

CANAAN TOWNSHIP
MADISON COUNTY, OHIO

ZONING
RESOLUTION

Proposed by the Canaan Township
Zoning Commission
August, 2024

**CANAAN TOWNSHIP, MADISON COUNTY, OHIO
ZONING RESOLUTION**

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CANAAAN TOWNSHIP, MADISON COUNTY, OHIO

ZONING RESOLUTION

The permitted and conditional uses for each district are shown in the following tabulation. The interpretation of uses given in categorical terms shall be defined in Article IV. Uses not specifically listed or interpreted to be included categorically under this Article IV shall not be permitted except by Amendment to the Resolution.

PERMITTED AND CONDITIONAL USES

(A-1) AGRICULTURAL DISTRICT

PERMITTED USES	CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL
Accessory buildings and accessory uses, including private garages	Single family residence
Projects designed for watershed protection	One apartment for full time domestic or farm labor
Agriculture	Home occupations
Roadside sales of agricultural products	Private landing fields
Storing, sorting, preliminary processing or storage of agricultural products	Farm markets
Temporary structures	Boarding kennels, riding stables and animal shelters
	Private schools or colleges, kindergarten and child care facilities
	Wind turbines and small solar facilities (see restrictions in Article XVII)
	Churches
	Playgrounds, playfields, picnic areas and summer camps
	Cemeteries
	Borrow pits
	Public uses
	Bed and breakfasts

(A-1) DEVELOPMENT STANDARDS

Lot Area - 20 acres or more

Lot Frontage – 60 feet minimum

Building Dimensions - 1100 Sq. Ft. minimum, 35 feet high maximum

Road setback- See Section 15.09

Side Yard Setbacks – 30 feet

Rear yard setback- 40 feet (15 feet for accessory building)

Lot Coverage - 25% of lot maximum coverage by structures

SEE THE CANAAN TOWNSHIP ZONING RESOLUTION
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

PERMITTED AND CONDITIONAL USES

(R-1) SUBURBAN RESIDENTIAL DISTRICT

PERMITTED USES	CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL
Single family residence	Home occupations
Accessory buildings and accessory uses, including private garages	Public or private schools or colleges, Kindergarten or child care facilities
Projects designed for watershed protection	Wind turbines and small solar facilities (see restrictions in Article XVII)
Agriculture	Churches
Roadside sales of agricultural products	Playgrounds, playfields, picnic areas and summer camps
Storing, sorting, preliminary processing or storage of agricultural products	Cemeteries
Temporary structures	Farm markets
	Public uses
	Model homes
	Bed and breakfasts

(R-1) DEVELOPMENT STANDARDS

Lot Area - 65,340 Sq. Ft. (1.5 acres) minimum

Building Dimensions - 1100 Sq. Ft. minimum, 35 feet height maximum

Minimum Lot Frontage: Less than 5 acres – 200 feet; 5 acres but less than 10 acres- 270 feet;
over 10 acres- 330 feet.

Lot Depth: Maximum depth-to-frontage ratio: 1 1/2 acres but less than 5 Acres - 3:1 ratio; Over
5 acres - 4:1 ratio.

Road Setback: See Section 15.09

Side Yard Setbacks: 30 feet minimum

Rear Yard Setback: 40 feet (15 feet for accessory building)

Lot Coverage - 25% of lot maximum coverage by structures

SEE THE CANAAN TOWNSHIP ZONING RESOLUTION
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

PERMITTED AND CONDITIONAL USES

(PRD) PLANNED RESIDENTIAL DISTRICT

PERMITTED USES	CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL
Single or multi-family residence	Home occupations
Non-residential uses of a religious, cultural or recreational nature	Group homes
Temporary structures	Model homes
Public uses	Wind turbines and small solar facilities (see restrictions in Article XVII)

(PRD) DEVELOPMENT STANDARDS

Intensity Of Use: 3 Dwelling Units Per Gross Acre

Maximum density on any single acre: Single-Family - 8 dwelling units per acre; Single-Story Apartments - 10 dwelling units per acre; Multi-Story Apartments - 16 dwelling units per acre

Setbacks: Developed With Plan

Building Dimensions:

Maximum height 35 feet

Single-story dwelling ground floor living area - 1100 Sq. Ft. minimum

Two-Story Dwelling Ground Floor Living Area - 800 Sq. Ft. minimum with 1200 total Sq. Ft. Minimum.

Tri-Level Dwelling - 1250 Sq. Ft. minimum total living area

Manufactured/Mobile Homes - 840 Sq. Ft. minimum

Apartments Or Multi-Family Structures:

One (1) Bedroom Unit - 800 Sq. Ft. minimum

Two (2) Bedroom Unit - 900 Sq. Ft. minimum

Three (3) Or More Bedroom Units - 1100 Sq. Ft. minimum

SEE THE CANAAN TOWNSHIP ZONING RESOLUTION
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

PERMITTED AND CONDITIONAL USES

(C-2) GENERAL COMMERCIAL

PERMITTED USES	CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL
NONE	Commercial and office establishments
	Private community facilities
	Commercial establishments
	Hospitals, medical facilities, nursing homes and convalescent homes
	Medical, dental and optical laboratories
	Kindergarten or child care facilities
	Public or private golf courses, country clubs, hunt clubs, sportsmen's clubs, fishing lakes, or similar uses
	Other commercial ventures
	Wholesale business- storage and warehousing
	Apartments or residences
	Temporary structures
	Wind turbines and small solar facilities (see restrictions in Article XVII)

(C-2) DEVELOPMENT STANDARDS

Lot Size - 1 net acre minimum, but large enough to provide adequate yard and parking

Lot Width – 150 feet minimum

Road Setback: see section 15.09

Side Yard Requirement: 50 linear feet minimum yard from each side of building

Rear Yard Setback: 50 feet minimum

Maximum Lot Coverage: Structures- 25%; structures plus paving- 50%

SEE THE CANAAN TOWNSHIP ZONING RESOLUTION
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

PERMITTED AND CONDITIONAL USES

(M-1) LIGHT INDUSTRIAL DISTRICT

PERMITTED USES	CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL
Wholesale business	Circuses, carnivals or similar enterprises
Enclosed warehouse or storage activities	Outdoor storage, display or sale of enclosed raw materials, supplies, etc.
Manufacturing industries	Commercial uses
Service or repair activities	Wind turbines and small solar facilities (see restrictions in Article XVII)
Business offices	
Enclosed research facilities	
Temporary structures	
Public uses	

(M-1) DEVELOPMENT STANDARDS

Lot Size - No minimum size, but adequate yard and parking space

Lot Width: 150 feet minimum

Lot Building Setback: See Section 15.09

Side Yard Setbacks: 50 feet minimum

Rear Yard Setback: 50 feet minimum

SEE THE CANAAN TOWNSHIP ZONING RESOLUTION
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

PERMITTED AND CONDITIONAL USES

(M-2) HEAVY INDUSTRIAL DISTRICT

PERMITTED USES	CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL
NONE	Manufacturing, processing, warehousing and industrial service activities
	Temporary structures
	Sanitary landfills
	Junkyards, salvage yards and recycling facilities
	Industrial or commercial uses
	Wind turbines and small solar facilities (see restrictions in Article XVII)

(M-2) DEVELOPMENT STANDARDS

Lot Size - 5 acres minimum, and large enough to provide adequate yard space and parking

Lot Width – 300 feet minimum

Building Setback: See Section 15.09

Side Yard Setbacks: 50 feet minimum

Rear Yard Setback: 50 feet minimum

Maximum Lot Coverage: Structures- 25%; structures plus paving- 50%

SEE THE CANAAN TOWNSHIP ZONING RESOLUTION
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

ARTICLE I - TITLE

Section 1.01 - This resolution shall be known and may be cited and referred to as the Canaan Township Zoning Resolution.

ARTICLE II - PURPOSE

Section 2.01 - This resolution is enacted for the purpose of promoting public health, safety, morals, comfort, harmony and general welfare; to conserve and protect the natural resources and scenic and historical areas; to encourage the orderly growth and development of the township; to maintain the rural character and aesthetics of the township; to provide for adequate light, air and open space; to secure the most appropriate use of land; to facilitate adequate but economical provision for public improvements, all in accordance with existing township or county plans or plans which are or may be later adopted and as permitted by the provisions of Chapter 519, Ohio Revised Code.

ARTICLE III - INTERPRETATIONS OF STANDARDS

Section 3.01 - In the interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control; however, where the provisions of this Resolution are less restrictive, the more restrictive provision of other laws, rules, regulations, restrictions or resolutions shall control. The Canaan Township Zoning Commission and the Board of Township Trustees will, when appropriate, refer to all plans, master plans, studies and treatises affecting the township area and may require inclusion of recommendations in plans or proposals as submitted for approval.

ARTICLE IV - DEFINITIONS

Section 4.01 - DEFINITIONS:

Accessory Use (or Structure): Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Resolution, an accessory use shall be a permitted use.

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

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

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Basement: A story all or partly underground but having at least one-half of its height below the

average level of the adjoining ground.

Boarding Kennel: Any lot or premise where four (4) or more domesticated animals over four months of age are housed, boarded, groomed, trained and which may offer medical treatment.

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

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

Building, Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: (See Setback Line)

Building, Principal: A building in which is conducted the main or principal use of the lot in which said building is situated.

Child Day-Care: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home.

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the township showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a Conditional Use Permit and approval of the Board of Zoning Appeals.

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

Condominium: A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

Corner Lot: (See Lot Types)

Cul-de-Sac (See Thoroughfare)

Dead-end Street: (See Thoroughfare)

Density: A unit of measurement expressing the number of dwelling units per acres of land.

1. Gross Density - the number of dwelling units per acre of the total land to be developed.
2. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Density Bonus: An increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of park areas, as provided for in the zoning regulations.

Development: Any man-made change to improve or unimprove real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filing, grading, excavation, mining, dredging, or drilling operations or storage of equipment or materials.

District: A part, zone, or geographic area within the county within which certain zoning or development regulations apply.

Dwelling: Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

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

Dwelling, Single Family: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Rooming House (Boarding House, Lodging House, Dormitory): A dwelling or part thereof, other than a hotel, motel or restaurant where meals and lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Easements: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other 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; and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by each public utility or municipal or other governmental agency or for the public health or safety or general welfare, but not including buildings.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Plain: The area adjoining a watercourse which may be inundated during a flood.

Flood, Regional: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

Floodway: That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe: That portion of the flood plain outside the floodway.

Flood, One-hundred Year: The flood having a one percent chance of being equaled or exceeded in any given year. On the average the flood occurs once in 100 years, although it may occur in any given year.

Garages, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and boats of the occupants of the premises and wherein: No more than two commercial vehicles per dwelling unit is parked or stored; and the commercial vehicle permitted does not exceed two tons capacity.

Garage, Public: A principal or accessory building other than a private garage used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Group Residential Facility: A group residential facility is a community residential facility, licensed and approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services.

Home Occupation: Home Occupation means an accessory use which is an activity, profession, occupation, service craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood,

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

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

Lot: For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street or road. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

Lot, Minimum Area of: The area of a lot is computed excluding all right-of-ways. **Lot**

Measurements: A lot shall be measured as follows:

1. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

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

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

1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. Interior Lot: A lot with only one frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one street.

Through lots abutting two streets may be referred to as double frontage lots.

4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Major Thoroughfare Plan: The portion of comprehensive plan adopted by the township indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Manufacturing, Extractive: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

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

Nonconformities: Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

Open Spaces: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

Performance Bond or Surety Bond: An agreement by a subdivider or developer with the county or township for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

Planned Unit Development: An area of land in which a variety of housing types and subordinates commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a public or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

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

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Setback Line: A line established by the zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building, or structure may be located.

Sewers, Central or Group: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

Sewer, On-Site: A septic tank or similar installation on an individual lot which utilizes an anerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of County Health Department.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

Thoroughfare, Street, or Road: The full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic usually on a continuous route.
3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: A street primarily for providing access to residential or other abutting property.
7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of one hundred and eighty (180) degrees system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called **Frontage Street**)

Township: Canaan Township of Madison County, Ohio.

Use: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary hardship.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Walkway: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward, provided that accessories, ornaments, and furniture may be permitted in any yard, subject to height installations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zero Lot Line Development: An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is provided with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero-lot line development or a street shall not be less than that required in the zoning district.

Zoning Inspector: The Zoning Inspector is the person designated by the Canaan Board of Township Trustees to administer and enforce zoning regulations and related Resolutions.

Zoning Permit: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

Unless otherwise defined herein, all words used in this Zoning Resolution shall be given the precise meaning or significance as that which is normally attributed to such work or as the same is defined in Webster's Dictionary.

ARTICLE V - DISTRICTS AND BOUNDARIES

Section 5.01 - ZONING DISTRICTS: For the purpose of this Resolution, the following districts are hereby created in order that the unincorporated area of Canaan Township under township Zoning, may be divided into one or more such districts:

A-1 Agricultural District

R-1 Suburban Residential District

PRD Planned Residential District

C-2 General Commercial District

M-1 Light Industrial District

M-2 Heavy Industrial District

The regulations shall be uniform for each class or kind of building or other structure or use throughout each district or zone, but the regulations in one district or zone shall differ from those in other districts or zones, as hereinafter set forth.

Section 5.02 - DISTRICT BOUNDARIES: The boundaries of each district into which the township is divided are indicated upon the zoning maps of Canaan Township, which are hereby made a part of this Resolution. The said map of Canaan Township, plans submitted with rezoning petitions, and all notations, references, and other matters shown thereon, excepting property ownership names, shall be as much a part of this Resolution as if the notations, references, and other matters set forth by said maps were fully described herein. Each of those township maps entitled "Zoning Map, Canaan Township, Madison County, Ohio", is or shall be properly attested and placed on file in the office of the Township Zoning Inspector.

The boundaries of the Flood Plain shall delineate the areas of special flood hazard which have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the unincorporated areas of Madison County". This study, with accompanying Flood Boundary and Floodway and Flood Insurance Rate Maps dated February 6, 1991 and any revisions thereto is hereby adopted by reference and declared to be a part of this Resolution. The Flood Insurance Study is on file at the Madison County Zoning Office.

Section 5.03 - NEW TERRITORY: All territory which may hereafter become a part of Canaan Township, by any method and all territory in an Agricultural district (A-1) on the effective date of this Resolution, shall be classed automatically as lying in and being in an Agricultural District (A-1) until such classification shall have been changed to this Zoning Resolution and Map as provided by law.

Section 5.04 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- a) Where district boundaries are indicated approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such as center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed parallel thereto and at such distance as indicated on the zoning map. If no such distance is given, the dimension shall be determined by the use of the scale shown on said zoning map.
- d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be

located midway between the main tracks of said railroad lines.

e) Where the boundary of a district follows a stream or other body of water, the center line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.

f) Where the boundary of a district follows a metes and bounds description approved as a part of a rezoning or annexation of any territory, said metes and bounds description shall have control over all of the foregoing.

g) Questions concerning the exact location of district boundary lines shall be determined by the Zoning Inspector, subject to the owners' right of appeal to the Board of Zoning Appeals as provided herein.

Section 5.05 - ZONING MAP: The official zoning map shall be maintained by the Zoning Inspector and the same shall be accessible to the public at all reasonable times.

ARTICLE VI - APPLICATION OF RESOLUTION

Section 6.01 - CONFORMANCE REQUIRED: Except as otherwise provided herein, no building (temporary or permanent) or part thereof shall be moved on the site, erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used or occupied, other than in strict conformance with all the use and development regulations established by this Resolution for the district in which the structure or land is located. All buildings shall conform to state and local building codes in effect on the date that construction of the structure or any alteration thereto is commenced.

Section 6.02 - AGRICULTURE: Nothing contained in this Resolution, with the exception of Section 15.08 (floodplain regulations), shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure.

Agricultural activities may be prohibited or regulated in some zoning districts, as follows:

The Township Zoning Resolution, or an amendment to such Resolution, may in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code in any 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 public road regulate:

- a) Agriculture on lots of one (1) acre or less:
- b) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by: setback; building lines; height; and size.
- c) Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Ohio Revised Code. After thirty-five (35%) percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the Ohio Revised Code.

Section 6.03 - PUBLIC UTILITIES AND RAILROADS: Nothing contained in this Resolution, with the exception of Section 15.08 (floodplain regulations), shall prevent the location, erection, construction, reconstruction, change alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. The term "operation of its business" shall not be deemed to include general offices or other uses not related directly to provision of utility services.

Section 6.04 - SALE OF ALCOHOLIC BEVERAGES: Nothing contained in this Resolution shall confer powers on the Zoning Commission, Township Trustees, or Board of Zoning Appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, or restaurant is permitted.

Section 6.05 - BUILDINGS UNDER CONSTRUCTION AND NEW CONSTRUCTION: Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building upon which construction was begun before the effective date of this Resolution or applicable amendments hereof. The Zoning Inspector may require proof in the form of an affidavit or other similar documents that the original intended use of the building has not been changed. The foundation shall have been started within six (6) months from the effective date of this Resolution. The ground story framework, including structural parts of the second floor, shall have been completed within one (1) year and the entire building completed

within two (2) years after the effective date of this Resolution or applicable textual amendments hereto.

Section 6.06 - ISSUED ZONING CERTIFICATES: Any new proposed construction for which a zoning certificate is issued shall have been started within six (6) months of issuance of said permit, and the ground story framework, including structural parts of a second floor, shall have been completed with one (1) year after the issuance of the zoning certificate; provided, however, that any project or building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the township and with the original request for the certificate. In no case shall the timetable for phased construction be more than two (2) years.

In the case of phased construction, if the above schedule is not met, any prior right as a non-conforming use is lost and zoning certificates for new construction invalidated.

ARTICLE VII - AGRICULTURAL DISTRICT (A-1)

Section 7.01 - PURPOSE: The Agricultural District is intended to protect extensive land areas currently in agricultural use and extensive areas possessing soils that are especially suited to agricultural purposes and protect them from uncontrolled encroachment by urban types of development.

Section 7.02 - APPLICATION: All unincorporated lands in townships under Canaan Township zoning which are not otherwise zoned shall be controlled by the provisions of this Article of the Zoning Resolution.

All lots in subdivisions which are located within the unincorporated limits of Canaan Township and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Madison County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots and nothing in this Resolution shall be constructed to prohibit the use thereof for residential purpose.

Section 7.03 - PERMITTED USES: Within the Agricultural District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Accessory buildings and accessory uses including private garages.
- b) Projects specifically designed for watershed protection, conservation of water or soils, or for flood control.
- c) Agriculture, beekeeping, dairying, floriculture, grazing and raising of livestock, orchards, plant nurseries, poultry raising, raising of grains, sod farming, truck farming, equestrian trails, forest and game management, greenhouses, nature trails and walks and stables.
- d) Roadside sales of agricultural products shall be permitted in this district provided however that at least fifty (50%) percent of the gross income from the market is derived from the sale of products which are produced on lands in this county or adjacent counties farmed by the proprietor of said sales stand and adequate area exists adjacent thereto for parking. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.
- e) Facilities for the storage, sorting, preliminary processing, or sale of agriculture products shall be permitted if such products are used in the production of other farm products, and if said storage, processing, sorting, or sales is carried on incident to other farming operations by the owner/proprietor.
- f) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The use 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 deemed 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.

Section 7.04 - CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXII of this Resolution. Conditional Uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale, or conveyance of the land or structure wherein the same is located or upon which the same is

granted shall be void and the subsequent owner (s) or his agent shall be required to reapply for a continuation and modification of such use (s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with the conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Single-Family Residence (Limited to one (1) dwelling per parcel, tract, or lot).
- b) One (1) apartment for full time domestic help employed on the premises or full-time farm labor.
- c) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:
 - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
 - 2) Only one (1) sign, not larger than four (4) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
 - 3) Residents only may be employed on said premises.
 - 4) Services may be rendered on the premises or elsewhere.
 - 5) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side yard or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces).
 - 6) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
 - 7) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Madison County Department of Health and do not create a burden on adjoining property.
 - 8) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
 - 9) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty (20%) percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation nor more than fifty (50%) percent of the floor space of any garage

or accessory building.

10) All activities, materials and equipment associated with the business shall be totally maintained within a building.

d) Private landing fields for aircraft for personal use by the owner of the property provided that no commercial activities take place on said premises.

e) Permanent structures or improvements used for farm market, subject to the following conditions:

1) The market shall meet the parking requirements of Article XV of this Resolution.

2) The market shall meet all requirements of the sign regulations of Article XVI of this Resolution.

f) Boarding Kennels, Riding Stables and Animal Shelters subject to the following conditions:

1) No building or structure used for the purpose of a boarding kennel, riding stable or animal shelter shall be located closer than two-hundred (200) feet from the lot line of any residence, church, school or any institution of human care.

2) Full compliance with Madison County Health Department shall be satisfied.

3) Suitable fencing and screening shall be provided as approved by the Township Board of Zoning Appeals.

4) Such use can be safely conducted in a manner designed not to cause any interference with the right of quiet enjoyment by the residents of adjoining properties.

g) Private Schools or Colleges, provided that the institution occupies a minimum of twenty (20) acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff, and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.

h) Kindergarten or Child Care Facilities, provided that the facility shall be architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc., or adjacent yards and farm fields or woodlots.

i) Churches or other places of worship.

j) Playgrounds, Playfields, Picnic Areas, and Summer Camps with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions, and any other improvement necessary to protect users from harm or danger.

k) Cemeteries, providing the same occupies a tract of not less than five (5) acres. No building shall be placed closer to the right-of-way of any approved road than the setback prescribed by Section 15.09 of this Resolution. No interment may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty-five (25) feet to any other property line, unless a mature natural screen has been established along said property line at least six (6) feet in height, in which case, burials may be permitted not closer than ten (10) feet to said property line. No mausoleum, crematory, office facility, maintenance building, or storage area shall be constructed except as approved by the Board of Zoning Appeals, and parking areas, public accesses, screening, and other improvements shall be furnished as required.

l) Borrow Pits, provided the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of County Commissioners and the Board of Township Trustees to ensure compliance with the restrictions and conditions imposed to insure regrading, reseeding and general restoration of the area including haul roads. All applications or plans

submitted incident thereto shall be reviewed by the Madison County Engineer, and his comments shall be included in the record regarding the matter. An extension of the time limit may be approved by the Board of Zoning Appeals.

m) Public Uses, such as government owned or operated public parks, schools, and administrative, cultural and service facilities, but not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

n) Bed and Breakfast home provided that:

1) A maximum of eight (8) guests may be housed.

2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties.

3) Parking: All bed and breakfast homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be eight (8). The driveway of the bed and breakfast home may be utilized for not more than two (2) parking places.

4) Screening and trash receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast homes for use by the guests.

o) An owner of a parcel of real estate zoned A-1 and containing 20.001 acres or more, identified as a recorded lot of record, may apply for a conditional use for two (2) dwelling houses without requiring the rezoning procedure as required in this Resolution. Such Conditional Use shall comply with the standards as set forth in Article VIII of this regulation and any other condition imposed by the Board of Zoning Appeals. Said Conditional Use shall further comply with drainage requirements and sanitary regulations required by the various agencies of this County.

The Conditional Use Permit shall be applied for under the procedures as contained in Article XXII, Section 22.07 of this Resolution. The application shall first be submitted to the Township Zoning Inspector to forward to the Board of Zoning Appeals, which will make determination concerning said Application.

After the granting of two (2) such Conditional Use Permits for said parcel, any additional subdivision shall require a zoning amendment as set forth in Article XXI of this Resolution.

It is the intent of this township to consider granting two (2) dwelling house Conditional Use Permits for each parcel of real estate over 20.001 acres as the recorded lot of record. Any further residential uses shall require a zoning amendment and comply with the subdivision regulations of this township.

Section 7.05 - PROHIBITED USES:

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

b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding fourteen (14) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.

c) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) consecutive days.

d) No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the neighborhood or general public.

e) Except as specifically permitted by Section 7.03 (f) no manufactured/mobile home which does

not meet the requirements of the Ohio Basic Building Code shall be placed or occupied in this district.

Section 7.06 - DEVELOPMENT STANDARDS: All lands and uses within the Agricultural District shall be developed in strict compliance with the standards hereinafter established:

a) Lot Area - No parcel of land in this district shall be used for residential purposes which has an area of less than twenty (20) acres. All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.

b) Lot Frontage - Lots or parcels within this zoning district shall have a minimum of sixty (60) feet of contiguous frontage on a road approved by the Madison County Engineer.

c) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles, elevator shafts, and non-turbine windmills are exempted from any height regulation and may be erected to any safe height. No aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract. See additional setback information for wind turbines in Section 17.13 (b).

d) Building Dimensions (Living Area Requirements) - Each single-family dwelling hereafter erected in this district shall have a living area of not less than eleven hundred (1100) square feet. All such living areas shall be exclusive of basements, porches, and garages.

e) Building Set Back - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 15.09.

f) Side Yard Set Back - No building or structure shall be located closer than thirty (30) feet to any side lot line.

g) Rear Yard Requirement - No principal dwelling shall be located closer than forty (40) feet to the rear line of any lot, and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.

h) Maximum Lot Coverage - On no lot or parcel in this zoning district shall structures be constructed which cover more than twenty-five (25%) percent of the lot area.

i) Parking - Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XV of this Resolution.

j) Signs - Shall be controlled by the provisions of Article XVI of this Resolution.

k) HUD Units - Shall be controlled by the provisions of Article XV, Section 15.10 of this Resolution.

Article VIII - SUBURBAN RESIDENTIAL DISTRICT (R-1)

Section 8.01 - PURPOSE: There is created hereby within Canaan Township, a Suburban Residential District to provide for the use of appropriate lands for continued agricultural purposes and to permit construction of low density, single-family residences and other essentially non-urban types of residential and agricultural activities, so that the basically rural character of these areas may be preserved and maintained.

Section 8.02 - APPLICATION: All unincorporated lands in Canaan Township under township zoning, and not otherwise zoned, shall be controlled by the provisions of this Article of the Zoning Resolution.

All lots or town lots which are located within the limits of the township zoning area and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Madison County, Ohio at the effective date of this Zoning Resolution shall be considered legal residential lots and nothing in this Resolution shall be construed to prohibit the use thereof for residential purposes.

Section 8.03 - PERMITTED USES: Within the Suburban Residential District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Single-family dwellings. (Limited to one (1) single-family dwelling per parcel, tract or lot.)
- b) Accessory buildings and accessory uses including private garages.
- c) Projects specifically designed for watershed protection, conservation of soil, or water or for flood control.
- d) Agricultural purposes, beekeeping, dairying, floriculture, grazing, and raising of livestock, orchards, plant nurseries, poultry raising, raising of grains, sod farming, truck farming, equestrian trails, forest and game management, greenhouses, nature trails, and stables, subject to the following restrictions:
 - 1) Roadside sales of agricultural products shall be permitted in this district, provided however, that at least fifty (50%) percent of the gross income from the market is derived from sale of products which are produced on lands farmed by the proprietor of said sales stand, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.
 - 2) Facilities for the storage, sorting, preliminary processing, or sale of agricultural products shall be permitted if such products are used in the production of other farm products, and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.

e) Temporary structures such as manufactured/mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than 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 deemed 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.

Section 8.04 - CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals

pursuant to the provisions of Article XXII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner (s) or his agent shall be required to reapply for a continuation and modification of such use (s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Home Occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

- 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
- 2) Only one (1) sign, not larger than four (4) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
- 3) Residents only shall be employed on said premises.
- 4) Services may be rendered on the premises or elsewhere.
- 5) All parking demands created by the conduct of a home occupation shall be met off the street and other than in front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The home occupation shall have the required number of off-street parking spaces as required for the residential use, plus the number of required spaces for the most similar commercial use.
- 6) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference, or other nuisance detectable to normal senses off the lot. All activities, materials, and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create a fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
- 7) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Madison County Department of Health and do not create a burden on adjoining property.
- 8) No activity shall be conducted or permitted which creates a nuisance to neighboring property.
- 9) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty (20) percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation nor more than fifty (50) percent of the floor space of any garage or accessory building.

10) All activities, materials and equipment associated with the business shall be totally maintained within a building.

b) Public or Private Schools or Colleges, provided that the institution occupies a minimum of twenty (20) acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff, and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.

c) Kindergarten or Child Care Facilities, provided the facility occupies a minimum of three (3) acres. The building shall be architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc., or adjacent yards.

d) Churches or other places of worship, provided they occupy a lot on not less than five (5) acres plus one (1) acre for each one hundred (100) permanent seats over three hundred (300) in the main assembly area.

e) Playgrounds, Playfields, Picnic Areas, and Summer Camps with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions, and any other improvement necessary to protect users from harm or danger.

f) Cemeteries, providing the same occupies a tract of not less than five (5) acres. No building shall be placed closer to the right-of-way of any approved road than the setback prescribed by Section 15.09 of the Resolution. No internment may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty-five (25) feet to any other property line unless mature natural screen has been established along said property line at least six (6) feet in height in which case burials may be permitted not closer than ten (10) feet to said property line. No mausoleum, crematory, office facility, maintenance building, or storage area shall be constructed except as approved by the Board of Zoning Appeals, and parking areas, public accesses, screening, and other improvements shall be furnished as required.

g) Permanent structures or improvements used for farm market, subject to the following conditions:

- 1) The market shall meet the parking requirements of Article XV of this Resolution.
- 2) The market shall meet all requirements of the sign regulations of Article XVI of this Resolution.

h) Public Uses, such as government owned or operated public parks, schools, and administrative, cultural and service facilities, but not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

i) Model Homes, the same being defined as residential-type structures used as sales offices by builders/developer and to display the builder/developer's product. The same may be furnished within, since its purpose is to display to prospective buyer the builder/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builder/developer's sales force. Model homes shall be subject to the following restrictions:

- 1) Hours of operation: All model homes shall close prior to 9:00 P.M.
- 2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated from sundown until closing. All exterior lighting shall be extinguished at the closing time of the model home.

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

4) Screening and trash receptacles: Landscape drawing shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.

5) Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety (90%) percent of the lots.

j) Bed and Breakfast home provided that:

1) A maximum of eight (8) guests may be housed.

2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties.

3) Parking: All bed and breakfast homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be eight (8). The driveway of the bed and breakfast home may be utilized for not more than two (2) parking places.

4) Screening and trash receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast homes for use by the guests.

Section 8.05 - PROHIBITED USES:

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

b) Outdoor storage of inoperable, unlicensed, or unused motor vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen (14) days is prohibited. Said vehicles stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.

c) No motor home, camper of any type may be occupied by guest of the resident owner for more than fourteen (14) consecutive days and only one (1) motor home or camper is permitted at any time.

d) No trash, debris, unused property, or discarded materials, shall be permitted to accumulate on any lot or portion thereof which creates eyesore, hazard, or nuisance to the neighborhood or general public.

e) Except as specifically permitted by Section 8.03 (e) no manufactured/mobile home which does not meet the requirements of the Ohio Basic Building Code shall be placed or occupied in this district.

Section 8.06 - PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

a) Effect of Approval - The Development Plan as approved by the Board of Township Trustees shall constitute a change to the Zoning Resolution as it applies to the lands included in the approved plan. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Madison County, Ohio. Where the land is to be

developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the previous District unless an application for time extension is timely submitted and approved. Lands zoned Suburban Residential (R-1) and vacant at the time of the adoption of this amended resolution shall be exempted from reversion, but shall meet all other requirements of the Suburban Residential District.

b) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the Board of Township Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of this district. No extension of time shall be granted except on application filed with the Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 8.06 (a) as previously set forth.

Section 8.07 - DEVELOPMENT STANDARDS: All lands and uses within the Suburban Residential District shall be developed in strict compliance with standards hereinafter established:

a) Lot Area - All lots or parcels of land in this district shall have an area of not less than one and one-half (1.5) net acres (65,340 square feet), excluding all right of ways.

b) Lot Frontage - Lots or parcels within this zoning district shall have the following minimum contiguous frontage on a road or street approved by the Madison County Engineer:

- 1) Less than five (5) acres - 200 feet;
- 2) Five (5) acres but less than ten (10) acres - 270 feet;
- 3) Over ten (10) acres - 330 feet.

Irregularly shaped lots (e.g. pie shaped) located on a curve or cul-de-sac, having less than the required minimum frontages on the right-of-way line of the adjoining approved road or street must have width fifty (50) feet forward of the front building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet and width of sixty (60) feet shall not be decreased at any point forward of the front building line of the principal residence located on the premises.

c) Lot Depth - Lots or tracts within this district shall have the following maximum depth to frontage ratio:

- 1) One and one-half (1-½) acres but less than five (5) acres - 3:1 ratio;
- 2) Over five (5) acres - 4:1 ratio

d) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles, and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract. See additional information for wind turbines in Section 17.13 (b).

e) Building Dimensions (Living Area Requirements) - Each single-family dwelling hereafter erected in this district shall have a living area of not less than eleven hundred (1100) square feet. All such living areas shall be exclusive of basements, porches, and garages.

f) Building Set Back - No building or use shall be located closer to the right-of-way line or center

line of the adjacent public or private road than permitted in Section 15.09

g) Side Yard Set Back - No building or structures shall be located closer than thirty (30) feet to any side lot line.

h) Rear Yard Requirements - No principal dwelling shall be located closer than forty (40) feet to the rear line of any lot, and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.

i) Maximum Lot Coverage - On no lot or parcel in this zoning district shall structures be constructed which cover more than twenty-five (25%) percent of the lot area.

j) Parking - Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XV of this Resolution.

k) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XVI of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except for "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

l) Lighting Standards - All exterior lighting fixtures will be shaded whenever necessary to avoid casting direct light upon any adjoining property located in a Residential District.

m) HUD Units - Shall be controlled by the provisions of Article XV, Section 15.10 of this Resolution.

ARTICLE IX - PLANNED RESIDENTIAL DISTRICT (PRD)

Section 9.01 - PURPOSE: The township, recognizing that with increased residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residential District intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of the Canaan Township.

Section 9.02 - APPLICATION: The provisions of this article of the Zoning Resolution shall apply to all unincorporated lands under township zoning, regardless of the size, and the owner of any parcel may elect to submit an application for change in the zoning under the provisions of this article.

Section 9.03 - PERMITTED USES: Within the Planned Residential District (PRD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Residential structures of any type, either single-family or multi-family, including but not limited to detached, semi-detached, attached, modular, manufactured/mobile, cluster, patio, common wall or any reasonable variation on the same theme.
- b) 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 Residential District. 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) Temporary structures such as mobile office and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than 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 and water supply, as deemed necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit.
- d) Public Uses such as government owned or operated public parks, schools, and administrative, cultural and service facilities, but not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Section 9.04 - CONDITIONAL USES: Within the PRD Zoning District the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Home occupations which are clearly incidental and secondary to the residential use conducted

by the resident of the permitted dwelling subject to the following restrictions:

- 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
 - 2) Only one (1) sign, not larger than four (4) square feet and four (4) feet in height from the top of the sign to the grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign must be a minimum of twelve (12) feet from the nearest right-of-way line. The sign shall not be animated or lighted.
 - 3) Residents only of the permitted dwelling shall be employed on said premise.
 - 4) Services may be rendered on the premises or elsewhere.
 - 5) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side, rear yard, or driveway, but shall not be located any closer to the street than the required setback line, but in no case in front of the dwelling. The home occupation shall have the required number of off-street parking spaces as required for the residential use, plus the number of required spaces for the most similar commercial use, as determined by the Board of Zoning Appeals.
 - 6) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
 - 7) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Madison County Department of Health and the EPA, nor shall they create a burden on adjoining property.
 - 8) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
 - 9) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty (20%) percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation nor more than fifty (50%) percent of the floor space of any garage or accessory building.
 - 10) All activities, materials and equipment associated with the business shall be totally maintained within a building.
- b) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services, and supervision in a family environment. All such facilities shall possess all approvals and licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Board of Zoning Appeals:

- 1) No exterior alterations of the structure shall be made which depart from the residential

character of the building.

2) All new structures shall be compatible in residential design with the surrounding neighborhood.

c) Model Homes, the same being defined as residential-type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builder's or developer's sales force. Model homes shall be subject to the following restrictions:

1) Hours of operation: All model homes shall close prior to 9:00 P.M.

2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated from sunset until closing. All exterior lighting shall be extinguished at the closing time of the model home.

3) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home.

4) Screening and trash receptacles: A landscape drawing shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.

5) Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety (90%) percent of the lots therein.

Section 9.05 - PROHIBITED USES:

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

b) Outdoor storage of inoperable, or unlicensed motor vehicles, for a period exceeding fourteen (14) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.

c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.

d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) consecutive days. No more than one (1) motor home, trailer, or camper may be occupied for such a period on any lot, parcel, or farm.

e) Except as specifically permitted in Section 9.03 (c) or approved in the approved development plan, no manufactured/mobile home shall be placed or occupied in this district.

f) Agricultural activities are prohibited in subdivisions that meet the requirements of Section 519.21 of the Ohio Revised Code (see also Section 6.02 of this resolution).

g) No trash, debris, unused property, or discarded materials which creates an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.

Section 9.06 - PROCEDURE: In addition to any other procedures set out in this Resolution all applications for amendments to the zoning map to rezone lands to this PRD District shall follow the procedures hereinafter set forth:

a) Application - The owner or owners of lots and lands within the township may request that the zoning map be amended to include such tracts in the Planned Residential District in accordance with the provisions of this Resolution.

The applicant shall engage in informal consultations with the Zoning Commission prior to formal submission of a development plan and request an amendment of the zoning map, understanding that no statement by officials of the township shall be binding upon either.

b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Zoning Commission with the application, which plan shall include in text and map form the following:

- 1) The proposed size and location of the Planned Residential District.
- 2) The general development character of the tract including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum set back requirements and other development features including landscaping.
- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- 7) Location of schools, parks and other facility sites, if any.
- 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give county officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.
- 11) Specific statements of divergence from the development standards in Articles XV and XVI or existing township regulations or standards and the justification therefor. Unless a variation from these development standards is specifically approved, the same shall be met.
- 12) Evidence of the applicant's ability to post a bond if the plan is approved ensuring completion of public service facilities to be constructed within the project by the developer.

c) Criteria for Approval - In approving an application for a Planned Residential District, the reviewing authorities shall determine:

- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.

2) If the proposed development is in conformity with the Township Comprehensive Plan or portion thereof as it may apply.

3) If the proposed development advances the general welfare of the township and the immediate vicinity.

d) Effect of Approval - The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Madison County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the previous District unless the application for time extension is timely submitted and approved.

e) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the Zoning Commission and the Board of Township Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Township Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 9.06 (d) as hereinbefore set forth.

f) Plat Required - In the Planned Residential District (PRD), no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Madison County, Ohio, and these Regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

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

2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.

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

g) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission and the Board of Township Trustees or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.

Section 9.07 - DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required in the Planned Residential District.

a) Intensity of Use - The maximum density shall be three (3) dwelling units per gross acre within the area to be developed, unless the physical boundaries of land or existing developments adjacent thereto on adjoining lands establish an atmosphere inconsistent with the above maximum density of three (3) dwelling units per gross acre. Increased densities of one-half dwelling unit per quality item may be approved by the Zoning Commission and Board of Township Trustees if it is determined that any of the following quality items exist:

- 1) If the property is directly adjacent and easily accessible to major thoroughfares.
- 2) If the property is directly adjacent and easily accessible to publicly controlled and maintained community recreational facilities or service facilities.
- 3) If the developer provides parks or public open or recreation space as part of the design of the development.
- 4) If pedestrian or bike trails are provided as part of the design of the development.
- 5) The retention and protection of natural or historic areas.

The Zoning Commission and Board of Township Trustees may grant zoning incentives of up to one-half (1/2) unit per gross acre for each of the above standards of quality found to exist; however, the total density for the entire area of the development shall not exceed five (5) units per gross acre.

For purposes of development within the Planned Residential District, the maximum density for development for any single acre shall be as follows:

<u>Type Dwelling</u>	<u>Maximum Dwelling Units on Any Single Acre</u>
Single Family	8
Single-Story Apartments	10
Multi-Story Apartments	16

b) Arrangement of Structures

- 1) Setbacks - The physical relationships of dwelling units, non-dwelling structures and their minimum yard spaces shall be developed in strict compliance with the approved plan or the provisions of Article XV unless variance therefor is approved.
- 2) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain bins, grain handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No windmill, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

d) Building Dimensions - (Floor Space Requirements) -

Each single-family dwelling hereafter erected in this district shall have a living area not less than:

Single-Story dwelling shall have a ground floor living area, exclusive of basements, porches, and garages, of not less than eleven-hundred (1100) square feet.

Two-Story dwelling shall have a ground floor living area of not less than eight hundred (800) square feet with a total living area of not less than twelve (1200) hundred square feet for the entire structure, exclusive of basements, porches, or garages.

Tri-Level dwelling shall have living area of not less than twelve hundred and fifty (1250) square

feet of area, exclusive of basements, porches, and garages.

Manufactured/Mobile Homes shall have a living area of not less than eight- hundred and forty (840) square feet of area, exclusive of porches.

All apartments or other multi-family structures constructed within this district shall contain the following minimum living area, exclusive of basements, porches, and garages:

One (1) bedroom unit - 800 square feet; Two (2) bedroom unit - 900 square feet; Three (3) or more bedroom units - 1100 square feet

e) Landscaping - All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped.

f) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours shall be maintained.

g) Parking - Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the provisions of Article XV of this Resolution when appropriate, shall be incorporated.

h) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XVI of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed four (4) square feet in area on each side.

The owner or developer of a subdivision or similar area, upon the conditions and for the time period established by the Zoning Commission, may erect one (1) sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or tract for sale.

i) Mobile Home Development Standards - In the event mobile homes are included as a type of residence within this district, construction of pads, etc. shall be in conformity with industry standards currently established by the Mobile Home Park Association, any Ohio or Federal standards established on said subject or any requirement approved or imposed in the plan of development.

j) The Township Zoning Commission and the Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

k) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.

ARTICLE X - RESERVED FOR FUTURE USE

ARTICLE XI - GENERAL COMMERCIAL (C-2)

Section 11.01 - PURPOSE: It is the intent of the township to create a commercial district which together with the regulation of future areas and rehabilitation of existing facilities will provide the atmosphere and opportunities to develop shopping areas which will provide a full range of services and products to the county and the surrounding communities.

Section 11.02 - APPLICATION: The provisions of this article shall apply to all areas under township zoning, and zoned General Commercial as of the date of adoption of this amendment.

Section 11.03 - PERMITTED USES: Within the General Commercial District (C-2), no permitted uses exist, all uses are conditional.

Section 11.04 - CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Commercial and Office Establishments of all types.
- b) Private community facilities such as libraries, offices of educational facilities.
- c) Commercial Establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants, travel trailer parks for overnight parking or any other allied activity.
- d) Hospitals, medical facilities, nursing homes and convalescent homes.
- e) Medical, dental and optical laboratories.
- f) Kindergarten or child care facilities.
- g) Public or Private Golf Courses, Country Clubs, Hunt Clubs, Sportsmen's Clubs, fishing lakes, or similar recreational uses with all buildings and club houses incident thereto including a restaurant to serve members and users of the facility.
- h) Other Commercial ventures not provided by other sections of this Resolution if approved by the Board of Zoning Appeals.
- i) Wholesale Businesses; storage and warehousing.
- j) Apartments or residences when the same are specifically designed as part of the architecture of the commercial structure. All living units constructed within this district shall contain the following minimum living area, to wit:
 - One (1) bedroom unit - 800 square feet; Two (2) bedroom unit - 900 square feet; Three (3) or more bedroom units - 1100 square feetNo commercial or business activity shall be conducted in a unit designed for residential use without consent of the Board of Zoning Appeals.
- k) Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects 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 no 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 Article XXII of this Resolution.

Section 11.05 - PROHIBITED USES:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution or by the Board of Zoning Appeals shall be permitted.
- b) Outdoor storage of any inoperable, unlicensed or unused motor vehicles, or trailers detached from semi-tractors, shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
- c) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- d) Except as specifically permitted in Section 11.04 (k), no mobile home or mobile office structure shall be placed or occupied in this district.

Section 11.06 - PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for a conditional use in this district shall follow the procedures hereinafter set forth:

- a) Application - The owner or lessee of lots and lands under county zoning, may request a Conditional Use Permit in the General Commercial District in accordance with the provisions of this Resolution.

The applicant shall engage in informal consultations with the Board of Zoning Appeals and the Board of Township Trustees prior to formal submission of a development plan and request for a Conditional Use Permit, understanding that no statement by officials of the township shall be binding upon either.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Board of Zoning Appeals with the application, the plan shall include in text and map form the following:

- 1) The proposed size and location of the conditionally permitted General Commercial District.
- 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.
- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions for water, sanitary sewer and surface drainage, with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.

- 6) The relationship of the proposed development to existing and probable uses of surrounding areas.
- 7) Location of parks and other public facility sites, if any.
- 8) The proposed time schedule for development of the site, including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.

Section 11.07 - DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution, all lands and uses within the General Commercial District shall be developed in strict compliance with the following standards:

- a) Lot Size - A minimum lot of one (1) net acre shall be required; however, the lot size shall be adequate to provide the required yard spaces and off-street parking as herein required.
- b) Lot Width - A minimum lot width of one hundred and fifty (150) feet shall be required; the commercial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off-street parking.
- c) Building Setback - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 15.09
- d) Side Yards - There shall be a yard on each side of the main building constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off-street parking shall encroach in said side yard.
- e) Rear Yards - No building shall be located closer than fifty (50) feet to the rear line of any lot.
- f) Maximum Lot Coverage - On no lot or parcel in this zoning district shall structures and paving be constructed which cover more than fifty (50%) percent of the lot area. Structures shall cover no more than twenty-five (25%) percent of the lot or parcel.
- g) Landscaping - All yards, front, side, and rear shall be landscaped, and all organized open spaces or areas shall be landscaped as required in Article XV of this Resolution.
- h) Parking - Off-street parking shall be provided within this district in strict compliance with the provisions of Article XV of this Resolution.
- i) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XVI of this Resolution.
- j) Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- k) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- l) Performance Standards - No use shall be conducted within this district which fails to maintain the following standards:

- 1) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- 2) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- 3) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
- 4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicants shall meet the required standards of the Madison County Engineer.
- 5) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- 6) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense earth-shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of noise which is readily perceptible beyond the lot line on which the use is located.
- 7) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

ARTICLE XII - LIGHT INDUSTRIAL DISTRICT (M-1)

Section 12.01 - PURPOSE: The township recognizes that a well-planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention to provide those reasonable conditions under which desirable small-scale industry may operate so that the health, safety and general welfare of the residents of the county may be preserved.

Section 12.02 - APPLICATION: The provisions of this article shall apply to all zoned Light Industrial (M-1) as of the date of adoption of this amendment.

Section 12.03 - PERMITTED USES: Within the Light Industrial District (M-1) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted.

- a) Wholesale business when all products are stored within the building.
- b) Enclosed warehouse or storage activities.
- c) Enclosed manufacturing industries.
- d) Enclosed service or repair activities.
- e) Business Offices.
- f) Enclosed research facilities.
- g) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects 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 deemed 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 Article XXII of this Resolution.
- h) Public Uses such as government owned or operated public parks, schools, and administrative, cultural and service facilities, including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Section 12.04 - CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner (s) or his agent shall be required to reapply for a continuation and modification of such use (s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Circuses, carnivals or similar transient enterprises provided such uses can be operated in a safe and sanitary manner pursuant to previously obtained health permits.
- b) The outdoor storage, display, or sale of raw materials, supplies, equipment or products.

c) Any use of a commercial nature.

Section 12.05 - PROHIBITED USES:

a) No use not specifically authorized by the express terms of this article of the Zoning Resolution or by the Board of Zoning Appeals shall be permitted.

b) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicles, or trailers detached from semi-tractors, shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.

c) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.

d) Residential use of any kind.

e) Except as specifically permitted in Section 12.03 (g), no mobile home or mobile office structure shall be placed or occupied in this district.

f) Concrete or asphalt plants.

g) Petroleum product storage areas.

h) Quarries and other activities providing for the removal, processing and sale of natural resources.

i) Freight or trucking terminals.

Section 12.06 - DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution, all lands and uses within the Light Industrial District shall be developed in strict compliance with the following standards:

a) Lot Size - No minimum lot size shall be required; however, the lot size shall be adequate to provide the required yard spaces and off-street parking as herein required.

b) Lot Width - A minimum lot width of one hundred and fifty (150) feet shall be required: the industrial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off-street parking.

c) Building Setback - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 15.09.

d) Side Yards - There shall be a yard on each side of the main building constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off-street parking shall encroach in said side yard.

e) Rear Yards - No building shall be located closer than fifty (50) feet to the rear line of any lot.

f) Screening - All outside storage areas, service areas and loading docks shall be screened by properly maintained walls, fences, shrubbery or mounding at least six (6) feet but not more than twelve (12) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, service or loading areas and facilities from adjoining streets or other zoning districts. Such shrubbery shall be neatly trimmed, and all other fences or walls shall be maintained in a neat and tidy manner.

g) Parking - Off-street parking shall be provided within this district in strict compliance with the provisions of Article XV of this Resolution.

h) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XVI of this Resolution.

i) Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

j) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

k) Performance Standards - No use shall be conducted within this district which fails to maintain the following standards:

1) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

2) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

3) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicant shall meet the required standards of the Madison County Engineer.

5) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

6) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense earth-shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of noise which is readily perceptible beyond the lot line on which the use is located.

7) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

ARTICLE XIII - HEAVY INDUSTRIAL DISTRICT (M-2)

Section 13.01 - PURPOSE: The township recognizes that a well-planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention to provide those reasonable conditions under which desirable large-scale industry of all types may operate so that the health, safety and general welfare of the residents of the township may be preserved.

Section 13.02 - APPLICATION: The provisions of this article shall apply to all lands under township zoning, zoned Heavy Industrial (M-2).

Section 13.03 - PERMITTED USES: Within the Heavy Industrial District (M-2), no permitted uses exist, all uses are conditional.

Section 13.04 - CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner (s) or his agent shall be required to reapply for a continuation and modification of such use (s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these Heavy Industrial District Regulations.

b) Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, the 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 no 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 Article XXII of this Resolution.

c) Sanitary Landfills provided that all required licenses and approvals are issued by appropriate state agencies. In addition to requirements imposed by state agencies the Board of Zoning Appeals, may require such screening as is necessary to protect adjacent neighborhoods.

d) Junk yards, salvage yards, and recycling facilities.

e) Any manufacturing process not already provided for or prohibited by this Resolution.

f) Any use of an industrial nature not already provided for by this Resolution.

Section 13.05 - PROHIBITED USES:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution or by the Board of Zoning Appeals shall be permitted.
- b) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to the conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicles, or trailers detached from semi-tractors, shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
- c) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- d) Residential use of any kind.
- e) Except as specifically permitted in Section 13.04 (b), no mobile home or mobile office structure shall be placed or occupied in this district.

Section 13.06 - PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for a conditional use in this district shall follow the procedures hereinafter set forth:

- a) Application - The owner or lessee of lots and lands under township zoning, may request a Conditional Use Permit in the Heavy Industrial District in accordance with the provisions of this Resolution. The applicant shall engage in informal consultations with the Board of Zoning Appeals and the Board of Township Trustees prior to formal submission of a development plan and request for a Conditional Use Permit, understanding that no statement by officials of the township shall be binding upon either.
- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Board of Zoning Appeals with the application; the plan shall include in text and map form the following:
 - 1) The proposed size and location of the conditionally permitted Heavy Industrial District.
 - 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.
 - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
 - 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
 - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
 - 6) The relationship of the proposed development to existing and probable uses of surrounding areas.
 - 7) Location of parks and other public facility sites, if any.

- 8) The proposed time schedule for development of the site, including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.

Section 13.07 - DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution, all lands and uses within the Heavy Industrial District shall be developed in strict compliance with the following standards:

- a) Lot Size - A minimum lot of five (5) acres net shall be required; however, the lot size shall be adequate to provide the required yard spaces and off-street parking as herein required.
- b) Lot Width - A minimum lot width of three hundred (300) feet shall be required; the industrial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off-street parking.
- c) Building Setback - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 15.09.
- d) Side Yards - There shall be a yard on each side of the main building constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off-street parking shall encroach in said side yard.
- e) Rear Yards - No building shall be located closer than fifty (50) feet to the rear line of any lot.
- f) Maximum Lot Coverage - On no lot or parcel in this zoning district shall structures and paving be constructed which cover more than fifty (50%) percent of the lot area. Structures shall cover no more than twenty-five (25%) percent of the lot or parcel.
- g) Landscaping - All yards, front, side and rear shall be landscaped, and all organized open spaces or areas shall be landscaped, as required in Article XV of this Resolution.
- h) Parking - Off-street parking shall be provided within this district in strict compliance with the provisions of Article XV of this Resolution.
- i) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XVI of this Resolution.
- j) Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- k) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- l) Performance Standards - No use shall be conducted within this district which fails to maintain the following standards:
 - 1) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices

against the hazard of spill, fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

2) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

3) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicant shall meet the required standards of the Madison County Engineer.

5) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

6) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense earth-shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of noise which is readily perceptible beyond the lot line on which the use is located.

7) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency Shall be adhered to.

ARTICLE XIV - RESERVED FOR FUTURE USE

ARTICLE XV- GENERAL DEVELOPMENT STANDARDS

Section 15.00 - GENERAL: It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of the type or classification of development. They are designed to ensure that the general welfare of citizens of Canaan Township are protected and enhanced. These development standards apply throughout districts under township zoning. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the land owner in any rezoning or variance.

Section 15.01 - PARKING: Wherever parking areas are to be provided as required by the provisions of this Zoning Resolution the following conditions shall apply:

- a) **Dimensions** - All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aiseways of sufficient width to permit easy and smooth access to all parking spaces.
- b) **Paving** - Except in the Agricultural District (A-1) and the Suburban Residential Zoning district (R-1) all common parking areas and adjacent aisles or driveways shall be paved with asphaltic material or concrete.
- c) **Driveways** - All driveways serving parking lots for five (5) or more vehicles shall be served by a driveway not less than twenty (20) feet in width but adequate in width to permit easy access to parking spaces. No driveway shall be located so that it enters a public road within one hundred (100) feet of the intersection of any two (2) public roads unless there are two (2) driveways serving the lot, one of which is more than one hundred (100) feet and the other not less than forty (40) feet from said intersection. All driveways shall be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least three hundred (300) feet.
- d) **Parking Area Location** - No driveway, parking lot or parking areas shall be located nearer than six (6) feet to the side or rear line of the tract on which the structure is located, and parking in front of the main structure may be permitted only if not more than forty (40%) percent of the front set back area outside of the right-of-way is occupied by parking. All parking spaces required herein shall be located on the same lot with the building or use served.
- e) **Required Off-Street Parking Spaces** - The user of any tract shall provide off-street parking for all employees, customers, visitors, and invitees. The following listed uses shall specify the minimum parking spaces to be provided.
 - 1) Single-Family Residential (A-1 and R-1): 4 spaces per dwelling unit.
 - 2) All other residential uses: 3 spaces per dwelling unit.
 - 3) Hotels, motels, lodges (without public meeting facilities): 1 space per rental unit plus 1 per employee on largest shift plus 1 for each four seats in the dining room or restaurant area.
 - 4) Hotels, motels, lodges, exhibition halls, and assembly areas (except churches): 1 space per rental unit plus 1 per employee on the public largest shift plus 1 per 75 sq. ft. of floor area used for exhibition or assembly purposes plus 1 per 4 seats in any restaurant therein.
 - 5) Churches or places of public assembly: 1 space for each three (3) seats or 1 for each forty- five (45) sq. ft. of assembly area, whichever is greater.

- 6) Hospitals: 1.5 spaces for each bed plus 1 for each employee on the largest shift.
- 7) Nursing Homes 1 space for each 2 beds plus 1 for each employee on the largest shift.
- 8) Museums, libraries, etc.: 1 space for each 400 sq. ft. of area open to public plus 1 for each employee on the largest shift.
- 9) Primary or elementary schools: 4 spaces for each classroom.
- 10) Secondary schools, colleges, trade schools, etc.: 4 spaces for each classroom plus 1 for every four (4) students.
- 11) Restaurants: 1 space for each two (2) seats plus 1 for each employee on the largest shift. Not less than 25 parking spaces shall be provided.
- 12) Offices: 1 space for each 400 sq. ft. of floor area plus 1 for each employee.
- 13) Funeral Homes: 1 space for each 25 sq. ft. of public area.
- 14) Retail Stores: 5 spaces plus 1 for each four hundred (400) sq. ft. of floor space.
- 15) All industrial warehousing: 20 spaces plus 1 for each two (2) employees plus 1 for each vehicle maintained on the premises.
- 16) Industrial manufacturing: 1 space for every two (2) employees on the maximum shift.

Any application for initial construction or use or for the expansion of any structure or use shall include plans for adequate off-street parking as required herein.

Section 15.02 - HEIGHT LIMITATIONS: The building height limitations set forth in this Resolution shall not apply to church spires, domes, chimneys, cooling towers, elevator shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers, or necessary mechanical appurtenances which may be erected to any safe and lawful height. Windmills, aials, antenna, or towers, if otherwise permitted, may be constructed to a height not greater than the distance from the center of the base thereof to the nearest property line of said tract. See Section 17.13 (b) for additional information regarding wind turbine heights/ setbacks.

Section 15.03 - STRUCTURE SEPARATION: No principal structure shall be located closer than twenty-five (25) feet to another principal structure unless the adjacent walls of both structures are masonry in which event said principal structures shall be no closer than fifteen (15) feet. No principal structure shall be located closer than fifteen (15) feet to another principal structure unless one (1) of said structures has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire.

Section 15.04 - SANITARY SEWER REQUIREMENTS AND POLLUTION CONTROL: All uses shall be conducted in conformance with the regulations promulgated by the Environmental Protection Agency and the Madison County Department of Health. Prior to issuance of any zoning certificate, all regulations for proper drainage of well and septic system waters, as set forth by the Madison County Department of Health, must be met. Drainage to a suitable outlet shall be: 1) A natural free flowing stream, or 2) A county-maintained ditch or tile system. Evidence of compliance with said regulations shall be presented to the Zoning Inspector before the zoning certificate is issued.

Section 15.05 - WATER IMPOUNDMENTS: All water impoundments such as ponds, lakes, or swimming pools shall be constructed and developed in compliance with the following standards:

- a) Except adjacent to Class "A" and "B" Roadways no impoundment shall be located closer than twenty-five (25) feet to the right-of-way or fifty-five (55) feet of the center line of any adjacent approved road. No impoundment shall be located closer than fifty (50) feet to the right-of-way of

a Class “A” or “B” Roadway.

Section 15.06 - LANDSCAPING: With uses and improvements in the township, close attention should be paid to maintenance of proper landscaping as soon as possible after completion of construction of the principal structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees removed during the land clearing should be accomplished as soon as possible. Developers and builders shall comply with all requirements of the Madison County Sedimentation Regulations.

Section 15.07 - DRAINAGE: All construction within this township shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required, every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or servient properties is maintained or improved. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

Setbacks Along Publicly Established Drainage Ditches: In all districts a setback of seventy-five (75) feet from the top of the nearest bank and sixty (60) feet from subsurface drainage tile shall be provided for all buildings, structures, fences, or plantings, unless written permission has been received from the Madison County Engineer and Canaan Township.

Section 15.08 - FLOOD PLAIN REGULATIONS: Certain limited areas under township zoning lie within the flood plains of the Big Darby Creek and its tributaries. Inundations of those areas during periods of high water can impose great loss of property value unless controls are imposed to ensure that land use within those areas consider such risks and minimize the impact of such flooding. In an effort to control such uses, in the best interest of the township, the following regulations shall be imposed and apply to all land use districts within the flood plains.

a) The County Zoning Department and County Building Department maintain on file for public examination, current copies of Madison County’s Flood Insurance Rate Map (FIRM) and Flood Insurance Study, which shall be used to delineate the boundaries of the floodplain for the purposes of enforcing the requirements of these regulations.

b) Open space uses shall be permitted within the one hundred (100) year flood plain to the extent that they are permitted within the zoning district controlling use of said land and provided they do not require structures, fill or storage of material or equipment.

c) No structure shall be permitted within the one hundred (100) year flood plain. No use shall be permitted within the floodplain that will adversely impact the natural benefits and function of the 100-year floodplain. Possible adverse impact to the natural benefits and function of the 100-year floodplain include:

- 1) Detrimental changes in hydrology
- 2) Detrimental changes in geomorphology
- 3) Detrimental changes in water quality
- 4) Detrimental changes in aquatic and terrestrial habitat, and ecology
- 5) Detrimental changes in natural flood and erosion control function

d) No fill shall be deposited within the flood plain without permission from the Board of Zoning Appeals. Showing must be made that such fill is for some beneficial purpose and will be protected against erosion by rip-rap, vegetation cover or bulkheading. No dredging shall be permitted of the channel or floodway unless the applicant provides evidence to the Board of

Zoning Appeals that all State and Federal permits are issued as required by law.

Section 15.09 - SET BACK REGULATIONS: No building or use (except parking areas) shall be located closer to the center line of adjoining streets, roads, highways, or approved private roadways than the distances set forth in the table or chart set forth hereinafter. For purposes of this chart or table and for all other purposes of the zoning resolution, streets, roads, highways, and approved private roadways shall be classified in one of the three following classes:

a) **CLASS A** - Any public street or roadway with over a sixty (60) foot right-of-way or any of the following listed roads within the Canaan Township under township zoning, to wit: U.S. Rt. 42, St. Rt. 142 and any other roads as later designated by the County Commissioners.

b) **CLASS B** - Any other through public street or road or any private roadway approved by the County Engineer connecting two or more public roads.

c) **CLASS C** - Dead end roads ending at a cul-de-sac or approved turn around when the lot configuration or approved plan precludes future extension of said roadway or any branch therefrom to create a connecting street between two (2) or more existing or future streets or roads.

MINIMUM SET BACK DISTANCES: All distances are measured from the center of the existing or proposed right-of-way to the nearest use or improvement, except parking areas or signs which may be located within the setback area as regulated by Article XV of this Resolution.

Class A setback requirements shall meet the designated distance from centerline in the following chart or the setback requirement shall be (100) one hundred feet from the existing nearest road right-away, whichever is greater.

Class B setback requirements shall meet the designated distance from centerline in the following chart or the setback requirement shall be (50) fifty feet from the existing nearest road right-away, whichever is greater.

Minimum Setback Distances (feet)

DISTRICT	CLASS A ROAD	CLASS B ROAD	CLASS C ROAD
A-1 Agricultural	130	80	80
R-1 Suburban Residential	130	80	80
PRD Planned Residential	130	80	**
C-2 General Commercial	130	80	80
M-1 Light Industrial	130	80	80
M-2 Heavy Industrial	130	80	80

** As approved in Development Plan

Section 15.10 – INDUSTRIALIZED OR MANUFACTURED STRUCTURES (MODULARS, TRAILERS, OR MOBILE HOMES OR OFFICES): For the purpose of this Resolution, a modular home, modular office or modular industrial unit shall be defined as a manufactured or industrialized unit which has been inspected and certified to be in compliance with the Ohio Building Code. All such units shall be approved for their appropriate zoning district, the same as a site-built structure. All local, state, and federal requirements and permits shall be required.

All other manufactured or industrialized units shall be considered a temporary structure, trailer, or mobile home, mobile office, or mobile industrial unit and shall be limited in placement by this Resolution.

The following specifications must be met when placing a HUD Unit in Canaan Township:

- a) Unit must have been manufactured pursuant to the HUD Code (Manufactured Home Construction and Safety Standards Acts, 42 U.S.C. Section 5401), after January 1st, 1995.
- b) The structure must be affixed to a permanent foundation (Slab, Crawl Space or Full Basement Foundation. No false crawls. Outside foundation must be affixed to house unit.
- c) Unit must be connected to appropriate facilities.
- d) The structure, excluding any addition, must have a width of at least 22 feet at one point, and a total living area of at least 1,100 square feet, excluding garages, porches, or attachments.
- e) The structure must have a minimum 3:12 residential roof pitch, conventional residential siding, and six-inch minimum eave overhang, including appropriate guttering.
- f) The structure must have removed any indicia of mobility (temporary axles, trailer tongue, running lights, etc.) upon placement upon its foundation.
- g) The structure must be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the County Auditor upon its placement on its permanent foundation, and such surrender shall be notice to the auditor to tax the structure as real property from that day forward.
- h) The structure must meet all applicable zoning requirements (lot size, setbacks.).

Section 15.11 - TRAFFIC VISIBILITY AT INTERSECTIONS: In any district, at any intersection of a street, roadway, alley, or commercial or industrial driveway with another street or roadway, no fence, structure or planting shall be erected or maintained within twenty-five (25) feet of the right-of-way line, or a minimum of fifty (50) feet from the centerline, for a minimum of seventy-five (75) feet from the intersection of the right-of-way lines or a minimum of one hundred and twenty-five (125) feet from the intersection of the centerlines (the 75 feet and 125 feet being measured along the right-of-way lines), without written permission of the Madison County Engineer.

Section 15.12 - DARBY SCENIC RIVERS: The section of the Big Darby Creek which flows through the unincorporated areas of Canaan Township has been designated a State Scenic River. The township recognizes the need to protect the river in order to preserve and conserve the quality, purity, clarity and free-flowing conditions of the stream, maintain natural water temperatures, preserve aquatic and terrestrial plants and animal habitats, prevent erosion of stream banks, lessen the level of siltation of stream waters, and preserve valuable water resources in the interest of present and future generations.

In order to provide for the above, a natural buffer of one hundred and twenty (120) feet shall be maintained along both sides of the stream channel which are designated as components of the State Scenic River system. The minimum boundary of the buffer area shall be set at one hundred and twenty (120) feet in a horizontal plane outward from the normal high-water mark of the stream channel. The buffer area shall be preserved in its natural state. No structure shall be constructed within the one hundred and twenty (120) foot buffer zone. Uses shall be permitted within the buffer area only to the extent that the use is permitted within the zoning district controlling the use of said land and provided that said uses do not require structures, fill, or storage of materials or equipment, or the cutting of natural vegetation.

Selective harvesting of timber is permitted where no more than 25% of the crown cover is removed and trees on the immediate stream banks are not harvested. Damaged or diseased trees or those in imminent danger of being uprooted or falling in or along the stream may be removed. The stump and root structure of trees on the stream bank shall be left in place to retard erosion.

ARTICLE XVI - SIGN AND BILLBOARD REGULATIONS

Section 16.01 - PURPOSE: The purpose of this sign regulation is to promote and protect the public health by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance, preserve the scenic and natural beauty of the communities and countryside, reduce sign distraction and obstructions that may contribute to traffic accidents, provide more open space and generally curb the deterioration of the natural environment.

Section 16.02 - PERMITTED SIGNS - NO PERMIT REQUIRED: The following signs shall be permitted in the areas under Canaan Township zoning subject to the regulations set forth herein. No zoning permit shall be required for any sign constructed or erected under the terms of this article.

a) **Signs for Sale, Lease or Rent** of the premises on which the sign is located. Not more than two (2) signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed two and one-half (2-½) square feet of area per side with not more than two (2) sides, or signs of the same size identifying the builder or contractor. All such signs shall be removed within thirty (30) days after occupancy.

b) **Signs for Home Occupations** - One (1) sign per lot shall be permitted in any residential district for the purpose of announcing a home occupation which has complied with all conditions imposed by the Board of Zoning Appeals.

c) **Vehicular Signs** - Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted, provided that said signs are located outside the right-of-way of any public street or road, do not exceed two and one-half (2 ½) square feet of area per side, and do not interfere or obstruct visibility when entering or leaving said property.

d) **Temporary Signs** - The erection of temporary signs (including, but not limited to political and event signs) shall be permitted in any district under Canaan Township zoning provided that said signs:

- 1) Do not interfere with visibility of vehicular traffic entering or leaving the highway.
- 2) Are erected or posted for not more than forty-five (45) days prior to any event and are removed within fifteen (15) days following any event. Temporary signs not associated with any event may not be erected or posted for more than a total of forty-five (45) days.
- 3) May be posted and removed without destruction of public or private property.
- 4) Designate the name and address of the person charged with removal of the sign.
- 5) Shall be placed outside the road right-of-way.
- 6) Shall not exceed thirty-two (32) square feet in area per side.

e) **Signs Approved in Planned Residence District Plan** of development provided that the approved sign is constructed in strict compliance with the approved guidelines.

f) **Farm Signs** denoting the name and address of the occupants, denoting produce or products for sale on the premises, and denoting membership in organizations. No more than one (1) sign of any type may be permitted, and it shall be located outside the road right-of-way. Advertising signs may not exceed thirty-two (32) square feet of area per side and all other signs shall be limited to four (4) square feet per side.

g) **Signs Approved as Part of Conditional Use Permit** in residential zoning districts, provided such signs are constructed in strict compliance with the imposed conditions.

Section 16.03 - PERMITTED SIGNS - PERMIT REQUIRED: The following shall be permitted in areas clearly delineated herein and subject to the reasonable regulations set forth.

a) Outdoor Advertising or Billboards for a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all commercial and industrial districts and lands used for agricultural purposes subject to regulations set forth herein.

- 1) No billboard shall exceed three hundred (300) square feet in area per side nor have more than two (2) sides.
- 2) No billboard shall exceed fifteen (15) feet in height nor have a length in excess of four (4) times the height of the sign face.
- 3) The use shall comply with the general regulations set forth in other provisions of this Resolution and article.
- 4) All billboards shall be located in compliance with all local, state and federal regulations controlling the same. Billboards shall be licensed or permitted as may be required by local, state or federal agencies.
- 5) All billboards shall be located behind the building setback lines established for the district in which the sign is located and shall be at least five hundred (500) feet from any residence.
- 6) No billboard or outdoor advertising sign shall be located nearer than twenty-five (25) feet to any side lot line.

b) Commercial or Industrial Display Signs - All display signs shall be mounted on the building which houses the business establishment advertised by such signs, except as otherwise specifically authorized by this Resolution. Such signs shall be located on or along a wall of such building which faces a street, parking lot or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher. Signs may be erected on a wall which is an extension of a building wall which faces a street, parking lot or service drive, provided that the design and construction of such extension are architecturally compatible with the building, that such wall does not extend beyond any required building setback line, and does not exceed twelve (12) feet in height or the height of the ceiling of the first floor of the building to which such extension wall is attached, whichever is less. The display area of the sign must be located either on the wall or extension; it may not be located on both.

All such signs shall be parallel to the wall on which they are installed, and shall not project more than eighteen (18) inches from such wall, intending to prohibit signs projecting outward from the wall, at right angles or otherwise, except as follows:

- 1) Signs may be installed on an attached canopy, roof or marquee which projects beyond the building over a walk or yard.
- 2) One sign, not more than fifteen (15) inches in height and five (5) square feet in area, projecting outward from the building wall not more than three (3) feet, may be erected at each entrance to such building, and the area of such sign shall not be included in determining the aggregate sign area of such building. No part of any sign shall be less than eight (8) feet above the sidewalk or ground level, if such projects forward of the wall on which it is mounted to such an extent as to constitute a hazard or inconvenience to pedestrian or vehicular traffic. No part of any sign shall be closer to either end of the building face, including any wall extension on which it is erected, than eighteen (18) inches. Where more than one (1) sign is erected on the same face of a building, there

shall be a distance of at least three (3) feet between signs. Letters, numerals or other graphics attached directly to the building wall shall be considered a wall sign. Unlighted letter numerals or other graphics carved into the face of the building shall generally not be considered wall signs, unless they are over nineteen (19) inches high, or one (1) inch thick, or the color contrasts with that of the building. Supergraphics (large scale painted graphic devices) and architectural detailing having a graphic or signage function which are painted upon a building, shall be subject to regulation as a wall sign.

3) The display area of any one surface does not exceed twenty-five (25) square feet.

c) Free-Standing Signs Identifying Commercial or Office Complexes:

A sign supported by posts, pillars, columns or other structures identifying a commercial or office complex shall meet the following conditions:

1) The maximum height of such sign does not exceed eight (8) feet above the average grade of the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional three (3) feet setback from the street right-of-way line, an additional one (1) foot in height will be permitted up to a maximum of fifteen (15) feet high.

2) The total display area of all surfaces does not exceed fifteen (15) square feet when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional one (1) foot setback from the street right-of-way line, an additional three (3) square feet of display area will be permitted up to a maximum of forty-five (45) square feet.

3) The display area of any one surface does not exceed twenty-five (25) square feet.

4) No part of such sign will be closer to nearest street right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable building set-back line, if the adjoining property is in a Residential District.

5) The function of such sign is in keeping with the uses in the surrounding area.

6) Such sign will be in harmony with the buildings on the site, and will not detract from the appearance of the general neighborhood in which it is located nor will it adversely affect property values in such neighborhood.

7) Such sign shall not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, nor create a visual distraction for such motorists.

Section 16.04 - CONDITIONALLY PERMITTED SIGNS - PERMIT REQUIRED: Within any commercial or industrial district or within any non-residential portion of a residential district the following signs may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXII of this Resolution.

Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional

use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Free-Standing Signs which are defined as signs supported by or supported from posts, pillars, columns or other structures, except signs attached to buildings as described in Section 16.03(b) of this Resolution. Free-standing signs heretofore lawfully erected and maintained and now in place may be maintained until such sign is destroyed, dismantled or removed. No sign shall hereafter be relocated, rebuilt, enlarged, extended or otherwise altered in any material respect. If, in the opinion of the Board of Zoning Appeals, a change in product name is required which is beyond the control of the owner/occupant, such substitution of signage may be approved. In the event of a violation of this provision, the continued maintenance of such sign shall be unlawful.

The Board of Zoning Appeals may grant a permit for the erection or maintenance of a free-standing sign only upon compliance with the following requirements:

- 1) The filing of a written application for such sign, together with a scale drawing of the proposed sign showing its design, color and materials, and a site and the location of the proposed sign.
- 2) A determination by the Board of Zoning Appeals that a free-standing sign is necessary to the conduct of the business, professional or commercial activity on the site and that an attached sign would not be in harmony with the building thereon.
- 3) A determination that the proposed sign meets all of the following requirements:
 - a) The maximum height of such sign does not exceed eight (8) feet above the average grade of the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional three (3) feet setback from the street right-of-way, an additional one (1) foot in height will be permitted up to a maximum of fifteen (15) feet high.
 - b) The total display area of all surfaces does not exceed fifteen (15) square feet when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional one (1) foot setback from the street right-of-way line, an additional three (3) square feet of display area will be permitted up to a maximum of forty-five (45) square feet.
 - c) The display area of any one (1) surface does not exceed twenty-five (25) square feet.
 - d) No part of such sign will be closer to any nearest street right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable building setback line, if the adjoining property is in a Residential District.
 - e) The function of such sign is in keeping with the uses in the surrounding area.
 - f) Such sign will be in harmony with the buildings on the site, will not detract from the appearance of the general neighborhood in which it is located nor will it adversely affect property values in such neighborhood.
 - g) Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists.
- 4) In making its determination, the Board of Zoning Appeals shall take into consideration all pertinent factors relating to the compatibility of such sign with the surrounding neighborhood, including, but not limited to its size, shape, color, brightness, design and

general appearance.

5) Not more than one (1) freestanding sign may be authorized for any one (1) business establishment. Where more than one (1) business establishment is located on a single tract of land, having an entrance or entrances or parking area or areas used in common by the customers of such establishments, only one (1) freestanding sign may be authorized for the entire tract. The existence and boundaries of such tract shall be determined by community of use, rather than by the ownership thereof, it being intended by this provision to limit each shopping center or similar joint operation to one (1) freestanding sign, except in the case of a shopping center which is contiguous to two (2) streets which do not intersect each other at a point adjacent to such shopping center, in which case one (1) freestanding sign, fronting on each street, may be authorized.

Section 16.05 - PROHIBITED SIGNS: The following signs and billboards shall be prohibited in areas under Canaan Township zoning:

- a) All signs not specifically permitted by the express terms of the Canaan Township Zoning Resolution.
- b) Portable signs or billboards, pennants, streamers, flashing lights, string of lights, or air-activated attraction devices.
- c) Signs or advertising erected and maintained in trees or painted or drawn upon rocks or other natural features.
- d) No sign shall be attached to any fence within the right-of-way of any road. No sign shall be attached to any fence regardless of location without the permission of the owner of the fence.
- e) Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.

Section 16.06 - GENERAL REGULATIONS: The following regulations and restrictions shall apply to all signs located and erected within areas under Canaan Township zoning, regardless of type, style, location, design or other classification.

- a) Location - No sign shall be located within the right-of-way of any public or private road within area under Canaan Township zoning, except as noted in Section 16.02 (c). Said sign or signs shall be located in strict compliance with this Resolution, in strict compliance with the approved development plan or restrictions imposed by the Board of Zoning Appeals.
- b) Lighting –
 - 1) No sign shall be illuminated to a level which causes unnaturally high light levels on adjacent property.
 - 2) No illuminating device for any sign shall be designed which permits the direct beaming of any light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic.
 - 3) No flashing, rotating or moving light source shall be permitted on any sign.
- c) Height - No signs within areas under Canaan Township zoning shall be erected to a height greater than fifteen (15) feet.
- d) Sign Interference - No sign shall be permitted in areas under Canaan Township zoning which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.
- e) Stability - Display signs shall be constructed to withstand a wind pressure of at least thirty

(30) pounds per square foot of surface, and shall be fastened, suspended or supported so that they will not be a menace to persons or property.

f) Maintenance - All signs or billboards constructed or erected within areas under Canaan Township zoning shall be maintained as follows: All sign surfaces, supports, braces, guys and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.

g) Traffic Safety - Colors, etc. - Display signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices.

h) Sign Area - The aggregate sign area or display surface of all exterior signs of every nature shall not exceed three (3) square feet for each lineal foot of the street frontage of such building, if a one-story (1) building, or four (4) square feet per foot, if more than one-story (1) in height. Street frontage is defined as the total width of that side of the building which faces the street, excluding any extension of a building wall beyond the building itself. In the case of a corner lot or other situation where the building site abuts more than one (1) public street, not including alleys, the applicant shall specify which is the primary frontage, and signs may be permitted on the basis of the area authorized above for each lineal foot of primary street frontage and one-half thereof for each lineal foot of other street frontage. The total sign area on any one (1) side of a building shall not exceed the allowable area for such side computed in accordance with the foregoing rules. In the case of a building which does not front on a public street, as in shopping centers, the drives and parking areas adjacent to such building shall be considered as public streets for the purpose of this Resolution, provided that where any such drive or parking area abuts a Residential District, the frontage of the building on such drive or parking area shall not be considered as frontage for such purpose if the distance from such building to the nearest private property in said Residential District is less than one hundred fifty (150) feet.

Section 16.07 - ABANDONED SIGNS: If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned sign or billboard is defined as any sign or billboard that meets any one of the following criteria:

a) Any sign or billboard associated with an abandoned non-conforming use.

b) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.

c) Any sign or billboard that is not maintained in accordance with this Resolution.

When the Zoning Inspector finds, upon investigation, that a sign or billboard has been abandoned, as defined herein, the inspector shall notify the owner of said sign, and the owner of the land on which the sign is located, by certified mail or by personal delivery, of his or her findings. Such notice shall advise the sign owner that the sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The sign owner may appeal such decision to the Board of Zoning Appeals as provided in Article XXII of this Resolution.

It shall be the duty of the Zoning Inspector to maintain a photograph and file on said sign together with a written report of his findings for submission to the Board of Zoning Appeals upon request.

If the sign is not removed, as ordered, the same may be removed by the township at the expense of the lessee or owner. If the township is not immediately reimbursed for such costs, the amount

thereof shall be certified to the Madison County Auditor for collection as a special assessment against the property on which sign is located.

Section 16.08 - NON-CONFORMING SIGNS OR BILLBOARDS: Any sign or billboard in existence within areas under township zoning prior to the effective date of this Article that does not conform with the provisions of this Article is considered to be non-conforming.

Any sign or billboard that does not conform to the provisions of this Article shall be allowed to continue in its non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.

A non-conforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Article. Should any replacement or relocation take place without being brought into compliance, the sign or billboard shall be deemed to be existing illegally.

A non-conforming sign or billboard shall be maintained or repaired in accordance with the following provisions:

- a) The size and structural shape shall not be change or altered.
- b) The copy may be changed, provided that the change applies to the original non-conforming use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became non-conforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.
- c) In the case where damage occurs to the sign or billboard to the extent of fifty (50%) percent or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than fifty (50%) percent of the structure or its replacement value, the sign or billboard shall be repaired within thirty (30) days, after notification of the sign owner by certified mail.

Section 16.09 - PERMIT: No signs, except as provided for in Article 16.02 of this Resolution, shall be erected prior to the issuance of a permit therefor by the Township Zoning Inspector.

- a) Fees - The applicant for a permit herein shall pay such fee as is prescribed by the Canaan Board of Township Trustees. Such fees shall be prescribed annually, or more often, by the trustees.
- b) Term of Permit - The zoning permit issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this Zoning Resolution or any amendment thereto.
- c) Inspector - Prior to erection, all signs or billboards erected within areas under Canaan Township zoning are subject to inspection, whether a permit is required or not. The Township Zoning Inspector or any other official of the township is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Article are being complied with. Such inspection may be made at any reasonable time, and the Township Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of this Resolution.
- d) Cancellation of Permit - In the event that the owner of any sign or property fails to comply with the terms of this Zoning Resolution, said permit may be revoked upon compliance with the following terms:

Notice - The Township Zoning Inspector shall notify both the owner of the sign and land upon which it is located of any deficiency or violation of this Resolution. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of

Article XXII of this Resolution dealing with revocation of the Conditional Use Permit. Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within thirty (30) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by this Resolution.

e) Removal of Signs - The Township Zoning Inspector may remove any sign illegally placed within the right-of-way of any road within areas under township zoning. The Zoning Inspector shall store said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within thirty (30) days after mailing of notice by the Zoning Inspector, said sign may be destroyed.

ARTICLE XVII – SUPPLEMENTAL REGULATIONS

Section 17.01- SMALL SOLAR FACILITIES (LESS THAN FIFTY MEGAWATTS (<50 mW))

It is the purpose of this regulation to provide for the safe, effective, and efficient use of accessory solar energy systems with a single interconnection to the electric grid and are designed for, or are capable of, operation at an aggregate capacity of less than fifty megawatts (50 mW), are installed to reduce the on-site consumption of utility-supplied electricity, and are not subject to the jurisdiction of the Ohio Power Siting Board.

No person shall cause or maintain the use of an accessory solar energy system without first having obtained a zoning permit from the zoning inspector.

Note: Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

Section 17.02 – DEFINITIONS

Clear Fall Zone – An area surrounding a ground/pole mounted Solar Energy System into which the system and/or the components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the structure's failure that shall remain unobstructed and confined within the property lines of the primary lot where the system is located. The purpose of the Clear Fall Zone is that if the system should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not intrude onto a neighboring parcel.

Ground Mounted Solar Energy System: A Solar Energy System that mounts a solar panel or panels and facilities on or above the ground.

Integrated Solar Energy System: A Solar Energy System that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

Rooftop Solar Energy System: A Solar Energy System that is mounted to a structure or a building's roof on racks.

Small Solar Facility: A Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.

Solar Energy: Radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

Solar Energy System: A system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

Section 17.03 – CONDITIONAL USES

a) Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of an Integrated Solar Energy System shall be a conditional use in all zoning districts.

b) Rooftop Solar Energy Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction,

erection, or siting of a Rooftop Solar Energy System shall be a conditional use in all zoning districts.

c) Ground Mounted Solar Energy Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of a Ground Mounted Solar Energy System and all other Small Solar Facilities shall be a conditional use in all zoning districts.

d) All Other Small Solar Facilities: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of Small Solar Facilities, other than Integrated, Rooftop, and Ground Mounted Solar Energy Systems (“All Other Small Solar Facilities”), shall be a conditional use in all zoning districts.

e) All Solar Energy Systems shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

Section 17.04 – GENERAL REQUIREMENTS

a) Integrated or Rooftop Solar Energy Systems:

- 1) Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.
- 2) Width: The width of any Integrated or Rooftop Solar Energy System shall not extend beyond the width of the foundation of the structure upon which the system is attached.

b) Ground Mounted Solar Energy Systems:

- 1) Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed twelve (12) feet as measured from the original elevation of the site prior to soil disturbance.
- 2) Coverage: Ground Mounted Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, all Ground Mounted Solar Energy System(s) shall not exceed in the aggregate fifteen percent (15%) of the total area of the lot or tract up to a maximum of one acre. The height shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory uses.
- 3) Location: A Ground Mounted Solar Energy System shall be permitted in the rear or side yard only.
- 4) Setback: The minimum setback distance from the property lines for structures comprising Solar Energy Systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.
- 5) Visual Buffer: A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities on adjacent lots and from

any public right-of-way. Ground Mounted Solar Energy Systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located.

c) All Other Small Solar Facilities:

- 1) Height: The maximum height of any All Other Small Solar Facilities at any point shall not exceed the lesser of sixteen (16) feet as measured from the original elevation of the site prior to soil disturbance, or the maximum height for Accessory Structures in the district where located.
- 2) Coverage: All Other Small Solar Facilities shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, All Other Small Solar Facilities shall not exceed in the aggregate fifteen percent (15%) of the total square footage of the lot or tract up to a maximum area of one acre.
- 3) Visual Buffer: All Other Small Solar Facilities shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to reduce view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. All Other Small Solar Facilities located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located.

d) Lighting. Any lighting for a Small Solar Facility shall meet any lighting restrictions applicable to the zoning district where located. In the event there are no applicable provisions regarding lighting, all lighting in, of, and associated with the Small Solar Facility must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

e) Noise. Any Small Solar Facility shall comply with the noise resolution and all applicable noise restrictions set forth within the Township, including, but not limited to, those applicable to the zoning district where located. In the event there are no applicable provisions regarding noise, no Small Solar Facility shall emit a sound that is audible to an adjacent lot that is five hundred (500) feet away. For distances less than five hundred feet away, noise limits cannot exceed the greater of 40 decibels or the ambient daytime and nighttime average sound level by more than five (5) decibels.

f) Setbacks: Any Small Solar Facility must comply with the setback requirements applicable to the zoning district where located.

g) Maintenance: Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar

Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation. Any earth disturbance as a result of the removal of the Ground Mounted Solar Energy System shall be graded and reseeded within thirty (30) days of removal.

h) Decommissioning Plan: An applicant for any Small Solar Facility shall submit a decommissioning plan, which shall be prepared by a Professional Engineer registered with the state board of registration for Professional Engineers and surveyors. The Board of Zoning Appeals may reject the engineer chosen by the applicant and require the applicant to choose another qualified engineer. The plan shall contain the following:

- 1) A list of all parties responsible for decommissioning.
- 2) A schedule of decommissioning activities, not to extend beyond twelve (12) months from the date the utility facility ceases operation.
- 3) An estimate of the full costs of decommissioning the facility, including the proper disposal of all facility components and restoration of the land on which the facility is located to its pre-construction state.
- 4) A recalculation of decommissioning costs every five years from the date of the original decommissioning plan, or from the date of the latest updated decommissioning calculation, by a Professional Engineer as detailed above.

i) Performance Bond: Prior to beginning construction, the applicant shall post a performance bond to ensure that funds are available for the decommissioning of the facility. The performance bond shall be equal to the estimate of the costs of decommissioning included in the decommissioning plan and shall be held in escrow in a financial institution until the Board of Zoning Appeals has determined the facility has been decommissioned according to the requirements of the decommissioning plan.

j) Building Permits: All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and Madison County or other local building jurisdiction that encompasses Canaan Township.

k) Advertising: Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.

l) Other Restrictions: A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.

m) Application. In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:

- 1) Elevation of the proposed Solar Energy System(s) at maximum tilt.
- 2) Evidence of established setbacks of 1.1 times the height of any structure and "Clear Fall Zone."
- 3) Proof of notice to the electric company regarding the proposal.
- 4) Letter from the Madison County Public Health or the appropriate sanitary sewer operating authority stating that the location will not interfere with the septic or sewer system, whichever is applicable, on the property.
- 5) The decommissioning plan described in Section 17.04 (h).

Section 17.05 – CRITERIA FOR CONDITIONAL USES

- a) A Small Solar Facility to be located in a zoning district in which it is identified as a conditional use is subject to and shall follow the application process for a Conditional Use Permit provided under this Zoning Resolution.
- b) Where identified as a conditionally permitted use, any Small Solar Facility shall comply with the following specific requirements:
 - 1) Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of Township maintained, protected, or managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Small Solar Facility as detailed further in a road use and maintenance agreement (“RUMA”) with the Township. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.
 - 2) Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Small Solar Facility is located.
 - 3) Location:
 - a) Any Small Solar Facility other than an Integrated or Rooftop Solar Energy System (except components located entirely underground) shall be located entirely in the rear yard or the side yard.
 - b) No Small Solar Facility shall be located on the front façade of any structure or on any façade facing a public right-of-way.
 - c) No Small Solar Facility shall be located in front of a principal building or structure. In the case of corner lots, no Small Solar Facility shall be located between a principal building or structure and a public right-of-way.
 - d) Setbacks: No Small Solar Facility (other than components located entirely underground) shall be located within fifty (50) feet of a public right-of-way or shared-use driveway.
 - 4) Visual Buffer: A Small Solar Facility shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and that does all of the following:
 - a) Enhances the view from any existing residential dwelling and from any public right-of-way;
 - b) Is in harmony with the existing vegetation and viewshed in the area; and
 - c) Provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities to adjacent lots and from any public right-of-way.
 - 5) Glare: Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
 - 6) Lighting: All lights associated with the Small Solar Facility must narrowly focus light inward toward the equipment, be downlit and shielded, and prohibit any spillover onto any adjacent property.

- 7) Fencing: Any fencing and/or screening installed in connection with the Small Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times.
- 8) Labelling requirements: A minimum of one (1) sign shall be posted near ground level on the interconnection cabinet warning of high voltage. In addition, the following information shall be posted on a label or labels on the interconnection cabinet of a solar energy system:
 - a) The maximum power output of the system.
 - b) Nominal voltage and maximum current.
 - c) Manufacturer's name, address and telephone number, serial number and model number.
 - d) Emergency and normal shutdown procedures.
 - e) Should the Solar Energy System interconnection cabinet be located on the inside of a structure, a sign notifying the existence of a Solar Energy System shall be placed on the outside of the building, near the electrical and/or gas meter in order to notify emergency personnel of the Solar Energy System.
- 9) Number. The number of Solar Energy Systems shall be limited to one (1) per lot.
- 10) Conditions: Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.
- 11) Application. In addition to the site plan required for any conditional use permit, the application shall contain the items specified in Section 17.04 (m).

Section 17.06 – CERTIFICATES OF ZONING COMPLIANCE

- a) A certificate of zoning compliance shall be required before any construction is commenced on a Small Solar Facility.
- b) Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:
 - 1) An engineering report that shows:
 - a) The total size and height of the proposed Small Solar Facility.
 - b) Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility.
 - c) Hazardous materials containment and disposal plan.
 - d) A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
 - 2) Evidence of compliance with applicable setback and all other applicable zoning restrictions.
 - 3) A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
 - 4) Any other information or materials reasonably requested by the Zoning Inspector.

Section 17.07 – RESERVED

Section 17.08 – RESERVED

Section 17.09 – RESERVED

Section 17.10 – WIND TURBINES

The purpose of this regulation is to provide for the use, location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any Small Wind Farm or wind turbine and Anemometer towers, whether publicly or privately owned, or the use of land for that purpose, subject to approval of a conditional use permit by the Board of Zoning Appeals. This regulation recognizes that in some instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators (WTG) in certain areas of Canaan Township. The Township also recognizes the need to protect the scenic beauty of Canaan Township from unnecessary and unreasonable visual interference, noise radiation, and that WTG may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such this Resolution seeks to: 1. Protect residential and agricultural areas from potential adverse impact of wind turbine generators; 2. Permit WTG in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provisions hereof; 3. Ensure the public health, welfare, and safety of the Canaan Township residents in connection with WTG; and 4. Avoid potential damage to real and personal property from the WTG or Anemometer towers or the failure of such structures and related operations.

Section 17.11 – DEFINITIONS

Accessory Structure: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.

Anemometer: An instrument that measures the force and direction of the wind.

Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose is that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings or accessory buildings, or otherwise intrude onto a neighboring property.

Cowling: A streamlined removable metal that covers the turbine Nacelle.

Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.

Primary Structure: For each property, the structure that one or more persons occupy the majority of the time on that property for either business or personal reasons. Primary Structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary Structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

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

Small Wind Farm – Wind turbines and associated facilities that are not subject to the jurisdiction of the Ohio Power Siting Board under Ohio Revised Code sections 4906.20 and 4906.201.

Wind Power Turbine Height: The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.

Wind Power Turbine Owner: The person or persons who own the wind turbine structure.

Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.

Section 17.12 – PROCEDURE

Any proposed construction, erection, or siting of a WTG or Anemometer shall be permitted only by issuance of a Conditional Use Permit in accordance with Section 22.07 of this Resolution, as amended hereof unless said WTG meets the requirements of Section 17.13

Section 17.13 – RESIDENTIAL WIND TURBINES

Canaan Township recognizes the importance of clean, sustainable and renewable energy sources. To that end, Canaan Township permits the use of residential wind turbines under the following regulations to ensure that the safety and welfare of all Canaan Township residents is met. Wind turbines shall be permitted as a conditional use in a Zoning District under the following conditions:

a) Height: The maximum height of the turbine shall be one hundred twenty-five (125) feet as measured from the original elevation of the site prior to soil disturbance. For purposes of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine blades. Maximum height therefore shall be calculated measuring the length of prop at the maximum vertical rotation to the base of the tower. See “Wind Power Turbine Height” and “Wind Power Turbine Tower” definitions in Section 17.11.

b) Setbacks: The following shall apply regarding setbacks. Any turbine erected on a parcel of land will need to establish a “Clear Fall Zone” from all neighboring property lines and structures, as well as any structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs, the turbine and its components would be contained solely on the property where the turbine is located and would not strike any structure including the primary dwelling, and any accessory buildings or uses. Therefore, the minimum setback shall equal 1.5 times the height of the tower.

c) Aesthetics: The turbine, including the prop blades turbine, Cowling, and tower shall be painted white, gray, or sky blue. Logos or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the turbine or tower.

d) Maintenance: Wind turbines must be maintained in good working order. Turbines that become inoperable for more than three (3) months must be removed by the owner within thirty (30) days of the issuance of notice of a zoning violation. Removal includes all apparatuses, supports, and other hardware associated with the existing wind turbine.

e) Noise: Sound from a wind turbine shall not be audible at a distance of five hundred (500) feet and cannot exceed the greater of 40 decibels or the ambient daytime and nighttime average sound level by more than 5 decibels at distances of less than five hundred (500) feet.

Section 17.14 – CONDITIONAL USE PERMITS

A conditional use permit shall be required before construction can commence on an individual wind turbine system. As part of the permit process, the applicant shall provide the Canaan Township Zoning Inspector the following items and/or information when applying for a permit:

a) Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine;

- b) An engineering report that shows:
- 1) The total size and height of the unit.
 - 2) The total size and depth of the units mounting pad.
 - 3) An average decibel rating for the particular model.
 - 4) A list and/or depiction of all safety measures that will be on the unit including anti-climb devices, and lighting protection.
 - 5) Data specifying the kilowatt size and generating power of the unit.
 - 6) Evidence of “Clear Fall Zone” with the manufacturer recommendations.
- c) A site drawing showing the location of the unit in relation to existing structures on the Property, roads and other public rights-of-way, and neighboring properties.
- d) Color of the unit as well as location and size of the manufacturers identifying logos shall be include in the plan.
- e) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled, if necessary, such maintenance schedule and dismantling plan to become part of any permit, if granted.

ARTICLE XVIII - NON-CONFORMING USES

Section 18.01 - CONTINUANCE: The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of enactment of this Zoning Resolution or any amendments hereto, may be continued, although such use does not conform with this Zoning Resolution or amendments hereto, but if any such non-conforming use is voluntarily discontinued for two (2) years or more, any future use shall be in conformity with this Zoning Resolution and amendments hereto.

Section 18.02 - RESTORATION: When a structure, the use of which does not conform to the provisions of this Zoning Resolution, is damaged by fire, explosion, flood, wind, earthquake, or other calamity outside the control of the owner or occupant, to the extent that the cost of restoration is more than sixty (60%) percent of its value, it shall not be restored unless in conformity with the provisions set forth in this Zoning Resolution, as amended, for the district in which it is located, or unless a Conditional Use Permit is issued by the board of Zoning Appeals pursuant to Article XXII provided, however, such restoration shall be commenced within ninety (90) days of such calamity and diligently continued until completed. For the purposes of this section, "value" shall be defined as the replacement cost of the structure prior to the calamity, depreciated in accordance with applicable Internal Revenue Guidelines for the structure.

Section 18.03 - ENLARGEMENT: No non-conforming building or use may be completed, restored, reconstructed, extended or substituted except upon the granting of a variance permit issued by the Board of Zoning Appeals pursuant to Article XXII and this section.

The board of Zoning Appeals shall have the power to permit changes and extensions of nonconforming uses as follows:

- a) A non-conforming use of less objectionable nature may be substituted for an existing nonconforming use.
- b) An existing, legal non-conforming use which occupies only a portion of an existing structure or premises may be extended to additional portions of such structure or premises.
- c) The alteration or reconstruction of a non-conforming use, structure, sign or building may be performed, provided that such alteration or reconstruction will make the non-conforming use substantially more in character with its surroundings.
- d) The extension of a non-conforming use may be performed when such extension will substantially make the non-conforming use more in character with its surroundings.
- e) Any extension shall not be more than fifty (50%) percent greater in size than the nonconforming use that existed at the time of passage of this Zoning Resolution.

The Board of Zoning Appeals may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and the public interest.

Section 18.04 - NON-CONFORMING LOTS: The construction of a conforming structure and the conduct of a permitted use shall be allowed on any lot of record at the time of the enactment of this Resolution, which has an area and lot width less than that required for such structure or permitted use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of Article XXII. Such non-conforming lots must be in separate ownership and not have continuous frontage with other land in the same ownership on the effective date of the applicable amendment to the Zoning Resolution. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.

ARTICLE XIX – ZONING INSPECTOR - ZONING CERTIFICATES AND APPLICATIONS

Section 19.01 - TOWNSHIP ZONING INSPECTOR: The Canaan Board of Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as may be necessary. It shall be the duty of the Township Zoning Inspector to compare each zoning certificate application with the then existing zoning map. The Township Zoning Inspector, before entering upon the duties of the office, shall give bond signed by a bonding or surety company authorized to do business in this state, or, at his option, signed by two (2) or more freeholders having real estate in the value of double the amount of the bond, over and above all encumbrances to the state, in the sum of not less than one thousand dollars (\$1,000.00) or more than five thousand dollars (\$5,000.00) as fixed by the Board of Township Trustees. Such surety company or real estate bond shall be approved by the Board of Township Trustees, and the bond shall be conditioned upon the faithful performance of such Zoning Inspector's official duties. Such bond shall be deposited with the Township Fiscal Officer. The compensation for such Zoning Inspector shall be set and paid by the Board of Township Trustees.

Section 19.02 - ZONING CERTIFICATE REQUIRED: No structure shall hereafter be located, constructed, reconstructed, enlarged or structurally altered, nor shall any work be started upon the same, nor shall any use of land be commenced until a zoning certificate for same has been issued by the Township Zoning Inspector, which certificate shall state that the proposed building and use comply with all the provisions of this Zoning Resolution or the approved Development Plan. No zoning certificate shall be required for any agricultural building to be erected on land presently used for agricultural purposes or for any building incidental to the agricultural use of the land on which said buildings are proposed to be located nor shall a certificate be required for use of land or building or construction of any building used for public utility or railroad purposes.

The Zoning Inspector and all other officials and public employees of Canaan Township vested with the authority to issue permits or certificates shall conform to the provisions of this Zoning Resolution, and shall issue no permit or certificate for any use, building or purpose in conflict with the provisions of this Resolution. Any permit or certificate that is issued in conflict with the provisions of this Resolution shall be null and void.

Section 19.03 - PROCEDURES FOR OBTAINING ZONING CERTIFICATE: No zoning certificate shall be issued by the Township Zoning Inspector until the zoning certificate application shows that the property is being or is to be used in complete conformity with this Zoning Resolution and the Official Zoning Map. In every case where the lot is not served and is not proposed to be served with public water supply and the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Madison County of the proposed method of water supply and disposal of sanitary wastes. No zoning certificate shall be issued by the Township Zoning Inspector until the applicant for said zoning certificate has submitted a plot plan of the area upon which the applicant's use or structure is proposed. Said plan shall show the type of proposed use, structural dimensions at the ground, lot dimensions, side, front and rear yard setbacks, compliance with all applicable development standards and a signed statement that said applicant will conform with all zoning regulations then in force for said area.

Fees for zoning certificates shall be established by the Board of Township Trustees. This fee shall be required generally for each application, and the amount shall be established annually by the Board of Township Trustees.

Section 19.04 - CONDITIONS OF CERTIFICATE: No zoning certificate shall be effective for

more than one (1) year unless the use specified in the permit is implemented in accordance with the approved plans within said period or timetable attached to said plans.

Section 19.05 - CERTIFICATE OF COMPLIANCE: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued therefor by the Zoning Inspector, stating that the proposed use of the building or land conforms to the requirements of this Resolution.

Section 19.06 - TEMPORARY CERTIFICATE OF COMPLIANCE: A temporary certificate of compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion; such permit may be renewed twice at the discretion of the Zoning Inspector.

Section 19.07 - ZONING CERTIFICATE (CHANGE OF USE): No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered except for agricultural purposes, without a zoning certificate being issued by the County Zoning Inspector. No zoning certificate shall be issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Resolution, or unless a variance or special permit has been granted by the Board of Zoning Appeals.

Section 19.08 - NON-CONFORMING USES: Nothing in this Article shall prevent the continuance of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

Section 19.09 - RECORDS: A record of all zoning certificates shall be kept on file in the office of the Township Zoning Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

Section 19.10 - COMPLAINTS: The Zoning Inspector shall investigate all complaints received from residents alleging illegal activity and shall report findings to the Board of Township Trustees. The Inspector may require that all such complaints be submitted in writing.

ARTICLE XX - ZONING COMMISSION

Section 20.01 - TOWNSHIP ZONING COMMISSION: The Canaan Board of Township Trustees have created and established a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the township under this Resolution, to be appointed by the Board of Township Trustees, and the terms of the members shall be five (5) years and so arranged that the term of one (1) member will expire each year. Each member shall serve until his or her successor is appointed and qualified. The Board of Township Trustees may also appoint up to two (2) alternate members of the Zoning Commission to serve on the Commission in the absence of regular members. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees upon written charges being filed with the trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

Section 20.02 - COMPENSATION AND EXPENSES: The members and alternates of the Zoning Commission may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Zoning Commission may, within the limits of monies appropriated by the Board of Township Trustees for the purpose, employ such executives, professionals, technical assistants or other assistants as it deems necessary.

Section 20.03 - FUNCTIONS OF THE TOWNSHIP ZONING COMMISSION: The Township Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the Zoning Commission for the carrying out by the Board of Township Trustees of this Zoning Resolution when requested to do so by the Board of Township Trustees.

The Township Zoning Commission may, within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.

The Township Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.

No Township Trustee shall be employed by the Township Zoning Commission.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies, and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

Section 20.04 - ZONING SECRETARY: To assist in the administration of this Zoning Resolution, the Board of Township Trustees shall appoint a Zoning Secretary whose duty it shall be to maintain township zoning records, confirm information in applications, process all notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the Zoning Inspector, and perform such other duties relating to this Zoning Resolution as the Board of Township Trustees may from time to time direct. The Zoning Secretary shall be compensated at rates set from time to time by the Board of Township Trustees.

Section 20.05 - MEETINGS AND AGENDA OF TOWNSHIP ZONING COMMISSION: The Zoning Commission shall meet as necessary in a public building within the township, and post regular meeting dates on the township's website. Notice and purpose of any special meeting shall

be published in a newspaper of general circulation in the township and on the Canaan Township website, not less than ten (10) days prior to the scheduled meeting. The agenda for such meetings shall be distributed or stated at the outset of the meeting.

Section 20.06 - MINUTES: The minutes of each meeting of the Zoning Commission shall be kept by the Zoning Secretary on file in the Township Office with the other zoning records. Said minutes shall be open for public inspection during commission meetings and by request.

ARTICLE XXI - AMENDMENTS (ZONING CHANGES)

Section 21.01 - AMENDMENTS OR SUPPLEMENTS: This article is intended to be a restatement of Section 519.12 of the Revised Code of Ohio and is adopted herein for the convenience of the citizens of Canaan Township. Any amendments to Section 519.12 adopted by the Ohio Legislature shall be considered adopted herein.

a) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.

b) Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in division a)1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of the hearing.

c) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the township zoning commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

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

- 1) The name of the township zoning commission that will be conducting the hearing;
- 2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
- 5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;
- 6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

- 7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;
- 8) Any other information requested by the commission.

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

- 1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;
- 2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- 3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;
- 4) The name of the person responsible for giving notice of the hearing by publication;
- 5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;
- 6) Any other information requested by the commission.

f) Within five days after the adoption of the motion described in division (a) of this section, the certification of the resolution described in division (a) of this section, or the filing of the application described in division (a) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission, for approval, disapproval, or suggestions. The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment.

g) The township zoning commission, within thirty days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees.

h) The board of township trustees, upon receipt of that recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township, at least ten days before the date of the hearing.

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

- 1) The name of the board of township trustees that will be conducting the hearing;
- 2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed

amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;

- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
- 5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;
- 6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
- 7) Any other information requested by the board.

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

- 1) The name of the board of township trustees that will be conducting the hearing on the proposed amendment;
- 2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- 3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;
- 4) The name of the person responsible for giving notice of the hearing by publication;
- 5) Any other information requested by the board.

k) Within twenty days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall be required.

The proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than fifteen per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the petition is filed.

The petitions, filing, and certification shall be governed by the provisions of Section 519.12 and Section 3501.38 of the Revised Code and as otherwise provided by law. The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as provided in section 519.12 of the Revised Code.

No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

All procedures thereafter shall be in compliance with the requirements of Chapter 519 of the Revised Code.

Section 21.02 - FORM OF APPLICATION: All applications to amend this Resolution and/or the zoning map shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

Section 21.03 - RECORD: On any application for an amendment or supplement to the Zoning Resolution of which the applicant desires a record to be made, the applicant shall give notice to the Secretary of the Zoning Commission or the Township Fiscal Officer, as the case may be, requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten (10) days prior to the scheduled hearing and shall deposit with his request cash in the amount established by the Township Trustees to be used to defray the expenses incurred in making the record. All expenses of transcribing the record shall be borne by the person requesting the preparation of the transcript. In all hearings wherein no timely request has been made for a record, or where a party does not request and pay for an official stenographic transcript, the notes of the Zoning Secretary of the Township Zoning Commission or of the Township Fiscal Officer, as the case may be, shall serve as the sole transcript of such hearing.

Section 21.04 - FEES: The owner or lessee of property filing an application to amend or supplement this Zoning Resolution shall deposit with such application a fee, as cost of advertising, mailing and other expenses. This fee shall be required generally for each application, and the amount of such fee shall be established annually by the Township Trustees.

ARTICLE XXII - BOARD OF ZONING APPEALS

Section 22.01 - BOARD OF ZONING APPEALS: A Township Board of Zoning Appeals is hereby created. Said Board of Zoning Appeals shall be composed of five (5) members who shall be appointed by the Township and who shall be residents of the unincorporated territory of the township included in the area zoned by this Zoning Resolution. The terms of all members shall be arranged so that the term of one (1) member will expire each year. Each member of the Board of Zoning Appeals shall serve until his successor is appointed and qualified. The Board of Township Trustees may also appoint up to two (2) alternate members of the Board of Zoning Appeals for terms to be determined by the Board of Township Trustees to serve on the Board of Zoning Appeals in the absence of regular members. Members of the Board of Zoning Appeals shall be removable for the reasons specified in, and in compliance with, the procedure established in Chapter 519 of the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

Section 22.02 - ORGANIZATION: The Board of Zoning Appeals shall organize, electing a chairman and vice-chairman, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and the Board of Zoning Appeals may compel attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Township Office and shall be public record. Attendance of three (3) members shall constitute a quorum. The Board of Township Trustees, the Township Fiscal Officer and the Zoning Inspector shall be notified in advance of all meetings conducted by the Board.

Section 22.03 - COMPENSATION AND EXPENSES: The members of the Board of Zoning Appeals may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Board of Zoning Appeals may, within the limits of monies appropriated by the Board of Township Trustees for the purpose, employ such executives, professionals, technical assistants and other assistants as it deems necessary.

Section 22.04 - POWERS OF THE BOARD: The Township Board of Zoning Appeals may:

- a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 519.02 to 519.25 of the Revised Code, or of any resolution adopted pursuant thereto.
- b) Authorize upon appeal, in specific cases, such variances from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. The Board of Zoning Appeals shall state whether all of the following conditions are met as required in order to grant a requested variance:
 - 1) A variance is not granted to the applicant ordinarily denied to other persons in the same zone district.
 - 2) The reason for the variance request is not the result of any action, undertaken after the adoption of this Zoning Resolution, of any applicant that creates the need for the variance request.
 - 3) The variance is related to the physical properties of the land, such as topography, lot

shape, soil types, and conditions, natural and man-made drainage courses, and that these conditions do not generally apply to other areas within the same zoning district.

4) That the variance is not of the type generally requested, not recurrent that an amendment to this Zoning Resolution should be submitted rather than the granting of a variance.

c) Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates are provided for in the Zoning Resolution and the conditions listed in the Zoning Resolution have been met.

d) Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated. The Board of Zoning Appeals shall notify the holder of the variance certificate by certified mail, or if the Board has record of an internet identifier of record associated with the holder, by ordinary mail and by that internet identifier of record, of its intent to revoke the variance or certificate under division (d) of this section and of his or her right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law. In exercising the above-mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

e) Permit changes and extensions of non-conforming uses as provided for, and subject to, the requirements in Article XVIII.

Section 22.05 - PROCEDURE ON HEARING APPEALS: Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by ordinary mail to the parties in interest, give notice of such public hearing by one (1) publication in a newspaper of general circulation within the township, and by posting on the township's website, at least ten (10) days prior to the date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.

Section 22.06 - PROCEDURE ON APPLICATION FOR VARIANCE: The Township Board of Zoning Appeals, appointed by the Board of Township Trustees, may upon application, grant such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest.

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situations or conditions of such parcel of property, or of the

use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship, the Board shall have power to authorize a variance from the terms of this Resolution.

a) Public Notice - Written application for a variance shall be made to the Township Zoning Inspector who shall transmit said application to the Board of Zoning Appeals. The Board of Zoning Appeals shall give written notice by ordinary mail to all owners of land within five hundred (500) feet of the exterior boundaries of the land for which a variance is requested. An application for a variance shall be advertised at least once, at least ten (10) days in advance of the time set for the public hearing, in a newspaper of general circulation within the township, and by posting on the township's website.

b) Hearing and Decision - At such hearing the applicant shall present a statement and adequate evidence, in such form as the Township Board of Zoning Appeals may require. If granting such variance the Board shall determine that said variance will not be contrary to the public interest, is justified due to special conditions, that the literal enforcement of the Resolution will result in unnecessary hardship and that the spirit of this Resolution will be observed and substantial justice done. In granting any variance under the provisions of this section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.

c) Form of Application - All applications for variances under this section shall be submitted on such forms as designated and approved by the Board of Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

Section 22.07 - PROCEDURE ON APPLICATION FOR CONDITIONAL USE PERMIT: The owner or lessee of any land or building within a zoning district within the township may apply to the Board of Zoning Appeals for authority to carry out any use designated as a Conditional Use within that district.

a) Application - An application for a Conditional Use Permit shall be submitted on such forms as designated and approved by the Board of Township Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information on said application together with plot plans or drawing as necessary.

b) Hearing - The application shall be transmitted to the Board of Zoning Appeals who shall cause a public hearing to be held.

c) Notice - Notice of the application for a Conditional Use Permit and the hearing thereon shall be given to all property owners within five hundred (500) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition, thereto, one (1) notice of said meeting shall be published in a newspaper of general circulation within the township, and on the township's website, not less than ten (10) days prior to the scheduled hearing.

d) Decision - The Board shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use Permit, it may impose such reasonable conditions as it deems necessary to ensure that the use will be conducted in the best interest of the zoning district.

e) Revocation - The Board of Zoning Appeals may revoke a Conditional Use Permit for failure to comply with the conditions of that permit. The Board shall notify the holder of the permit by certified mail of its intent to revoke the permit and of the holder's right to a hearing before the

Board, within thirty (30) days of the receipt of said notice, if he so requests. In lieu of said certified mail service, service may be made personally by the Township Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and may examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.

Section 22.08 – DELIBERATION AND DECISION OF BOARD: After the closing of the hearing, the Board of Zoning Appeals may deliberate in private, with or without the prosecuting attorney or the township's attorney to the Board, to consider the evidence presented and the applicable law.

The Board of Zoning Appeals shall act in open session by resolution, in which at least three (3) members concur and every action shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for a granting or denying of the request. A copy of the Board's resolution accompanied by the Board's finding of fact shall be mailed to the applicant by ordinary mail.

Section 22.09 - PUBLIC INFORMATION: All communications to members of the Board of Zoning Appeals, written or oral, which shall be reduced to writing pertaining to any matter before the Board, shall be made a part of the record. The record of the Board's proceeding in any matter shall be kept on file in the Township Office, subject to the order of the Madison County Common Pleas Court, and available for inspection by the public.

Section 22.10 - RECORD: For any hearing at which the applicant desires a record to be made, the applicant shall give notice not less than ten (10) days prior to the date scheduled for said hearing to the Zoning Secretary requesting that a court reporter be retained to make such record, and the applicant shall deposit with his request cash in the amount established by the Board of Township Trustees to be used to defray the expenses of making a record. In all hearings wherein no request has been made for a record, the notes of the Secretary of the Board of Zoning Appeals shall serve as the sole transcript of such hearing, unless the Board itself opts to retain the services of a court reporter.

Section 22.11 - FEES TO ACCOMPANY NOTICE OF APPEAL OR APPLICATION FOR VARIANCE OR CONDITIONAL USE: For all actions of the Board of Zoning Appeals the Board of Township Trustees shall establish fees to be deposited with each application. Such fees shall be set annually and shall be required generally for each application to defray the costs of advertising, mailing and other expenses.

ARTICLE XXIII - ENFORCEMENT

Section 23.01 - VIOLATIONS: No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution, or amendment or supplement to such Resolution, adopted by the Board of Township Trustees pursuant to Chapter 519, Ohio Revised Code. Each day's continuation of a violation of this section shall be deemed a separate offense irrespective of whether or not a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.

Section 23.02 - REMEDIES: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Chapter 519, Ohio Revised Code, or of this Zoning Resolution or amendments hereto adopted by the Board of Township Trustees under such Resolution, such Board, the Prosecuting Attorney of the County, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

Section 23.03 - PENALTY: Whoever violates the provisions of this Zoning Resolution and amendments hereto or Chapter 519, Ohio Revised Code, shall be fined not more than five hundred (\$500.00) dollars for each offense or the maximum fine or imprisonment as provided by law, whichever is greater.

ARTICLE XXIV - SEVERABILITY AND REPEAL

Section 24.01 - SEVERABILITY: If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid, and the invalidity of any section, sentence, clauses, or parts of this Zoning Resolution in any one or more instances shall not affect or prejudice in any way the validity of this Zoning Resolution in any other instance.

Section 24.02 - REPEAL: This Zoning Resolution may be repealed only by complying with the requirements of Chapter 519, Ohio Revised Code, as amended.

