either electrical, heat or hot water for use or distribution include PV (Photovoltaic) an electrical device consisting of an array of connected solar cells, heat collectors and interstitial spaces including trombe panels, or hydronic panels for water heating systems.
- (k) *Solar photovoltaic systems* means the total components and subsystems that, in combination convert solar energy into electrical energy suitable for connection to utilization load.

SECTION 508.53 APPLICABILITY

- (a) No person shall construct, erect, maintain, extend, or remove a solar energy system in any zoning district without compliance with the provisions of this Article.
- (b) Solar energy systems constructed prior to the effective date of this Article shall be lawful non-conforming uses. If any lawful non-conforming solar energy system is destroyed or damaged to the such extent that it cannot be returned to original service, as the original land use, or modified using no greater than an additional ten percent (10%) land use, then it shall be replaced or removed in conformity with this Article.

SECTION 508.54 CONTENTS OF APPLICATION

- (a) Roof mounted solar panels are a permitted accessory use on any residential or non-residential building. In non-residential districts, solar equipment, other than solar panels, may be located on the roof in compliance with all requirements of this Article including building height and screening. Ground mounted solar panels are permitted in all districts subject to the design and performance standards of Section 05. Nothing in this regulation shall preclude standalone systems for accessory lighting, ventilation or battery storage systems either roof or ground-mounted that do not exceed 1296 square inches in size.
- (b) An application for a solar energy system shall be approved in compliance with the standards and criteria of this Article and shall include:
 - (1) A narrative describing the proposed solar energy system, including the approximate generating capacity of the project and the number, manufacturer, and model of the solar panels to be installed, their individual generating capacity, and a description of ancillary systems.
 - (2) A site plan to scale of the subject property showing the planned location of the solar panels, setback lines, proposed and existing ancillary equipment buildings, and structures. For systems with more than 35% or roof area facing the street, elevation(s) shall be provided to scale.
 - (3) Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories and other similar certifying organizations to evidence that the design of the solar energy system conforms to applicable industry standards, including those of the American National Standards Institute.
 - (4) If the system is to interconnect to a local utility grid the operator or owner shall provide evidence that the local public electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. A copy of the Power Purchase Agreement along with the Interconnectivity Agreement shall be provided.

SECTION 508.55 DESIGN AND PERFORMANCE STANDARDS

(a) *General*

Lighting. Solar energy systems shall be lit only if required by an applicable authority. Lighting of other parts of the solar energy systems, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting structures.

(b) *Appearance and signage.* The factory or original equipment manufacturer identification and/or logo are permitted. Required signage and emergency services disconnect placard shall be appropriate warning signs (Danger-High Voltage or Caution-Electrical Shock Hazard or any other recognized safety precaution signage) installed at the base of the solar array.

(c) *Completion.* A solar energy system installation shall commence within six months of the issuance of the zoning permit and shall be completed and operational within one year from the date of commencement of installation. Commencement of installation shall be the date the solar panels are placed into position. If the solar energy system is not completed within the stated time period, the facility owner or operator or the landowner shall be required to complete decommissioning of the site subject to the requirements of this Article within 180 days without exception.

(d) *Roof-mounted.* A roof/structure mounted solar energy system:

- (1) Shall be flush-mounted.
- (2) Shall not extend beyond the perimeter (or edge of roof) of the structure on which it is located.
- (3) May be mounted to a principal or accessory structure.
- (4) Combined height of solar energy system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached.

(e) *Ground-mounted.*

- (1) Ground-mounted solar panels located on the ground or attached to a framework located on the ground shall not exceed ten feet in height above the adjacent grade.
- (2) All related mechanical equipment, other than the actual photoelectric panels shall be fully buffered from the adjacent properties by fencing and or by evergreen plantings as prescribed by this Article and must be maintained and effective through the life of the system. Buffering shall permit work access to panels and shall conform to this Article.
- (3) Ground-mounted solar panel arrays shall not exceed 30 percent of remaining area of rear yard within the setbacks defined in this Article.
- (4) *Non-residential – building.* Ground-mounted solar energy systems shall be a permitted accessory use in the rear yard only of a non-residential building property, but shall not be located within the rear yard setback of any non-residential building property.
- (5) *Residential.* Ground-mounted solar energy systems shall not be permitted in the front or side yard of a residential property. It shall be permitted in the rear yard of a residence. Such equipment shall be subject to the applicable rear yard coverage regulations and set backs for accessory structures in residential districts as set forth in Article 12.1.

- (6) *Vacant non-residential property exceeding 5 (Five) acres.* Ground-mounted solar energy systems generating less than fifty megawatts shall be a conditional use in any non-residential vacant property exceeding 5 (Five) acres subject to the following conditions:
 - (a) The solar energy system shall be designed and located in order to prevent reflected glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
 - (b) A site plan shall be submitted at the time of application and shall include:
 - (i) Property lines and physical dimensions of the site.
 - (ii) Location of solar energy systems and all related equipment, set backs from property lines, above and underground utility lines, easements and any planned structures on the property.
 - (iii) A surface water drainage plan.
 - (iv) A green belt of 6 feet adjacent to any residential property.
 - (iv) The proposed location of vehicular ingress/egress.
 - (c) Off street parking for employee parking and loading/service areas shall be provided.
 - (d) Such other reasonable conditions the Board of Zoning Appeals may adopt for public safety and health.
- (7) Rain water run-off otherwise is not retained by immediate soils from ground-mounted solar panels and structures shall be collected to avoid flooding or damage to adjoining properties from surface water.
- (8) A ground/pole mounted solar energy system:
 - (a) Shall not exceed the maximum height allowed in that zoning district for accessory buildings.
 - (b) Shall not be located within the required front yard setback.
 - (c) The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage and may not exceed the lot coverage allowed by accessory structures.

SECTION 508.56 ABANDONMENT

- (a) At such a time a solar energy system is scheduled to be abandoned or operation is to be discontinued, the applicant will notify the Zoning Inspector by certified U.S. mail or personal service of the proposed date of abandonment or discontinuation of use. If applicant fails to notify the Zoning Inspector, then in that event the provisions contained under (c) herein below shall apply.
- (b) Upon abandonment or discontinuation of use, the owner shall physically remove the solar energy system within 180 days from the date of abandonment or discontinuation of use. This period may be extended 60 days at the request of the owner but only upon the approval of the Zoning Inspector. "Physically remove" shall include, but not be limited to:
 - (1) Removal of the solar energy system and related above grade structures.
 - (2) Restoration of the location of the solar energy system to its natural condition, except that any landscaping, grading may remain in the after-conditions.
- (c) In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out of service for a continuous six-month period. After the 12 months of inoperability, the Zoning Inspector shall issue a Notice of Abandonment to the owner or Lessee of the property. The owner shall have the right to respond to the Notice of Abandonment within 30 days from the Notice receipt time. The Zoning Inspector shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.
- (d) If the owner fails to respond to the Notice of Abandonment or if after review by the Zoning Inspector it is determined that the solar energy system has been abandoned or use discontinued, the owner of the solar energy system shall remove the system at the owner's sole expense within 60 days of receipt of the Notice of Abandonment. An extension of an additional 30 days may be granted to the applicant for just cause by the Zoning Inspector. Failure of the owner to remove the system shall permit the Zoning Inspector to initiate its removal as a nuisance.
- (e) The owner shall be that person named in the Morrow County Auditor records.

SECTION 508.57 SEVERABILITY

Should any section, subdivision, clause, or phrase of this chapter be declared by the courts to be invalid, the validity of the chapter as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 508.58 PENALTY

Any person who violates any provision of this chapter shall be deemed guilty of a minor misdemeanor and fined not more than \$150.00 for each offense. Each day's continued violation shall constitute a separate offense.

(Amended 11-17-22)

Effective Date: 12-18-22

ARTICLE VI

GENERAL PROVISIONS

SECTION 600 SCOPE OF THE ZONING RESOLUTION

The provisions of this Zoning Resolution shall apply to all land in the Township of Chester, Ohio, and no building or structure or part thereof, shall be erected, converted, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose, except in conformity with the provisions of this Resolution.

SECTION 600.1 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, AND NONCONFORMING STRUCTURES

1. Purpose:

The purpose of this Section is to provide for the eventual and equitable elimination of nonconforming lots, nonconforming uses of land and nonconforming structures which do not conform to the provisions of this Resolution, but which were in operation prior to the enactment of this Resolution. Nonconforming lots, uses, and structures are declared to be incompatible with the permitted uses in the district involved. It is further the purpose of this Resolution that nonconforming lots, uses, and structures of land shall not be enlarged upon, extended, nor be used as a basis for adding other structures or uses prohibited in the same district.

2. Regulations:

a. Nonconforming Lots

In any A or R Residential District, dwellings may be erected on any single lot of record existing at the effective date of adoption or amendment of this Resolution; even though such lots fail to meet the requirements for area or width, or both that are generally applicable in the district, providing the yard dimensions and other requirements not involving the area and width of the lot shall conform to the regulations for the district in which such lot is located. The Board of Zoning Appeals may grant a variance where the strict application of the provisions of this Resolution would result in practical or

unnecessary hardship in complying with the minimum yard requirements for the district in which such lot is located.

b. Nonconforming Use of Land

The lawful use of any land existing at the effective date of adoption or amendment of this Resolution may be continued although such use does not conform with the regulations of this Resolution providing the following conditions are met:

- (1) A nonconforming use shall not be extended, enlarged or increased to occupy a greater area of land than was occupied at the effective date of this Resolution. The extension of a lawful use to any portion of a nonconforming structure which existed prior to the enactment of this Resolution shall not be deemed to be the extension of such nonconforming use.
- (2) Whenever a nonconforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered as conclusive evidence of an intention to abandon legally the nonconforming use. At the end of two (2) year period, any subsequent use of land shall conform to the provisions of this Resolution for the district in which such land is located.
- (3) Nonconforming uses existing and established after the effective date of this Resolution shall be declared as illegal nonconforming uses and shall be discontinued no more than twenty (20) days following the date of inspection.

c. Nonconforming Structures

A lawful structure existing at the effective date of adoption or amendment of this Resolution may be continued although such structures do not conform to the area, height or yard provisions of this Resolution, providing the following provisions are met:

- (1) A nonconforming structure shall not be altered or enlarged with increases in nonconformity.
- (2) Should such nonconforming structures or nonconforming portion of a structure be involuntarily destroyed, it shall not be reconstructed with increases in nonconformity.
- (3) Should such structure be moved or transported for any reason and for any distance whatsoever, it shall thereafter conform to the provisions for the district in which it is located after it is removed.

d. Nonconforming Use of Structures and Land

The lawful use of a structure and land in combination, existing at the effective date of adoption or amendment of this Resolution may be continued although such structures and use do not conform to the regulations of this Resolution, providing the following provisions are met:

- (1) Whenever a nonconforming use of a structure and land in combination have been discontinued two (2) years, the structure and premises in combination shall not be re-established or used except in conformance with the provisions of the district in which it is located.
- (2) Any nonconforming use of a structure and land in combination may be changed to another nonconforming use of the same or more restrictive classification than the existing nonconforming use by the Zoning Board of Appeals. In permitting such a change, the Board of Zoning may require that the more restrictive nonconforming use meet certain conditions and requirements in accordance with the provisions of this Resolution.

- (3) Where a nonconforming structure and use exist, the removal or voluntary destruction of the structure shall eliminate the nonconforming status of the land.
- (4) Should such nonconforming of a structure and use be involuntarily destroyed, it may be reconstructed as long as there is no increase in non-conformity.

3. Repairs, Maintenance and Construction

- a. Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition any building or structure or part thereof declared to be unsafe by an official charged with protecting the general health, safety and public welfare of the community.
- b. Ordinary repairs and the replacement of nonbearing walls, fixtures, wiring or plumbing may be done on any building or part thereof devoted to a nonconforming use provided the cubic content of the building as it existed at the effective date of adoption or amendment of this Resolution shall not be increased.
- c. Nothing in this Resolution shall prohibit the completion or construction and use of a nonconforming building for which a zoning certificate has been issued prior to the effective date of adoption or amendment of this Resolution, provided construction is commenced within thirty (30) days after the issuance of such certificate; and that the entire building or structure shall have been completed within one (1) year from the date said zoning certificate was issued.

4. Exempt Nonconforming Use

Where a special exception or conditional use certificate has been granted for any use as provided in this Resolution, such use shall not be classified as a nonconforming use within the district in which it is located.

SECTION 600.2 ACCESSORY BUILDINGS AND USES

Accessory buildings and uses as permitted in this Resolution shall be subject to the following conditions:

5. An accessory building attached to the principal building, shall comply with the requirement of this Resolution applicable to the main building.
6. Detached accessory buildings shall be permitted as long as it meets the front setback of one hundred twenty (120) feet from all public roads, measured from the centerline of the road, and does not block the view of the home as seen from the road, provided that:
 - a. A detached accessory building shall be located no closer than fifteen (15) feet from any required side lot line, and twenty (20) feet from the rear lot line.
 - b. Within an "R" District no accessory building shall exceed on (1) story in height.
 - c. Accessory buildings located on a corner or double frontage lot shall not be permitted to project beyond the minimum front yard setback facing adjacent streets.
 - d. Accessory buildings or uses shall be considered in computing the maximum percent of land area covered by the structure.
 - e. A permit fee of \$25.00 will be charged for all accessory building not mounted on a permanent foundation.

- f. Accessory buildings not on a permanent foundation must meet the front setback of one hundred twenty (120) feet from all public roads, measured from the centerline of the road. Fifteen (15) feet from the side lot line, and twenty (20) feet from the rear property line.
 - 1. All accessory buildings not on a permanent foundation must comply with all applicable permit requirements that are set forth in the Chester Township Zoning Resolution. (Amended 11-17-22, Res. #2022-11-17)

SECTION 600.3 OFF-STREET PARKING REGULATIONS

In all districts, in conjunction with the erection or enlargement of every building or structure, off-street parking spaces shall be provided before a certificate of occupancy shall be issued.

1. General Regulations:

- a. Any area once designated as required off-street parking shall never be converted or changed until equal facilities are provided elsewhere.
- b. Land area designated for off-street parking facilities shall be used solely for the parking of vehicles and no commercial repair work, storage or service of any kind shall be conducted on all or any part of such parking lot.
- c. Any use not specifically mentioned shall provide minimum off-street parking facilities in accordance with the requirements established for a use which is similar in type and nature.
- d. The Board of Appeals may grant an exception to the requirements of this Section where joint use is made of parking facilities, providing the operating hours of such uses do not overlap.
- e. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required of several uses may be provided contiguous and in common to the several structures and uses served.
- f. Public uses; such as, churches, schools and parks, may establish with business or industrial establishments joint parking facilities for fifty (50) percent or less of their required spaces, provided that a written agreement is forwarded, reviewed and approved by the Township Zoning Commission and further, provided that all parking areas so designated by within three hundred (300) feet of the public use.

2. Minimum Number of Off-Street Parking Spaces Required—Uses Designation/Minimum Number of Spaces Required.

- a. Residential uses:
 - (1) One and Two Family Dwellings:
 - Two (2) per dwelling
 - (2) Multiple Family Dwellings:
 - One and one-half (1 ½) per dwelling unit
 - (3) Townhouse Dwellings:

One and one-half (1 ½) per dwelling unit

(4) Home Occupation Involving Incoming Vehicles:

Three (3) per dwelling

b. Mobile Home Parks:

Two (2) for each mobile home site and one (1) for each employee of the mobile home park.

c. Business Uses:

(1) Beauty Parlor or Barber Shop:

Three (3) spaces for each beauty or barber chair.

(2) Establishments for sale and consumption of beverages, food, or refreshments on the premises:

One (1) space for each one hundred (100) square feet of usable floor area, and five (5) times this amount if the establishment is in the nature of a “drive-in”.

(3) Furniture and appliance stores, household equipment and other similar uses:

One (1) space for each eight hundred (800) square feet of useable floor area.

(4) Gasoline Service Stations:

One (1) space for each lubrication stall or rack and one (1) space for each gasoline pump.

(5) Laundromats and Coin Operated Dry Cleaners:

One (1) space for each two (2) machines.

(6) Miniature and Par-3 Golf Course:

Three (3) spaces for each one (1) hole, plus one (1) for each employee.

(7) Planned Shopping Centers:

Three and one-half (3 ½) spaces per very one thousand (1,000) square feet of gross building area.

(8) Retail Establishments:

One (1) space for each three hundred (300) square feet of usable floor area.

Office Uses:

(9) Banks, Savings and Loan Companies:

One (1) space for each one hundred (100) square feet of usable floor area.

(10) Business Offices or Professional Offices, except those professional offices listed in Item (3) below:

One (1) space for each three hundred (300) square feet of usable floor area.

(11) Doctors, Dentists Offices:

One (1) for each one hundred (100) square feet of usable floor area in waiting room, and one (1) for each examining room, dental chair.

e. Industrial Uses:

(1) Industrial, Research and Storage Establishments:

One (1) space per employee in the largest working shift.

(2) Wholesale Establishments:

Five (5) spaces plus one (1) space for every one (1) employee in the largest working shift.

f. Institutional and Recreational Uses:

(1) Auditorium, Stadium, Exhibition Hall and Assembly Hall, or similar uses:

One space (1) for each three (3) seats or six (6) feet of benches plus one (1) space for each employee.

(2) Business and Technical Schools:

One (1) space for each one (1) teacher, employee and administrator, plus one (1) space for every two (2) students.

(3) Churches and Temples:

One (1) space for each three (3) seats based on the maximum seating capacity as determined by the State and local Fire Marshal.

(4) Convalescent Homes, Children's Homes:

One (1) space for each three (3) beds, plus one (1) space for each employee.

(5) Elementary and Junior Schools:

One (1) space for each one (1) teacher, employee and administrator plus the minimum requirements stated for an auditorium in Item (1) above.

(6) Golf Course other than a Miniature Par-3 Golf Course:

Four (4) spaces for each hole or green, plus one (1) space for every (1) employee.

(7) Hospitals and Nurses Training Schools:

One (1) space for each one (1) bed and one (1) space for each employee and doctor registered with the hospital.

(8) Private and Municipal Swimming Pools, Tennis Clubs or other similar uses:

One (1) space for each two (2) member families or individuals.

3. Supplementary Parking Space Requirements for the uses within Specified Zoning Districts:

a. R-Residential Districts:

- (1) In one and two family residential developments the required number of off-street parking spaces shall be provided on the same lot as the building which they are intended to serve.
- (2) Multiple Family Dwelling units shall be required to meet the following off-street parking regulations:
 - (a) No more than thirty-five (35) percent of the area of any required yard or any required minimum distance between buildings shall be devoted to off-street parking drives, aisles, and maneuvering lanes.
 - (b) Ingress and egress to a parking lot within a multiple family development shall not be across land developed for one family residential purposes.
 - (c) Each entrance and exit to and from any off-street parking lot shall be located at least forty (40) feet away from adjacent property lines located in a one family residential development.

b. Business Districts:

- (1) Off-Street parking shall be permitted to occupy part of the front yard after the parking plan layout, drives and aisles have been reviewed and approved by the Township Zoning Commission.

A minimum front yard setback of ten (10) feet exclusive of drives and aisles and measured from the nearest point of the off-street parking area and the nearest point of the street right-of-way line shall be maintained.

- (2) Off-street parking facilities shall be located on the same lot or within two hundred (200) feet of the building it is intended to serve. The maximum distance of two hundred (200) feet shall be measured from the nearest point of the building to the nearest point of the off-street parking lot.
- (3) Ingress and egress to parking lots or loading areas within a B-Business District shall not intersect with local residential streets serving abutting residential properties.

c. Industrial Districts:

Parking shall be permitted within the side and rear yard setback. When parking is planned for side and rear yards, the layout of drives, aisles and maneuvering lanes shall be subject to review and approval by the Township Zoning Commission.

4. Off-Street Parking Space Layout and Standards

Whenever the off-street parking requirements indicated above require the construction of an off-street parking facility such parking lots shall be designed, constructed and maintained in accordance with the following regulations:

- a. Plans for the design of off-street parking facilities shall be prepared in accordance with the minimum requirements stated in the following schedule:

| <u>Parking Angle at Base Line</u> | <u>Parking Width</u> | <u>Space Length</u> | <u>Maneuvering Lane Width</u> |
|-----------------------------------|----------------------|---------------------|-------------------------------|
| 45 degrees | 8' 4" | 20' | 16' |
| 60 degrees | 8' 6" | 20' | 20' |
| 90 degrees | 9' | 20' | 24' |

- b. Access into all parking spaces shall be through means of maneuvering lanes. Backing directly from a parking space onto a street is prohibited.
- c. Parking areas shall be of usable shape improved with bituminous, concrete or equivalent surfacing material, and graded and drained as to dispose of all surface water accumulation.
- d. All lighting used to illuminate such parking areas shall be arranged as to direct the lighting away from adjoining properties or streets and no open light sources, such as floodlights or the stringing of light bulbs shall be permitted.
- e. Parking lots in a multiple family development, which abut a residential district shall be provided with a continuous and obscuring fence six feet (6') in height measured from the surface of the parking lot.

SECTION 600.4 OFF-STREET LOADING AND UNLOADING

Adequate space for the standing, loading or unloading of motor vehicles involving the distribution of materials or merchandise shall be provided on every lot in connection with every building or structure in order to avoid undue interference with the public use of dedicated right-of-way. Such space shall be provided as follows:

1. All spaces shall be laid out in the dimensions of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fifteen (15) feet in height.
2. Loading dock approaches shall be provided with pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable, and dustless surface.
3. Loading space shall be provided as area additional to off-street parking spaces and shall not be considered as supplying off-street parking space.
4. Minimum of one (1) space per occupancy.

SECTION 600.5 TEMPORARY BUILDINGS AND STRUCTURES (amended 12-17-12)

5. Temporary buildings for uses incidental to construction work shall be permitted for a period not to exceed a one (1) year period.
6. Not more than one (1) recreational vehicle or tent as a temporary residence by a visitor or permanent residence on any lot in Chester Township.
7. The use of recreational vehicle or tent as a temporary residence shall not exceed fifteen (15) consecutive days within any sixty (60) day time period.
8. The hardship exceptions set forth in Section 501.3: Paragraph 10 will also apply to recreational vehicles.

SECTION 600.6 PLANT MATERIALS

Whenever, in this Resolution, a greenbelt or planting strip is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant material to provide a screen to abutting properties. Suitable plant materials shall be provided in accordance with the following regulations:

1. Spacing
 - a. Plant materials shall not be placed closer than four (4) feet from the property line.
 - b. Where plant materials are planted in two or more rows, plantings shall be staggered.

SECTION 600.7 SIGN REGULATIONS

1. The following signs are permitted in any A or B or R district:
 - a. One non-illuminated sign advertising the sale or leases of the lot or building not exceeding twelve (12) square feet in area on any lot.
 - b. Signs appropriate to a public or semi public building for the purpose of displaying the name and activities or services therein, provided, not larger than a total of thirty-two (32) square feet and restricted to the premises.
 - c. Signs incidental to legal process and necessary to the public welfare.
 - d. No sign shall extend into any highway or street right-of-way.
 - e. Home Occupations—For the purpose of advertising there shall be no more than one (1) sign or identification to exceed eight (8) square feet in area when the use of the sign is in relation to the use of the property.
 - f. Temporary Signs

- (1) Real estate signs not over six (6) square feet in area which advertise the sale, rental, or lease of the premises upon which the sign is located only.
 - (2) Bulletin boards not over twenty (20) square feet in area for public, charitable or religious purposes when such bulletin board is located on the premises of public, charitable, or religious institutions.
 - (3) Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding forty (40) square feet in area.
 - (4) Advertising copy of message on a painted, printed, or changeable letter sign not over twenty (20) square feet in area, including but no limited to sale promotion signs, political posters, rummage or garage sale signs.
2. The following signs are permitted only in an agricultural district:
- a. Business signs appropriate to a secondary use within an agricultural district for the purpose of displaying the name and activities or services, provided that the sign is not larger than a total of sixteen (16) square feet. Said sign may be near the intersection of a primary and secondary road.

SECTION 600.8 LANDFILL AND DUMPING OPERATIONS

1. The use of land for filling or dumping of earth, sand and gravel not in connection with general farming, agriculture, and horticulture or landscape activities shall comply with the provisions of all other Resolutions of the Township of Chester relevant thereto.
2. Dumping, storing, buying, reducing or disposing of garbage, scrap iron, solid rubbish, offal or dead animals is permitted only on such sites as provided by the County for such purposes.
3. Dumping, storing, reducing or burning of toxic, carcinogen, and atomic or chemically noxious wastes is prohibited in all districts within the Township of Chester.

Section 600.9 SCREENING DEVICES

4. Fences are permitted within any R-Residential District subject to the following conditions;
 - a. Fences shall not exceed four (4) feet in height, measured from the surface of the ground except in the case of swimming pools which shall be completely enclosed by a fence no less than six (6) feet in height.
 - b. All fences shall comply with the requirements of the Morrow County Building Code as it applied to fence installation and materials, but in no instance shall a fence contain barbed wire, electric current or charge of electricity.
 - c. Fences on recorded lots having a total area in excess of two (2) acres and a minimum lot width of at least one hundred (100) feet, and acreage or parcel not included within the boundaries of a recorded plat are excluded form these regulations.
2. Masonry walls and fences shall be provided and maintained for multiple family developments or uses within any “B” or “I” District and on those sides abutting an R-1 Residential District. Walls and fences shall be provided in conformance with the following regulations:

- a. An obscuring fence or wall which meets the following minimum height requirements shall be required for those uses permitted in the district listed below where the side and/or rear yard of such uses abut onto any R-Residential District:

| <u>District</u> | (in feet) <u>Minimum height Requirement</u> |
|-----------------|--|
| B Business | 5 |
| I Industrial | 6 |

* The minimum height requirements shall be measured from the surface of the ground.

- b. No fence or wall shall be extended toward the front lot line beyond the front of the principal building or structure of the required minimum front yard setback, or whichever is greater.
- c. Required fences and walls shall be located on the property line except where such fence or wall interfere with underground utilities or surface water drainage conditions.
- d. Such walls or fences may be constructed with openings, which do not in any square section (i.e. height and width) exceed twenty (20) percent of the total surface. Where walls or fences are pierced, all openings shall be so spaced as to maintain the obscuring character required. The arrangement of the opening shall be reviewed and approved by the Building Inspector.
- e. All fences and walls shall be constructed of materials approved by the Building Inspector to be durable, weather-resistant, rustproof and easily maintained.

SECTION 600.10 CORNER CLEARANCE

No fence, wall, greenbelt, planting strip, or any other obstruction to vision above a height of two and one-half (2 ½) feet from the established street grade shall be permitted within the triangular area at the intersection of any street right-of-way lines formed by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30) feet measured from their point of intersection.

SECTION 600.11 APPROVAL OF SUBDIVISION PLATS

No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat equal or exceed the minimum lot area and width requirements set forth in the various district of this Resolution.

SECTION 600.12 PRINCIPAL BUILDING

Within any R Residential District no more than one (1) principal building shall be permitted on any one lot.

SECTION 600.13 CORNER LOTS

Corner lots in all districts are required to meet the minimum front yard setbacks, facing both streets as indicated in that district.

SECTION 600.14 LOTS, YARDS, AND OPEN SPACES

No space which, for the proposed building or dwelling group, has been counted or calculated as part of a side yard, rear yard, front yard, or other open spaces required by this Resolution may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or open space requirements of or for any other building.

SECTION 600.15 BUILDING AND ZONING CERTIFICATES

No zoning certificate shall be issued without evidence that the Morrow County Health Department has approved the sanitary sewage disposal system for which the building permit or zoning certificate has been requested.

SECTION 600.16 INCONSISTENCIES

In the event any of the requirements or regulatory provisions of this Resolution are found to be inconsistent one with another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

SECTION 600.17 CONDITIONS AND SAFEGUARDS

The Township Zoning Board of Appeals shall have the power to impose any additional conditions to safeguard the intent and objectives of this Resolution.

SECTION 600.18 CONDITIONAL ZONING CERTIFICATES

1. Purpose

Provision is made in this Resolution for a more detailed consideration of each of certain specified uses or activities as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic, and traffic movement, concentration of population, processes and equipment employed, amount and kind of public facilities and services required together with any other public facilities and services required, together with any other factors. Land and structural uses possessing these particularly unique characteristics are designated as Conditionally Permitted Uses and are permitted through the issuance of a Conditional Zoning Certificate with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

2. Procedure

Any application for a Conditional Zoning Certificate for any land use or structure permitted under this Resolution shall be submitted in accordance with the following procedures:

a. Application to Board of Zoning Appeals

An application for a Conditional Zoning Certificate shall be submitted to the Board of Zoning Appeals on a special form provided for that purpose. The Board of Zoning Appeals, where appropriate, may refer an application to qualified consultants for a report, if it deems the proposed use may cause undue traffic generation, population concentrations, or extra size sewer and/or water utility systems, or pollution of air, water, or land. The cost of such report shall be at the expense of the applicant, and said report shall be furnished to the Board of Zoning requested.

b. Data Required with Application

(1) Form supplied by the Zoning Inspector and completed by the applicant.

- (2) Site plan, plot plan or development plan of the entire property being considered, drawn at a scale of 1" = 100' and showing the location of all abutting streets, the location of all existing and proposed structures, the type of buildings and their intended use.

c. Review of Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development, as presented, on the submitted plans and specifications in terms of the conditions established for the specified use. In cases where the Board of Zoning Appeals requests a report from a consultant, the application will not be reviewed until the Board of Zoning Appeals has received the report along with a receipt for the cost of such report. Such review shall be completed and made public within sixty (60) days following the date the application was submitted.

d. Issuance and Renovation of Conditional Zoning Certificates

Only upon conclusion of review procedures, relative to a particular application, may the Zoning Appeals Board issue a Conditional Zoning Certificate. The breach of any safeguard, condition, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Resolution. Such violation shall be declared as a nuisance per se as per Article XI of this Resolution.

e. Continuation of Existing Uses Declared to be Conditionally Permissible

Any use existing at the time of enactment of this Resolution and conditionally permissible within their respective districts as determined by the Board of Zoning Appeals under this Resolution, shall be issued a Conditional Zoning Certificate by the Zoning Inspector within one (1) year after the enactment of this Resolution.

SECTION 600.19 SITE PLAN REVIEW

1. A site plan shall be submitted to the Board of Zoning Appeals for approval of:
 - a. Any use or development for which the submission of a development plan is required by any provision of the Resolution.
 - b. Any conditionally permitted use within any District in this Resolution.
 - c. Special District developments as provided for in the provisions of Article IV of this Resolution.
2. Every site plan submitted to the Board of Zoning Appeals shall contain such information and be submitted in such form as the Board of Zoning Appeals may prescribe in its rules. Supporting evidence in the form of a map, chart, table or drawing shall be declared as an exact or accurate representation of the development proposal shown on the site plan.
3. Approval of the site plan by the Board of Zoning Appeals shall constitute approval of the development. The breach of any requirement of the misrepresentation of facts, figures or other supporting evidence by the applicant shall constitute a violation of this Resolution. Such violation shall be declared as a penalty as prescribed in Article XI of this Resolution, and shall automatically invalidate the zoning certificate granted.

SECTION 600.20 DRAINAGE CHANNELS

Drainage channels that exist within Chester Township are essential for the maintenance of the health and general welfare of the people. Any encroachment upon filling or the destruction of channels is a violation of this

Resolution. In order to provide for the Development of property for its best use, such as new subdivisions, the County Engineer shall decide what facilities are adequate to maintain the primary purpose of the drainage channel.

SECTION 600.21 WATER WELL OR SEPTIC TANK SYSTEMS

Each dwelling or business shall have its own individual septic system which shall not be diverted to or adapted to an existing or future septic system used by another dwelling or business unless conditionally permitted by the Board of Zoning Appeals for a period not to exceed six (6) months.

Where individual water well or septic tank systems are provided, no building permit or zoning certificate shall be issued without evidence that the Morrow County Health Department has approved the proposed sanitary sewage disposal system for which the building permit or zoning certificate has been requested.

SECTION 600.22 PUBLIC AND PRIVATE ACCESS REQUIREMENTS

Every dwelling shall be located on a lot having access to a public or private street. Public streets shall be designated in accordance with the minimum improvement standards of the Village of Chesterville and/or Morrow County Subdivisions Regulations as they apply to various sections of Chester Township. All multiple family developments designed to be serviced by private drives and streets shall be approved and shall further meet the minimum improvement standards established for private streets by the Engineering Department of Morrow County (where applicable).

SECTION 600.23 MOBILE HOMES

One independent mobile home shall be permitted to be used as a dwelling unit in the A-1, R-1 or R-2 districts provided the following conditions are met and maintained for so long as the unit is used:

- a. The mobile home may not be expanded by connection to another mobile home or by the attachment of any other structure to it.
- b. The lot area and set back requirements for site built dwellings shall apply to a mobile home used as a dwelling.
- c. Mobile homes must have the wheels and tongue removed from the vehicle. Skirting around the base is required. The material for the skirting must be specifically designed for that purpose. These requirements must be in place before the mobile home is occupied. (amended 12-17-13)

ARTICLE VII

GENERAL EXCEPTIONS

SECTION 700 EXEMPT FROM REGULATIONS

The provisions of this Zoning Resolution shall apply to all land, every structure and every use of land or structure except agriculture, essential services and railroads, and area and height requirements as specifically exempt by law in accordance with the provision of this Article.

SECTION 700.1 AGRICULTURE

The use of land for farming, including, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry shall be permitted in any district. The use of any land for agricultural purpose or the construction or use of any building or structure incident to the use for agriculture purpose of the land on which

such building or structures are located shall be permitted and a zoning certificate shall be required for any such building or structure

SECTION 700.2 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by any law of the State of Ohio and other resolutions of the Township of Chester, it being the intent of this Resolution to exempt such essential services from the application of this Resolution.

SECTION 700.3 RAILROAD RIGHTS-OF-WAY

For the purpose of this Resolution, railroad rights-of-way shall be permitted as authorized and regulated by State and Federal law, it being the intent of this subsection to exempt railroad rights-of-way shall comply with these, area and height regulations of the district in which it is located. Spur tracks shall be extended from the existing railroad rights-of-way to adjacent industrial districts only when they are totally within Industrial Districts.

SECTION 700.4 DWELLING QUARTERS, NON-RESIDENTIAL DISTRICTS

Within any B-Business or I-Industrial District, sleeping quarters of a watchman or caretaker may be permitted, providing such quarters are made a part and are attached as part of the main building or structure.

SECTION 700.5 PERMITTED HEIGHT EXCEPTIONS

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks and similar structures may be erected above the maximum height limitations established herein. Such structures shall not occupy more than twenty-five (25) percent of the total roof area of the building or be used for residential purposes.

SECTION 700.6 VOTING PLACE

The provisions of this Resolution shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a Township, municipal or public election.

SECTION 700.7 ACCESSWAYS

For the purpose of this Resolution, any walk, terrace or other pavement surfacing providing access to rear yards and/or accessory structures, and not in excess of ten (10) inches above the finished grade, shall not be considered to be a structure, and shall be permitted in any required yard.

SECTION 700.8 PROJECTIONS INTO YARDS

Open, undisclosed, and uncovered porches or paved terraces may project not more than ten (10) feet within the minimum front yard setback, but this shall not be interpreted to include or permit fixed canopies.

SECTION 700.9 LOTS ADJOINING ALLEYS

In calculating the area of a lot that adjoins an alley or lane, for the purposes of applying lot area requirements of this Resolution, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

SECTION 700.10 CONSTRUCTION

Nothing in this Resolution shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Resolution and upon which actual construction has been diligently carried on and provided further that such building shall be completed within one (1) year from the date of passage of this Resolution. (corrected 7-30-98)

SECTION 700.11 YARD REGULATIONS

When yard regulations cannot reasonably be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Zoning Appeals.

SECTION 700.12 FRONT YARD VARIANCES IN RESIDENTIAL DISTRICTS

In any R-Residential District, where the average depth of at least two (2) existing front yards on lots located within one hundred (100) feet of the lot in question, and within the same block, are less or greater than the minimum front yard setback prescribed for the district in which such lots are located, the Board of Zoning Appeals may modify the required minimum front yard depth of such lot no more than ten (10) feet.

ARTICLE VIII
TOWNSHIP ZONING COMMISSION

SECTION 800 AUTHORITY, COMPOSITION, AND APPOINTMENT

There is hereby created a Township Zoning Commission consisting of five (5) members appointed by the Township Trustees. The Commission shall include five (5) citizens of the Township with records of civic, business, or professional leadership, and who shall not be members of the Board of Zoning Appeals. Each member shall be appointed for a period of five (5) years, except that one of the initial members shall be appointed for one(1) year, and one of the initial members shall be appointed for two (2) years, and one of the initial members shall be appointed for three (3) years, and one of the initial members shall be appointed for five (5) years. In the event of the death or resignation of a member, the Township Trustees shall make the appointment for the duration of the unexpired portion of the term of the member.

SECTION 800.1 ORGANIZATION

The Zoning Commission shall elect a chairman and vice chairman from its membership, shall have a Secretary, and shall prescribe rules for the conduct of its affairs.

SECTION 800.2 QUORUM

The Zoning Commission shall require a quorum of three (3) of its members at all of its meetings, and concurring vote of three (3) members shall be necessary to effect an order.

SECTION 800.3 MEETINGS

The Zoning Commission shall meet quarterly, or at the call of its Chairman or the Vice Chairman acting in the capacity of chairman, or by the call of two other members of the Zoning Commission.

SECTION 800.4 POWERS AND DUTIES

1. The Zoning Commission shall act on all rezone requests to the Official Township Zoning Map submitted to said Zoning Commission by the Secretary of the Zoning Commission in conformance with Article X of this Resolution. The Zoning Commission shall recommend approval, disapproval or modification of the original request to the Township Trustees following the procedures set forth in Article X of this Resolution.
2. The Zoning Commission shall act upon amendments requested to the Chester Township Resolution submitted to the Zoning Commission by the Township Trustees. The Zoning Commission shall recommend approval, disapproval or modification of the original request to the Township Trustees following the procedures set forth in Article X of this Resolution.
3. The Zoning Commission shall review and approve a site plan as specifically provided for elsewhere in this Resolution.
4. The Zoning Commission shall review from time to time any provision or provisions of this Resolution and shall recommend such changes as it deems necessary in order to promote the intent of this Resolution to the Township Trustees following the procedures set forth in Article X of this Resolution.

SECTION 800.5 ADMINISTRATION AND ENFORCEMENT

The provisions of this Resolution shall be administered and enforced by the Zoning Inspector, or his deputies, or such other officials as may be designated by the Township Trustees.

SECTION 800.6 DUTIES OF THE ZONING INSPECTOR

A Zoning Inspector shall be employed for the purpose of granting zoning certificates and to make inspections of premises or buildings necessary in carrying out his duties in compliance with the provisions of this Resolution. It shall be unlawful for the Zoning Inspector to issue permits or approve any plans until he has inspected such plans in detail and found them to conform with the provisions of this Resolution. The Zoning Inspector shall also be responsible for submitting to the Zoning Board of Appeals all applications for Conditional Zoning Certificates. The Zoning Inspector shall not refuse to issue a zoning certificate when the provisions or conditions of this Resolution are complied with by the applicant.

SECTION 800.7 APPLICATION PROCEDURE - ZONING CERTIFICATES

5. Before constructing, changing the use of, or altering any building, including accessory buildings (but not including buildings used for agricultural purposes), or changing the use of any premises, application shall be made to the Zoning Inspector for a zoning certificate. The application shall include the following information:
 - a. A plot plan drawn to a scale of not less than ten (10) feet to the inch showing the actual shape, location and exact dimensions of the property to be built upon.
 - b. The shape, size and location of all buildings and other structures to be erected, altered or moved and of any building or other structures already on the property.
 - c. The existing and intended use of the property, including residential areas, the total number of dwelling units to be accommodated in the building.
 - d. Any other pertinent data as may be required to determine whether the provisions of this Resolution are being observed properly.

2. Within twenty (20) days after the receipt of the application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Resolution and the application is accompanied by a proper fee as indicated in Section 800.8 below. If such certificate is refused for cause, the applicant shall be notified of such refusal and cause within the twenty (20) day period.
3. A Zoning Certificate that has not been used within six (6) months after its date of issue, or a Zoning Certificate which has been issued and construction commenced thereon, but discontinued for a period of six (6) months, shall automatically expire and a new Zoning Certificate shall be required before any use of land for structural alteration or new construction be started.

SECTION 800.8 FEES

Fees for the inspection, and the issuance, of zoning certificates or conditional zoning certificates or copies required or issued under the provisions of this Resolution shall be collected by the Zoning Inspector in advance of issuance. The amount of such fees shall be as follows:

1. The fee for a zoning certificate shall be as follows:
 - a. Residential uses:
 - (1) One individual dwelling unit Fee will be calculated as: \$.30 per square foot of floor area of the original structure. (AMENDED 1-1-2004)
 - (2) Two unit dwelling Fee will be calculated as: \$.30 per square foot of floor area of the original structure.(AMENDED 1-1-2004)
 - b. Residential accessory uses:
 - (1) Each individual use \$100.00(1-11-03)
 - (2) Swimming pools are excluded from the fee schedule. (amended 12-17-13)
 - c. Non-residential uses:
 - (1) Business use and each accessory use \$0.20/sq. ft (Amended 10-27-14).
 - (2) Industrial use and each accessory use: \$0.30/sq. ft.(Amended 10-27-14).
2. The fee for a conditional zoning certificate shall be as follows:
 - a. Residential uses:
 - (1) Temporary structures \$100.00
 - (2) Temporary visitors \$100.00
 - b. Non-residential uses:
 - (1) All non-residential conditional uses except Industrial uses \$0.20/sq.ft(Amended 10-27-14).
 - (2)Industrial conditionally permitted uses: \$0.30/sq. ft(Amended 10-27-14).
3. Planned Unit Development Fees (PUD) (Amended 03-16-19)
 - a. Application Fee \$600
 - b. Residential Dwellings \$0.30/sq. ft.
 - c. Commercial Buildings \$0.20/sq. ft.
 - d. Fee for Administrative Review for each Phase \$1,000

Where these costs exceed the deposits paid, the additional balance shall be due within thirty (30) days of notification.

3. When the Township Zoning Commission or the Zoning Board of Appeals finds it necessary to maintain the record of public hearing procedures, or when the Township Zoning Commission or the Zoning Board of Appeals will deem it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.
4. The fee for lot splits: \$250.00(1-10-04)
5. The fee for mines and quarries shall be collected annually at: \$50.00(1-11-03).
The start up fee shall be: \$500.00(1-11-03).
6. The annual fee for all cell Towers shall be: \$50.00(1-11-03)
The start up fee shall be: \$500.00(1-11-03).
7. The fee for a copy of the Chester Township Zoning Regulations: \$10.00 plus all shipping costs (1-10-2004)
8. The fee to file an Application for Amendments to the regulations or map: \$300.00(1-11-2003).
9. The fee to file an appeal shall be as follows: \$150.00 plus all direct and related costs.(1-11-2003).
10. The fee for portable processing plant including the start-up is \$1,000.00. This is a one-time fee. No additional fees during the life of the mine or quarry will be collected. (amended 12-17-13)

The fees in this Section may be modified from time to time, increased or decreased, by resolution of the Township Trustees.

ARTICLE IX BOARD OF ZONING APPEALS

SECTION 900 AUTHORITY, COMPOSITION, AND APPOINTMENT

There is hereby created a Board of Zoning Appeals consisting of five (5) members appointed by the Township Trustees. The Board shall include five (5) citizens of the Township with records of civic, business, or professional leadership, and who shall not be members of the Zoning Commission. Each member shall be appointed for a period of five (5) years, except that one of the initial members shall be appointed for one (1) year, and one of the initial members shall be appointed for two (2) years, and one of the initial members shall be appointed for four (4) years, and one of the initial members shall be appointed for five (5) years. In the event of death or resignation of a member, the Township Trustees shall make the appointment for the duration of the unexpired portion of the term of the member.

SECTION 900.1 ORGANIZATION

The Board of Zoning Appeals shall elect a chairman from its membership, shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs.

SECTION 900.2 QUORUM

The Board of Zoning Appeals shall require a quorum of three (3) members at all its meetings, and a concurring vote of three (3) members shall be necessary to affect an order.

SECTION 900.3 MEETINGS

The Board of Zoning Appeals shall meet at the call of its chairman of two (2) other members, and at such other regular times as it may, by resolution, determine.

SECTION 900.4 WITNESSES

The Board of Zoning Appeals chairman or acting chairman may administer oaths and compel the attendance of witnesses in all matters coming within the review of this Resolution.

SECTION 900.5 POWERS AND DUTIES

1. The Board of Zoning Appeals shall hear and determine all appeals from the refusal of the Zoning Inspector because of anything contained in this Resolution to issue a zoning certificate.
1. The Board of Zoning Appeals shall hear and determine all appeals any decision or action of the Zoning Inspector in the administration or enforcement of this Resolution.
2. The Board of Zoning Appeals shall have the authority to grant conditional zoning certificates for the use of land, buildings, or other structures as special exceptions to this Resolution, and as specifically provided for elsewhere in this Resolution.
2. The Board of Zoning Appeals may, in individual cases, after public notice and notice to such persons as it deems immediately affected, and after hearing in accordance with such notices, and subject to such conditions and safeguards as it may establish, permit exceptions to and variations from the district regulations established by this Resolution as follows:
 - a. Permit the extension of building or use into a more restricted district immediately adjacent thereto, but not more than twenty-five (25) feet beyond the boundary line of the district in which such building or use is authorized.
 - b. Permit such modification of the yard or lot area or width regulation as may be necessary to secure the appropriate improvement of a parcel of land that is too small to be appropriately improved without such modification, which parcel was separately owned at the time of passage of this Regulation, or is adjacent to buildings that do not conform to the general restrictions applicable to their location.
 - c. Permit such modification of the requirements of this Resolution as said Board may deem necessary to secure an appropriate development of a lot where adjacent to such lot there are buildings that do not conform to the general restrictions applicable to their location.
5. The Board of Zoning Appeals shall not have the power, however, to permit a use not normally permitted in a given zoning district.

SECTION 900.6 PROCEDURES

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Resolution. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of variance that is applied for and the grounds on which it is claimed that variance should be granted, as the case may be. Every decision of the Board of Zoning Appeals shall be by resolution, each of which shall contain a full record of the finding of the Board of Zoning Appeals by case number under one or another of the following headings; Interpretation; Exceptions; Variances; together with all documents pertaining thereto. In the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering or any other expert testimony, such

fee shall be raised in order to cover all expenses of such expert testimony. The applicant shall bear all direct and related costs.

SECTION 900.7 NOTICE OF HEARING

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. The board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. Not less than ten (10) days prior to the date set for such hearing or appeal, written notice of such hearing shall be caused by the board to be given by mail to any person, firm or corporation owning premises and lands bounding and abutting upon the land concerned in the appeal.

SECTION 900.8 APPEALS

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of Chester Township, deeming himself or itself to be adversely affected by the decision of the administrative official pertaining hereto. Appeals shall be made no later than twenty (20) calendar days after the date of any adverse decision. The applicant shall post security for the cost of all action required for the hearing of the appeal. An appeal shall stay all proceedings in furtherance of the action being appealed from, unless the administrative officer whose decision is appealed from shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part or modify the order, requirements, decision or determination as in its opinion ought to be done, and to that end shall have all the powers of the officers from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board of Zoning Appeals shall decide all such appeals within ninety (90) days after date of hearing except that such time may be extended by mutual consent.

SECTION 900.9 FEES

The Township Trustees may from time to time prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the Board of Zoning Appeals. At the time the notice of appeal is filed, the said fee shall be paid to the Clerk of Chester Township.

- (1) The said fee for filing an Appeal is \$75.00, applicant shall bare all direct and related costs as of 1-11-03.

ARTICLE X AMENDMENTS

The Trustees of Chester Township may, from time to time, amend by resolution the number, shape or area of districts established on the Zoning Districts map or the regulations set forth in this Resolution; but no such amendment shall become effective unless the resolution preparing same shall first be submitted in writing by the Township Clerk to the Township Zoning Commission for approval, disapproval or recommended modifications, and public hearing. Amendments or supplements to the Resolution may be initiated by motion of the Township Zoning Commission, by resolution of the Board of Township Trustees, or by the filing of an application by one or more of the property owners or leases within the area to be affected by the amendment. All applications for a zoning amendment shall be submitted to the Secretary of the Zoning Commission and shall include:

1. A statement giving the names and addresses of all property owners within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted.
2. Evidence that the existing Zoning Resolution is unreasonable with respect to the particular property, and it deprives the property owner of the owner's lawful or reasonable use of the land. For the purpose of this Zoning Resolution, limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.
3. Evidence that the proposed amendment would materialize in an equal or better Zoning Resolution than that existing.

Whenever an amendment is made to the text of the Zoning Resolution, the appropriate definitions pertinent to such amendment shall be included in Article III.

Any application for an amendment to this Zoning Resolution shall include a fee of three hundred (300) dollars. This fee shall not apply to any amendment introduced by the Township Trustees or the Township Zoning Commission.

The Zoning Commission shall hold a public hearing not less than twenty (20) no more than forty (40) days from the date of the motion, resolution or filing of the application for the amendment. Notice of this public hearing shall be given by at least one (1) notice in a newspaper of general circulation within the Township at least ten (10) days before the date of such hearing and written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all property owners within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted.

Within five (5) days after the adoption of the motion, certification of the resolution or filing of the application, the Township Zoning Commission shall transmit a copy of the application to the Morrow County Regional Planning Commission for review and recommendation, which shall be considered at the public hearing. The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment on the approval with some modification to the Board of Township Trustees. The Board of Township Trustees shall set a time for a public hearing on the proposed amendment, the date of which hearing shall not be more than thirty (30) days from the date of receipt of the recommendation from the Township Zoning Commission. Notice of this public hearing shall be given by the Board by one (1) publication in one or more newspaper of general circulation within Chester Township at least ten (10) days before the date of such hearing. Within twenty (20) days after such public hearing, the Board shall either adopt or deny the recommendation of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board is required.

ARTICLE XI

VIOLATIONS AND PENALTIES

SECTION 1100 PUBLIC NUISANCE

Buildings erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Resolution are declared to be a nuisance per se. Any building or land use activities considered possible violations of the provisions of this Resolution, which are observed by any Township official, shall be reported to the Zoning Inspector.

SECTION 1100.1 INSPECTION

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

SECTION 1100.2 CORRECTION PERIOD

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

SECTION 1100.3 PENALTIES

The owner or owners of any building or premises or part thereof, where anything in violation of this Resolution shall be placed or shall exist, any tenant or occupant of such building or premises, and any architect, builder or contractor who shall assist in the commission of any such violation, and any persons who shall violate any of the provisions of this Resolution or fail to comply therewith shall, for each violation of noncompliance, be deemed guilty of a misdemeanor and upon conviction be assessed the fine of not less than twenty-five (25) dollars, nor more than three hundred (300) dollars. Each day such violation or failure to comply shall exist, it shall constitute a separate offense.

ARTICLE XII

VALIDITY AND SEPARABILITY

It is hereby declared to be the legislative intent of this Resolution that if any provisions of this Resolution, or the application thereof to any zoned lot, building or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person, firm, corporation or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective to the zoning lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

ARTICLE XIII

EFFECTIVE DATE

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