

**Sagamore Hills Township
RESIDENTIAL DISTRICT**

This entire section reviewed and approved by Resolution 14-66 Adopted 8-11-14
Effective 9-10-14

Section 3.0 Residential District

3.1 Purpose

The purpose of this district is to accommodate residential development that will promote the residential character of this zone.

3.2 Uses

Within this "R" Residential District, only the below stated uses are permitted. Any uses not referred to are prohibited.

A. Permitted Uses

1. **Single Family Dwelling** including home occupation.
2. **Agricultural Use** – Consistent with the requirements of the Ohio Revised Code Section 519.21, the Township regulates agricultural use in any area consisting of a platted subdivision under Section 711.05, Section 711.09, or Section 711.10 of the Ohio Revised Code, or an area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated road, as follows:
 - a. Buildings or structures incidental to the use of the land for agricultural purposes on lots of one acre or less shall not be permitted except to the extent permitted in Section 2.1, 2.2 and 2.3 below.
 - b. Buildings or structures incidental to the use of the land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall comply with all setback regulations set forth in the district in which the building or structure is located including setback building lines, height and size, except to the extent otherwise specified below in Section 2.1, 2.2 and 2.
 - c. The keeping of animals in private stables on lots greater than one acre but less than five (5) acres, when at least 35% of the lots in a subdivision that is developed with at least one building, structure or improvement that is subject to real property taxation or that is

subject to tax on manufactured and mobile home under Section 4503.06 of the Ohio Revised Code shall comply with the following regulations:

- 1) The area of a lot upon which such animals are kept shall not be less than two (2) acres.
- 2) Whenever one (1) or more animals are kept outdoors on the lot, an accessory building for their shelter shall be constructed on the lot.
- 3) The area of the accessory building intended to provide shelter for one or more animals shall not exceed 1% of the lot area.
- 4) Such accessory buildings are to be in full compliance with requirements of the Zoning District.
- 5) The height of the accessory building shall not exceed the lesser of height of the primary structure on the premises or 18 feet.

- 2.1 This Section confers no power on the Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture and agricultural buildings and structures on lots greater than five (5) acres regardless of the district in which the lot is located.

This Section confers no power on the Township Zoning Commission, Board of Trustees, or Board of Zoning Appeals to regulate agricultural buildings and structure for use of any land for a farm market where 50% or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year except the following shall apply:

- a. each farm shall be permitted only one roadside stand or market located on the farm property;
- b. the area of the roadside stand shall not exceed 200 square feet;
- c. the maximum height of the roadside stand shall be no greater than 10 feet;
- d. the roadside stand shall be located a minimum of 30 feet from any side lot line or street right-of-way;
- e. signs advertising the roadside stand shall comply with the regulations set forth in this Resolution;
- f. adequate parking shall be provided in such a way as to not create a public safety hazard with no more than three (3) spaces; the roadside stand shall be removed at the conclusion of the farm's seasonal sales and stored in an enclosed building or placed in the rear yard.

- 2.2 This Section confers no power on the Township Zoning Commission, Board of Trustees, or Board of Zoning Appeals to regulate biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under O.R.C. 5713.30 to 5713.37 for real property tax purposes.
- 2.3 This Section confers no power on the Township Zoning Commission, Board of Trustees, or Board of Zoning Appeals to regulate biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under O.R.C. Sections 5713.30 to 5713.37 for real property tax purposes and if the facility producing the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both.
3. **Accessory Buildings and Structures** incidental to the principal use which do not include any activity conducted as business except that one temporary roadside stand offering for sale only agricultural products which are produced on the premises is permitted. Such stand shall not be erected closer than thirty (30) feet from the road right-of-way nor closer than thirty (30) feet from any lot line.
4. **Signs** as regulated by Section 15.0 hereof.
5. **Cluster Development.** The purpose of a Cluster Development is to permit Residential Development to take a more compact form in order to preserve and maintain existing open areas. The cluster development regulations are designed to fulfill the following objectives:
 - a. Preserve open space in amounts that are greater than that achievable with more conventional subdivision design in order to meet recreational, scenic and public service needs.
 - b. Reduce the lot area, yard and setback requirements of the base zoning district to permit the grouping or clustering of dwelling units.
 - c. Preserve significant natural features and generally undisturbed land.
 - d. Encourage the investment of savings realized from reduced infrastructure costs into the development of architectural features and/or site amenities that establish a residential community of sustained desirability.

5.1 A Cluster Development shall be subject to the following specific regulations:

- a. Only single family detached dwellings shall be permitted.
- b. Area regulations:
 - 1. The minimum gross development area shall be fifteen (15) acres.
 - 2. A minimum of forty (40%) percent of gross development area shall remain as undeveloped open space and shall be preserved in its undisturbed state. (Amended 11-14-22 Res. 22-45 Effective 12-14-22)

5.2 The open space shall be subject to the following conditions:

- a. A preliminary plan shall be submitted to the Zoning Commission for discussion of open space prior to the submission of a detailed residential development plan. In designing open space, consideration shall be given to providing the least number of finite open spaces, with each open space consisting of the largest acreage possible. (Amended 11-14-22 Res. 22-45 Effective 12-14-22)
- b. Land in streets, sidewalks, utility rights-of-way, storm drainage areas and land used for recreational purposes shall not be included in open space to offset a reduction in lot area calculations. (Amended 11-14-22 Res. 22-45 Effective 12-14-22)
- c. Use of open space shall be limited to conservation and similar purposes and left in perpetuation in an undisturbed state.
- d. A legal plan, contract, covenants and restrictions for the perpetuation, maintenance and function of all of the open space shall be established. The covenants and restrictions shall name the Township as a full beneficiary of all covenants and restrictions upon the open space and shall provide that no changes shall be permitted to the open space without unanimous consent and approval of the Township Trustees. The documents shall be reviewed and approved by the Township and recorded in the County Fiscal Office by the applicant prior to the time of transfer of the first property sold.

- 5.3 The Residential Cluster Development Plan must include a detailed plan, established by the owner or developer, for the conveyance of all open space land to one or more non-profit corporations, formed for the purpose of maintaining such open spaces for the use of the property owners thereof. Membership in such non-profit corporations must be open to all owners of property and residents within an area of the Residential Cluster Development District.
- 5.4 Overall density shall be one (1) dwelling unit per gross development acre. For example: on a 20 acre gross development area, 20 dwellings can be built on no more than twelve (12) acres of land.
- 5.5 Single-Family Detached Dwellings shall be at least thirty-five (35) feet from any new street right-of-way line and one hundred (100) feet from the centerline of any existing street right-of-way. (Amended 11-14-22 Res. 22-45 Effective 12-24-22)
- 5.6 A Single-Family Detached Dwelling shall be no closer than twenty (20) feet to another Single-Family Detached Dwelling. A Single-Family Detached Dwelling shall be no closer than fifty (50) feet from an existing non-cluster residentially zoned property. The ten (10) feet from the rear lot line of a Single-Family Detached Dwelling lot shall have no structures other than a fence. There is no minimum lot size requirement. (Amended 11-14-22 Res. 22-45 Effective 12-24-22)
- 5.7 The maximum height of a structure shall be thirty five (35) feet.
- 5.8 Streets shall be dedicated.
- 5.9 All Residential District regulations not superseded by those set out above shall also apply to cluster developments.
- 5.10 Signage for Cluster Zoning Developments:
- One (1) sign (double faced or winged) with a maximum size of twenty (20) square feet and a maximum height of five (5) feet above the finished grade, or two (2) signs, which are single faced with a maximum size of twenty (20) square feet and a maximum height of five (5) feet above the finished grade per sign face, shall be allowed at the entrance of a Cluster Zoning Development in a Residentially zoned area (excluding the P.U.D.), which has a minimum acreage of thirty (30) acres. All signs shall be located fifteen feet (15 ft.) from the established right-of-way.
- 5.11 Accessory Structures

- a. One (1) accessory structure not to exceed: (i) twelve (12) feet in height, and (ii) one and one-half percent (1.5%) of the area of the lot upon which the accessory structure is to be placed. In no case shall the aggregate area of the accessory structure exceed one-hundred ninety-five (195) square feet in area. (Amended Effective 1-6-21)
- b. The accessory structure shall be in the rear lot, be a minimum of (10) feet from the rear lot lines, a minimum of ten (10) feet from the side lot line, and confined completely within the sight line of the rear lot as defined by the front and rear corners of the widest section of the residence (see attached drawing). (Amended Effective 1-6-21)
- c. An accessory structure shall be constructed at the average grade at its location. However, an accessory structure that is a gazebo or pergola shall be permitted to be constructed upon a deck or patio connected to the primary residential structure if the floor of such deck or patio does not exceed the level of the first floor of the primary residential structure. No sheds shall be constructed upon a deck or patio. (Amended Effective 1-6-21)

6. **Parking and loading regulated as follows:**

- a. Minimum of two (2) off-street parking spaces must be provided for each dwelling unit.

B. Conditionally Permitted Uses

The Board of Zoning Appeals shall have authority to make exceptions as specifically described below to grant conditional zoning certificates for the use of land, building or other structures as special exceptions to this Resolution, and will ensure that all requirements of conditional use are met before a conditional zoning certificate is issued.

- 1. **Public, private and parochial schools** subject to approval of site plans including location of buildings, parking areas, lighting, signs, sewer and water facilities and as follows:
 - a. **Structures and activity areas** including loading and facilities (other than off-street parking) shall be located at least one hundred (100) feet from any property line and center line of any dedicated highway.
 - b. **All points of ingress and egress** shall be located at least two hundred (200) feet from all major road intersections and at least one hundred (100) feet from all local or other minor street intersections. All state and county highways shall be considered

major streets.

- c. **Lighting** shall not create a nuisance and shall in no way impair safe movement of traffic on any street or highway. No light shall shine directly on adjacent property. No strings of open light bulbs shall be permitted. No lighting structures shall exceed fifteen (15) feet in height. Exposed light bulbs except for those used in holiday decoration shall be prohibited.
- d. **All structures** shall be located so as to have access to a dedicated street.
- e. **Minimum lot size** shall comply with Ohio Revised Code and/or Standards of Dept. of Education, and/or a minimum of ten (10) contiguous acres.

2. **Churches and other buildings** for the purpose of religious worship and training, subject to approval of site plans and as follows:

- a. **Structures and activity areas** including loading and facilities (other than off-street parking) shall be located at least one hundred (100) feet from any property line and center line of any dedicated highway.
- b. **All points of ingress and egress** shall be located at least two hundred (200) feet from all major road intersections and at least one hundred (100) feet from all local or minor street intersections. All state and county highway shall be considered major streets.
- c. **Lighting** shall not create a nuisance and shall in no way impair safe movement of traffic on any street or highway. No light shall shine directly on adjacent property. No strings of open light bulbs shall be permitted. No lighting structure shall exceed fifteen (15) feet in height. Exposed light bulbs except for those used in holiday decoration shall be prohibited.
- d. **All structures** shall be located so as to have access to a dedicated street.
- e. **Locations** should be adjacent to parks or other non-residential uses such as schools or shopping centers where use can be made of joint

parking facilities.

f. **Minimum lots size** shall be ten (10) contiguous acres.

3. **Public utilities** right-of-way and pertinent structure subject to restrictions listed below:

a. **Structures and activity areas** including loading and facilities (other than off-street parking) shall be located at least one hundred (100) feet from any property line and the center line of any dedicated highway.

b. **Site locations** shall be preferred that offer natural or man-made barriers to lessen the effect of intrusion into a residential area.

4. **Governmentally** owned and operated parks and playgrounds including golf courses (except miniature) subject to approval of site plans and the following:

a. **Structures and activity areas** including loading and facilities other than off-street parking shall be located at least one hundred (100) feet from any property line and the center line of any dedicated highway.

b. **Loud speakers** which cause a hazard or annoyance shall be prohibited.

c. **All points of ingress and egress** shall be located at least two hundred (200) feet from all major road intersections and at least one hundred (100) feet from all local or minor street intersections. All state and county highways shall be considered major streets.

d. **Lighting** shall not create a nuisance and shall in no way impair safe movement of traffic on any street or highway. No light shall shine directly on adjacent property. No strings of open light bulbs shall be permitted. No lighting structure shall exceed fifteen (15) feet in height. Exposed light bulbs except for those used in holiday decoration shall be prohibited.

5. **Temporary buildings** for use incidental to construction work and as follows:

- a. **Any temporary structures** must be indicated on the site plan, and their use must be discontinued and removed at a time to be set by the Zoning Inspector. Under no circumstances shall any temporary building be used as a dwelling.
6. **Recreational** uses that are non-profit residentially owned and/or operated facilities or governmentally owned and/or operated facilities shall be limited to swimming pools, golf courses, tennis courts, horse riding trails and picnic pavilions. These facilities are subject to the restrictions listed below:
 - a. **Loud speakers** which cause a hazard or annoyance shall be prohibited.
 - b. **All points of ingress and egress** shall be located at least two hundred (200) feet from all major road intersections and at least one hundred (100) feet from all local or minor street intersections. All state and county highways shall be considered major streets.
 - c. **Lighting** shall not create a nuisance and shall in no way impair the safe movement of traffic on any street or highway. No light shall shine directly on adjacent property. No strings of open light bulbs shall be permitted. No lighting structure shall exceed fifteen (15) feet in height. Exposed light bulbs except for those used in holiday decoration shall be prohibited.
 - d. **Installations** shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
 - e. **Structures and activity areas** - (other than off-street parking) shall be located at least two hundred (200) feet from any property line.
 7. **Home occupations** - Such uses shall be permitted subject to the following conditions:
 - a. Such uses shall be conducted entirely within the dwelling unit and no use of any accessory building shall be permitted.

- b. Such use shall be clearly incidental and secondary to the use of the dwelling for living purposes.
 - c. Such use shall be conducted only by persons residing in the dwelling unit.
 - d. There shall be no externally visible display of stock and trade.
 - e. Commodities sold shall be only those which are produced on premises.
 - f. Use shall not occupy more than fifteen percent (15%) of the total living area of a dwelling unit, maximum not to exceed four hundred (400) square feet.
 - g. Such use shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, vehicular traffic, or other causes.
 - h. Off-street parking and traffic visibility shall be provided.
8. **Professional offices** shall occupy no more than fifteen (15%) percent or four hundred (400) square feet of the total living area of a dwelling unit.
9. **Parking lots** - Any parking area containing more than five (5) vehicles in a residential district must receive approval from the Board of Zoning Appeals.
10. **Bed and Breakfasts** shall comply with the following requirements:
- a. A conditional use permit shall expire once the applicant ceases to occupy the premises. The Bed and Breakfast Inn shall be owner managed, the resident manager having at least 50% ownership interest.
 - b. Its operation shall take place within the principal structure.
 - c. Its operation must conform within all the Health and Fire requirements of the O.R.C. Each guest room shall be provided with a smoke detector. Yearly inspections by the local Fire

Department or Fire Prevention Officer shall be required.

- d. No more than one (1) such establishment shall be permitted within a four hundred (400) yard radius.
- e. Off street parking shall be provided at a minimum rate of one (1) per guest room and two (2) additional. Thus, for five (5) guest rooms, a total of seven (7) parking spaces shall be provided.
- f. Signs: As regulated by the Sign Regulations Section of this Resolution B (4) as applied to home occupations.
- g. The sale or display for sale of merchandise or other commodities is prohibited, except for agricultural products produced on the premises.
- h. Any infraction of the above shall result in the revocation of the permit to operate a Bed and Breakfast Inn.

11. An **Outdoor Recycling Collection Bin** for the explicit purpose of paper and/or cardboard collection for recycling is conditionally permitted at public, private, and parochial schools, churches or governmentally owned property, subject to the following conditions: (Amended Effective 6-9-15)

- a. Permit. The property owner where the bin is located shall annually file for a permit with the Zoning Inspector. No collection bin may be used for advertising. (Amended Effective 6-9-15)
- b. Placement. The bin may only be located at the side yard or rear yard of the residential property so as not to interfere with parking and must not be within any required lot setbacks. No bin shall be closer than 200 feet to a residence. Each bin shall be clearly visible and in a well-lighted area located so as not to interfere with pedestrian and/or vehicular circulation or to create a traffic hazard. (Amended Effective 6-9-15)
- c. Maintenance. The property owner shall be responsible for the maintenance of the bin and the surrounding area. Each bin shall be enclosed by use of receiving doors. Each bin shall be regularly emptied so as not to overflow. No storage or drop-off of donations external to the collection bin shall be permitted. The property owner must respond to maintenance complaints within 24 hours of receiving

notice. If a bin is damaged or vandalized it shall be repaired or replaced within five (5) days or else be removed from the property.
(Amended Effective 6-9-15)

- d. Collection bins for all recyclables can be used on property of the Township of Sagamore Hills at the discretion of the Township Trustees. (Amended Effective 6-9-15)

3.3 Areas, yard and height regulations

A. Center Line of the Road

The center line of the road right-of-way shall be the starting point for all residential land area measurements in Sagamore Hills Township except for cul-de-sacs.

1. Cul-de-sac

The starting point for all residential land area measurements on a cul-de-sac shall be one-half (1/2) of the circle.

B. Minimum Lot Area

One (1) acre (43,560 sq. ft.).

C. Minimum Lot Width at Building Line

One hundred (100) feet.

D. Minimum Lot Width at Street

One hundred (100) feet except sixty (60) feet on the cul-de-sac turn around and 130 ft. on corner lots.

E. Minimum Front Yard Depth

One hundred (100) feet from any dedicated highway center line.

If there is no established street right-of-way, said line shall be deemed to be one hundred (100) feet from the center of the road.

F. Corner Lots

Minimum setback to be fifty (50) feet from side street center line and one hundred (100) feet from main street center line.

G. Minimum Side Yard Width

No building or structure shall be erected or placed nearer than ten (10) feet to the

side lot line.

H. Rear Yards

No main building or structure shall be erected or placed nearer than fifty (50) feet from the rear lot line, and no accessory building shall be erected or placed nearer than ten (10) feet to any rear lot line.

I. Maximum Height of Structures

Thirty-five (35) feet.

J. Front Yard

No building shall be erected between the front line of the main building and the roadway.

K. Driveway

Each private dwelling shall be served by a private driveway from the public right of way to the main building. The entire driveway shall be maintained wholly within the front yard width. A private driveway may serve only one single family dwelling.

3.4 Size of Dwelling

A. Single Floor

Each family dwelling of one (1) story shall have a minimum of one thousand one hundred (1100) square feet of living area.

B. Multiple Floor

Each family dwelling of more than one (1) level shall have a minimum of seven hundred fifty (750) square feet on the first level and a total living area of not less than fifteen hundred (1500) square feet exclusive of the basement level, breezeways, garages, and similar accessory structures. A level is defined as any variation of more than fifteen (15) inches between floors.

3.5 Accessory Buildings

A. The height of an accessory building shall not exceed the lesser of the main dwelling or eighteen (18) feet.

B. The accessory building can only be located on a lot with an existing principal structure. The aggregate area of the total detached accessory buildings may have a foundation area not to

exceed one and a half percent (1½ %) of the area of the lot upon which the buildings are placed.

Example: (1 acre = 43,560 square feet)

- 1/4 Acre = 10,890 sq. ft. = 163 sq. ft. of accessory buildings allowed
- 2/3 Acre = 29,040 sq. ft. = 436 sq. ft. of accessory buildings allowed
- 1 Acre = 43,560 sq. ft. = 653 sq. ft. of accessory buildings allowed
- 2 Acres = 87,120 sq. ft. = 1200 sq. ft. of accessory buildings allowed

In no case shall the aggregate area of the buildings exceed one thousand two hundred (1200) square feet of foundation or fifty percent (50%) of living area of the principal building, whichever is less.

C. Up to two (2) accessory buildings may be built on a lot.

3.6 Garages

An attached garage shall be required for all residential construction, and should be erected at time of construction of the dwelling. All new garage constructions and/or modifications thereto shall be done with a minimum of four hundred (400) square feet and a maximum of One Thousand Two Hundred (1,200) square feet. Such garage shall have separate exit other than through the overhead door. (Amended 11-14-22 Res. 22-45 Effective 12-14-22)

3.7 Parking Facilities

Off street parking must be provided for all motor vehicles for each single family dwelling. Front line of main building shall apply to parking and/or storage of trailers including campers and utility type as well as boats or other mobile units. Only one (1) commercial vehicle of not more than one (1) ton rated capacity may be kept, parked, stored or housed at/or on any lot. All recreational vehicles kept on property must be owned by residents of the dwelling. None of the above mentioned vehicles maybe used as a dwelling.

3.8 Fencing

A. Location

Fencing shall be at least one foot within the owner’s lot line. If a footer is required, no portion of said footer shall extend within one (1) foot of the property line. Living fences shall be located so that future growth shall not extend over the lot line.

B. Height

Non-living front yard fencing shall not exceed forty-eight (48) inches above the finished grade. All other locations of non-living fencing shall not exceed six (6) feet above the finished grade. Living fences within the highway right-of-way shall not exceed a height of thirty-six (36) inches.

C. Appearance

The side of the fence facing adjacent property shall be the smooth finished side and all horizontal, diagonal or supporting members shall be on the owner's side of the fence. The fence shall be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located.

D. Safety

No sharp wire or points shall project from the top, either side, and or bottom of any fence.

3.9 Snow fencing

A snow fence or fence of similar type may be erected or placed in any yard during the period from November to April for the sole purpose of preventing the drifting of snow on highways, driveways, or sidewalks, but such fencing shall not be used at any time as a permanent fence or enclosure.

3.10 Nuisance prohibited

No use shall be permitted or authorized to be established which when conducted in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matter, water carried wastes, or which will interfere with adjacent landowners' enjoyment of the use of their lands.

3.11 Exterior Lighting

The purpose of this exterior lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible, the promotion of safety and security, the reduction or prevention of glare and light trespass, and the conservation of energy.

Lighting shall not create a nuisance and shall in no way impair the safe movement of traffic on any street or highway. No light shall shine directly on adjacent property.

No lighting structure shall exceed fifteen (15) feet in height unless it is attached to a building, but shall not exceed the height of the building.

The poles or standards for elevated lights shall be no higher than fifteen (15) feet from finished grade to top of light standards and shall be set back at least twenty (20) feet from the public right-of-way, subject to rear and side line regulations, and the lights shaded so as not to interfere with the vision of persons on the highway or neighboring premises.

Exterior lighting shall be installed in a manner to deflect from adjacent residential developments. All exterior lighting for residential and nonresidential use shall be located, screened, or shielded so adjacent lots located in residential districts or recorded subdivisions are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public rights-of-ways, and drives. Perimeter lighting must be at least one (1) foot off of the property line when adjoining residential districts or recorded subdivisions and shall be shielded fixtures to prevent light trespass onto adjacent properties. No exterior lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential.

3.12 **Amendments**

Pursuant to Section 519.12 of the Ohio Revised Code, amendments or supplements to this Zoning Resolution may be made in the same manner and for the same purpose provided for the adoption of this Zoning Resolution, and as further provided therein. When an amendment to this Resolution changing the zoning of any area becomes effective, it shall be the duty of the Zoning Commission of the Township of Sagamore Hills, Ohio to cause such change to be entered on the Zone Map.

3.13 **Invalidity of a part**

Should any section or provision of this Zoning Resolution or amendment there to be held to be invalid by a Court of competent jurisdiction, such decisions shall not effect the validity of the remainder of this Zoning Resolution or amendments thereto.

3.14 Sewage disposal

Utilities shall be provided as specified in the Utilities Section of this Resolution.

3.15 Water utility facilities

Utilities shall be provided as specified in the Utilities Section of this Resolution.

3.16 Structural damage

If more than fifty percent (50%) of the structure is damaged for any reason, then the owner or his agent shall obtain a Zoning Permit to repair said damage and commence constructions within one (1) year from said damage; otherwise, structure must be completely razed to ground level.

3.17 Garage sales

Shall be subject to the following regulations:

- A. All garage sales must be registered at the Township office.
- B. No more than two (2) sales at the same address per calendar year.
- C. Sale duration of three (3) consecutive days or less.
- D. Five (5) signs per sale, one at the place of the sale and the other four (4) at the sales operator's choice, provided they are not covering public signs or are placed on utility structures. Signs must be unlit and not exceeding two (2) square feet in area and shall be removed after the termination of the sale.
- E. Neighbors shall not be disturbed by excessive noise, light and traffic congestion.
- F. The sale of fireworks, hazardous material, firearms and ammunition as defined by the O.R.C. is prohibited.

3.18 Swimming pools

No swimming pool shall be allowed in any R-district except as an accessory use and unless it complies with the following conditions and requirements:

- A. The pool is intended and is to be used solely for the enjoyment of the

occupant and guests of the principal user of the property on which it is located.

- B. In-ground swimming pools containing a depth of eighteen (18) inches or more of water shall be considered as structures and require a zoning permit per Section 12-Zoning Certificate Regulations. The construction, plumbing and electrical requirements, inspections, and other safety facilities shall comply with all applicable county and state codes.
- C. The pool shall be located in the back yard and shall be set back at least ten (10) feet from the side and rear lot lines. This setback shall be measured from the outer edge of the pool.
- D. All swimming pools shall be secured so as to prevent uncontrolled access.
 - 1. All above-ground pools having vertical surfaces of at least four (4) feet in height shall be required to have fences and gates only where access may be had to the pool. Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion.
 - 2. All in-ground pools shall be secured by a fence which meets the corresponding following requirements:
 - a. Fence requirements: In-ground pools shall be secured by a fence not less than four (4) feet and not more than six (6) feet in height. Fences shall be constructed so as to have no openings, holes, or gaps larger than three (3) inches in any dimension except for doors or gates. An accessory building may be used in or as part of such enclosure. Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion.