

ZONING RESOLUTION

MORGAN TOWNSHIP BUTLER COUNTY, OHIO (Unincorporated Areas)

Adopted November, 1988

by majority vote of electorate

results certified by the Butler County Board of Elections

as provided under Section 303

of the Ohio Revised Code

and as amended through February, 2010

MORGAN TOWNSHIP, BUTLER COUNTY OHIO

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ARTICLE 1 - PURPOSE

1.0 This Resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate and economical provisions for public improvement, all in accordance with a comprehensive plan for the desirable future development of the Township, and to provide a method of administration and to prescribe penalties for the violations of provisions hereafter described-- all as authorized by the provisions of Chapter 519 and the sections thereunder of the Ohio Revised Code.

ARTICLE 2 - TITLE

2.0 This resolution shall be known and may be cited and referred to as the "Morgan Township, Butler County, Ohio, Zoning Resolution."

ARTICLE 3 - INTERPRETATIONS OF STANDARDS

3.0 In their 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 or regulations or resolution, the provisions of this Resolution shall control.

3.1 Any use specifically not provided for in the provisions of this Resolution shall be assumed to be prohibited, unless stated otherwise by the Board of Zoning Appeals.

ARTICLE 4 - DEFINITIONS

4.0 Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Resolution; and words used in the present tense include the future; the singular shall include plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; and the word "shall" is mandatory and not directory.

4.01(s) **Accessory Structure.** A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building. This use or structure cannot be originally used or built for another purpose; this would include, but is not limited to railroad cars, mobile homes, abandoned buildings and semi trailers.

- 4.011(11) Adult Arcade.** An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, computer hardware or software, video cassettes, slides, or other photographic productions which are characterized by the depiction of specified sexual activities or specified anatomical areas.
- 4.012(11) Adult Book/Video Store.** An establishment having more than twenty-five (25) percent of its stock in trade or floor area allocated to, or more than twenty-five (25) percent of its gross receipts derived from books, novelties, videos, computer hardware or software, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- 4.013(11) Adult Cabaret.** A nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
- a. person(s) who appear nude or in a state of nudity or semi-nude; or
 - b. live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - c. films, motion pictures, video cassettes, computer hardware or software, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- 4.014(11) Adult Drive-In Theater.** An outdoor theater, in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for the observation by patrons which may not be located on a parcel of property of less than ten (10) acres.
- 4.015(11) Adult Entertainment.** Any performance by a topless and/or bottomless dancer, stripper or similar entertainer(s), where such performances are characterized by the display or exposure of specified anatomical areas.
- 4.016(11) Adult Entertainment Facility.** Any adult arcade, adult book/video store, adult cabaret, adult drive-in theater, adult mini-motion picture theater,

adult motel, adult motion picture theater, massage establishment, nude model studio, or any other business providing adult material, adult entertainment or adult services.

- 4.017⁽¹¹⁾** **Adult Massage.** A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments in return for any form of consideration.
- 4.018⁽¹¹⁾** **Adult Massage Establishment.** Any establishment having a fixed place of business where massages are administered for any form of consideration. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or massage therapist duly licensed by the State of Ohio, or physical therapist duly licensed by the State of Ohio, nor barbershop or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder.
- 4.019⁽¹¹⁾** **Adult Material.** Any book, magazine, newspaper, pamphlet, poster, print picture, slide, transparency, figure, image, description, motion picture film, video, phonographic record or tape, computer hardware or software, or other tangible thing, that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- 4.0191⁽¹¹⁾** **Adult Mini-Motion Picture Theater.** An enclosed building with a capacity of less than fifty (50) persons where films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- 4.0192⁽¹¹⁾** **Adult Motel.** A motel, hotel, or similar commercial establishment which:
- a. offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

- b. offers sleeping room(s) for rent for a period of time less than ten (10) hours; or
- c. allows a tenant or occupant to sub-rent the sleeping room(s) for a time period of less than ten (10) hours.

4.0193⁽¹¹⁾ Adult Motion Picture Theater. An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.

4.0194⁽¹¹⁾ Adult Nude Model Studio. Any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas, is provided money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

4.0195⁽¹¹⁾ Adult Nude or State of Nudity. The showing, representation, or depiction of human male or female genitals, bare buttock, anus, or the areola or nipple of the female breast with less than a full, opaque covering of any portion thereof below the top of the areola, or of uncovered male genitals in a discernible turgid state.

4.0196⁽¹¹⁾ Adult, Semi-Nude. A state of dress in which clothing covers no more than the genitals, pubic region, the areola of the female breast, as well as portions of the body covered by the supporting straps or devices.

4.0197⁽¹¹⁾ Adult Services. Any service, capable of arousing sexual interest through sight, sound, or touch, and which service is distinguished or characterized by an emphasis on specified sexual activities, specified anatomical areas, sexual excitement, or human bodily functions of elimination.

4.0198⁽¹¹⁾ Adult, Specified Anatomical Areas. Less than completely and opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola, and human male genitals in a discernible turgid state even if completely and opaquely covered.

4.0199⁽¹¹⁾ Adult, Specified Sexual Activities. Human genitals in a state of sexual stimulation or arousal; human acts, real or simulated, of masturbation, sexual intercourse, sodomy, cunnilingus or fellatio; fondling or other erotic touching of human genitals, pubic region, buttock or female breasts; bestiality.

4.02⁽¹⁾ Agriculture. The use of the land for agricultural purposes,

including farming, dairying, pasturage, apiculture, aquaculture, horticulture, floriculture, 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 and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

- 4.03 Alley.** A public or private way not more than thirty (30) feet wide affording a secondary means of access to abutting property.
- 4.031⁽¹⁾ Animal.** Any two (2) or four (4) footed living being other than man; especially any four (4) footed animals which can move about by themselves.
- 4.04 Basement.** A story whose floor is more than twelve (12) inches, but not more than half of its story height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half below such level). A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, as a half-story for purposes of side yard determination.
- 4.05 Beginning of Construction.** The incorporation of labor and material within the walls of the building or buildings.
- 4.06⁽¹⁶⁾ Billboard or Signboard.** A permanent off-premise sign erected, maintained or used in the outdoor environment for the purpose of providing copy area for commercial or non-commercial messages.
- 4.07 Board.** The Board of Zoning Appeals of Morgan Township, Butler County, Ohio.
- 4.08 Boarding or Lodging House.** A dwelling or part thereof where meals and/or lodging are provided, for compensation, for persons not transients.
- 4.09 Building.** Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.
- 4.10 Building, Height of.** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the main height level between eaves and ridge for gable, hip or gambrel roofs.
- 4.11 Cellar.** A story the floor of which is more than one-half (1/2) of its story height below the average contact ground level at the exterior walls of the

building. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

- 4.111(9) Clear and Convincing Evidence.** A measure of proof which will produce a firm belief as to the truth of allegation sought to be established.
- 4.12 Commission, Planning.** County Planning Commission of Butler County, Ohio.
- 4.13 Commission, Zoning.** Morgan Township Zoning Commission.
- 4.131 (25) Condominium:** a form of real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to ORC 5311.01 and under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property.
- 4.14 Court.** An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.
- 4.141 Court, Outer.** A court which extends directly to and opens for its full length on a street, or other permanent open space or yard at least twenty-five (25) feet wide.
- 4.15 District.** The entire unincorporated area of Morgan Township, Butler County, Ohio within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance. The term "R-District" shall mean any R-E, R-1, R-1A, R-2, R-3, R-4 or R-PUD District; the term "B-District" shall mean any B-1, B-2, or B-3 District; the term "M-District" shall mean any M-1 or M-2 District.
- 4.151 District, More Restricted or Less Restricted.** Each of the districts in the following listing shall be deemed to more restricted than any of the other districts succeeding it, and each shall be deemed to be less restricted than any of the other Districts preceding it: R-E, R-1, R-1A, R-2, R-3, R-4, R-PUD, R-MHP, A-1, B-1, B-2, B-3, M-1, M-2, F-1.
- 4.16 Dwelling.** Any building or portion thereof designed or used as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, or a room in a hotel or motel.
- 4.161 Dwelling, Single Family.** A building designed for or used exclusively for residence purposes by one family or housekeeping unit.

- 4.162 Dwelling, Two Family.** A building designed or used exclusively by two families or housekeeping units.
- 4.163 Dwelling, Multi-Family.** A building or portion thereof designed for or used by three or more families or housekeeping units.
- 4.164 Dwelling, Unit.** One room or suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one (1) kitchen or kitchenette.
- 4.165 Dwelling Group.** A group of two (2) or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
- 4.17 Family.** A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit, lodging house, motel or hotel, fraternity or sorority house. Five or more persons living together not related by blood or marriage shall not be considered a family.
- 4.18 Flood Plain.** Lands in Morgan Township as delineated on the official Morgan Township Zoning Map.
- 4.19 Garage, Private.** A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the families resident upon the premises; provided that not more than one-half (1/2) of the space may be rented for private passenger vehicles of persons not resident on the premises, except that all of the space in a garage of one or two car capacity may be so rented; and provided that, except on farms, such garage shall not be used for the storage of more than one (1) commercial vehicle of greater than one and one-half (1 1/2) ton rated capacity per family resident upon the premises.
- 4.20 Garage, Public.** A structure or portion thereof, other than a private garage used for the storage, sale, hire, care, repair or refinished of self-propelled vehicles or trailers; except that a structure or part thereof used only for the storage or salvaged house wrecking and structural steel materials and equipment; but not including such places where uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.
- 4.21 Kennel.** Any structure or premises on which five (5) or more dogs and/or cats over five (5) months of age are kept.

- 4.23 Land Use Plan.** The long-range plan for the desirable use of land in Morgan Township and as amended from time to time, by the Planning Commission; the purpose of such plan being, among other purposes, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs, in the appropriate subdividing and development of undeveloped land, and in the acquisition of rights-of-way or sites for such public facilities as streets, parks, schools, and other public buildings.
- 4.24 Lot.** A piece or parcel or tract of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Resolution, and having frontage on a public street.
- 4.241 Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one-hundred thirty-five (135) degrees. The point of intersection of the street lines is the "corner".
- 4.242 Lot, Interior.** A lot other than a corner lot.
- 4.243(6) Lot, Frontage.** That portion of a lot running along the right-of-way line of any adjoining unlimited access thoroughfare. Where the lot is located on a curve in the road, the lot frontage shall be measured along the curved right-of-way line.
- 4.244 Lot, Area.** The computed area contained within the lot lines.
- 4.245 Lot, Depth.** The mean horizontal distance between the front and rear lot lines.
- 4.246 Lot, Lines.** The property lines bounding the lot.
- 4.2461 Lot Line, Front.** The line separating the lot from a street.
- 4.2462 Lot Line, Rear.** The lot line opposite and most distant from the front lot line.
- 4.2463 Lot Line, Side.** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

- 4.2464** **Lot Line, Street or Alley.** A lot line separating the lot from a street or alley.
- 4.247** **Lot Width.** The mean width of the lot measured at right angles to its depth.
- 4.25** **Primary or Secondary Highway.** An officially designed Federal or State numbered highway or county or other road designated as a primary thoroughfare on the official Thoroughfare Plan, or a county or other road designated as a secondary thoroughfare on said Plan, respectively.
- 4.26** **Mobile Home.** Any vehicle or mobile structure more than thirty (30) feet long, on wheels, skids, rollers, or blocks designed to be pulled, pushed, or carried by a motor vehicle on a highway, and designed for living as a one-family dwelling or commercial purposes, complete and ready for occupancy as such except for minor and incidental unpacking and assembly operations, location on permanent foundations, connections to utilities, and the like.
- 4.27** **Mobile Home Park.** An area of land divided into six (6) or more sites with foundations laid out to provide sites for mobile homes permanently affixed to the land for a period of time exceeding sixty (60) days; including any building or structure, fixture or equipment that is used or intended to be used in connection with providing that accommodation, including provision of sewer, water, electric and any other similar facilities required to permit occupancy of such mobile home parks thereon.
- 4.271** **Modular Unit.** A structure intended for residential or business use which has been wholly or substantially factory-assembled, which is intended to be secured to a permanent foundation, which meets the state and county building codes, and which carries an "industrialized unit certificate" as proof of approval by the Board of Building Standards. Mobile homes and/or house trailers do not qualify as approved modular units.
- 4.28(23)** **Motel.** A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests.
- 4.281(23)** **Motor hotel.** A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests.
- 4.29** **Non-Conforming Use.** A building, structure or premises legally existing and/or used at the time of adoption of this Resolution, or any amendment thereto, and which does not conform with the use regulations of the district in which it is located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards or

courts, or distance requirements from more restricted districts or uses, shall not be considered a non-conforming use.

- 4.30 Parking Area, Private.** An open area for the same uses as a private garage.
- 4.31 Parking Area, Public.** An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
- 4.32 Parking Space.** A permanently surfaced area of not less than one hundred sixty (160) square feet, either with a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.
- 4.321 Penal or Corrective Institutions.** Any building, dwelling or dwelling unit, boarding or lodging house, day care center, group home, half-way house, hospital, motel, nursing home, rest home or other structure used for the housing or care of one or more persons who are either:
- 1) in the custody or control of the Ohio Department of Rehabilitation and Correction, or similar agency of another state, by virtue of sentence for commission of crime(s) or other order of court;
 - 2) in the custody or control of the Ohio Department of Youth Services, or a similar agency of another state, by virtue of commitment by a juvenile division of a court of common pleas, or a court of competent jurisdiction of another state, because such person(s) has been found to have committed any act(s) that would constitute a crime if committed by an adult;
 - 3) subject to placement in any facility by order of detention prior to disposition by, or by disposition order of, a juvenile division of a court of common pleas, or a court of competent jurisdiction of another state, because such person(s) has been found to have committed any act(s) that would constitute a crime if committed by an adult.
- 4.33 Planned Unit Development.** An area of land in which a variety of housing types 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 this Resolution. The conditions for approval of such development contains a two-step procedure in addition to requirements of the standard subdivision including the review and approval of the Preliminary PUD plan and subsequent detailed Final PUD Plan(s).
- 4.34 Road.** See "Street".

- 4.35 Roadside Stand.** A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which a stand is located.
- 4.36 Row House.** See "Town House".
- 4.361 School, Primary, Secondary, College, or University.** Any primary, secondary, college, or university school having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for a general academic education, under the supervision of, and in accordance with, the applicable statutes of the State of Ohio.
- 4.37 Stable, Private.** A stable with a capacity of not more than five (5) horses, cows, or similar animals.
- 4.38 Story.** That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
- 4.381 Story, Half.** A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.
- 4.382 Story, First.** The lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker and his/her family, shall be deemed the first story.
- 4.39 Street.** A public right-of-way sixty (60) feet or more in width which provides means of access to abutting property, or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Resolution. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
- 4.40 Structure.** Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.
- 4.401⁽¹²⁾ Structure, Special Class.** Fences and walls constitute a special class of structure regulated under Sections 6.19, 6.20 and 6.21.

- 4.41 Structural Alteration.** Any change in the structural members of a building, such as walls, columns, beams or girders.
- 4.42 Thoroughfare Plan.** The official Thoroughfare Plan as adopted, and as amended from time to time, by the Planning Commission of Butler County, Ohio, establishing the general location and official right-of-way widths of the primary and secondary highways and thoroughfares in Butler County, on file in the office of the County Recorder and the County Planning Commission.
- 4.43 Tourist Home.** A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.
- 4.44 Town House.** A structure containing three (3) or more attached single-family dwellings in a continuous row, each such dwelling designed and erected as a unit on an individual lot and separated from adjoining units by an approved masonry wall or walls.
- 4.45 Travel Trailers.** Any vehicle or mobile structure less than thirty (30) feet long which is designed for highway travel on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by motor vehicle; and any house car, camp car, "piggy-back" camper, or self-propelled motor vehicle which is designed for sleeping or commercial purposes, complete and ready for occupancy as such except for minor and incidental unpacking and assembly operations, location on jacks, connections to utilities, and the like.
- 4.46 Travel Trailer Park.** An area of land containing two (2) or more travel trailers harbored or parked or intended to be harbored or parked for a period of sixty (60) days or less, either free of charge or for remuneration purposes, and shall include any building, structure, tent, vehicle or enclosure, used or intended for use as a part of the equipment of such park, and providing sewer, water, electric or other similar facilities required to permit occupancy of such travel trailers.
- 4.47 Trustee.** Township Trustees of Morgan Township, Butler County, Ohio.
- 4.48 Use, First Permitted in "X" District.** A use which in the sequence of successively less restricted districts occurs as a permitted use for the first time in the "X" district.
- 4.49 Use, Transitional.** A use of land or building located or permitted to be located on certain lots abutting a zoning line in the more restricted of the two different zoning districts on either side of such boundary line in accordance with the provisions of Section 6.11 of this Resolution which

use is not among the uses generally permitted in other locations in said more restricted district.

- 4.50 Yard, Front.** An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward as hereinafter specified.
- 4.501 Front Yard, Least Depth.** The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the front lot line.
- 4.502 Front Yard, Least Depth, How Measured.** Such depth shall be measured from the right -of-way line of the existing street on which the lot fronts (the front lot line); provided however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said thoroughfare plan.
- 4.51 Yard, Rear.** An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.
- 4.511 Rear Yard, Least Depth.** The shortest distance measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the rear lot line.
- 4.52 Yard, Side.** An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.
- 4.521 Side Yard, Least Width.** The shortest distance, measured horizontally between any part of a building, other than such parts hereinafter excepted, and the nearest side lot line.
- 4.5211 Side Yard, Least Width, How Measured.** Such widths shall be measured from the nearest side lot line and, in the case of the nearest lot line is a side street lot line from the right-of-way line of the existing street; provided, however , that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designed on the Thoroughfare Plan.
- 4.5212(9)(20) Telecommunications Alternative Tower Structure.** An alternative design mounting structure that is used to camouflage or conceal the

presence of antenna or towers, including man-made trees, clock towers, bell steeples or light poles.

- 4.5213(9)(20) Telecommunications Antenna.** Any exterior apparatus designed for telephonic, radio, television, or other electronic communications, through the transmission, relay or receiving of electromagnetic waves.
- 4.5214(9)(20) Telecommunications Co-Location.** The process of providing space for more than one user within a facility or on a tower, or the act of placing new or additional wireless and cellular equipment on existing antenna or towers.
- 4.5215(9)(20) Telecommunications Equipment Building.** Any structure located on a tower site which houses the electronic transmitting, receiving or relay equipment for a wireless and cellular telecommunication facility.
- 4.5216(9)(20) Telecommunications Height.** The distance measured from the ground to the highest point on a tower, structure or antenna.
- 4.5217(9)(20) Telecommunications Equipment.** Any antenna, satellite dish, communication device or equipment which is used for transmitting, - relaying or receiving communication signals, except equipment preempted from regulations by the Telecommunications Act of 1996 (P.L. 104-104), as amended.
- 4.5218(9)(20) Telecommunication Facilities.** Any cables, wire, lines, wave guides, antenna, equipment or structures associated with the transmission or reception of communications as authorized by the Federal Communications Commission (FCC) which an applicant seeks to locate, or has installed, upon a tower or existing structure.
- 4.5219(9)(20) Telecommunications Towers.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self-supporting lattice towers, guy towers, monopole towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.
- 4.53 Zoning Administrator or Zoning Inspector.** The Zoning Administrator or his authorized representative appointed by the Trustees of Morgan Township, Butler County, Ohio.
- 4.54 Zoning Map.** The Zoning Map or Maps of Morgan Township, Butler County, Ohio, together with all amendments subsequently adopted.
- 4.55 Zoning Certificate.** A document issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this

Resolution and for the purpose of carrying out and enforcing its provisions.

ARTICLE 5 - DISTRICTS AND BOUNDARIES THEREOF

5.0 For the purpose of this Resolution the unincorporated territory of Morgan Township, Butler County, Ohio, is hereby divided into the following categories of zoning districts:

- A-1 - "Agricultural District"
- R-E - "Residential Estate District"
- R-1 - "Suburban Residence District"
- R-1A - "Suburban Residence District"
- R-2 - "Single-Family Residence District"
- R-3 - "One and Two Family Residence District"
- R-4 - "Multi-Family Residence District"
- R-PUD - "Planned Unit Development District"
- R-MHP - "Mobile Home Park District"
- B-1 - "Neighborhood Business District"
- B-2 - "Community Business District"
- B-3 - "General Business District"
- M-1 - "Light Industrial District"
- M-2 - "General Industrial District"
- F-1 - "Flood Plain District"

5.1 The boundaries of these districts are hereby established as shown on the Zoning Map or Maps of the unincorporated territory of Morgan Township, which map or maps are hereby made a part of this Resolution. The said Zoning Map or maps and all notations and reference and other matters shown thereon, shall be and are hereby made part of this Resolution. Said Zoning Map or Maps, properly attested, shall be and remain on file in the office of the Zoning Administrator, Township Trustees and Morgan Township Zoning Commission.

5.2 Except where referenced on said map to a street line or other designated line by dimensions shown on said map or maps, the district boundary lines are intended to follow property lines, lot lines or the center lines of streets or alleys as they existed at the time of the adoption of this Resolution; but where a district line obviously does not coincide with the property lines, lot lines or such center lines or where it is not designated by dimensions, it shall be deemed to be One Hundred Twenty (120) feet back from the nearest street line in case it is drawn parallel with a street line or its location shall be determined by scaling in other cases.

- 5.3 Where a district boundary line as established in this Section or as shown on the Zoning Map or Maps divides a lot which was in a single ownership and of record at the time of enactment of this Resolution, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this Resolution shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within fifty (50) feet of said dividing district boundary lines. The use so extended shall be deemed to be conforming.
- 5.4 Questions concerning the exact location of a district boundary line shall be determined by the Board as provided in subsection 21.412 and in accordance with rules and regulations which may be adopted by it.
- 5.5 Whenever any street or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such public way shall be automatically extended depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.
- 5.6 In every case where territory has not been specifically included within a district or where territory becomes a part of the unincorporated area of Morgan Township by the disincorporation of any village, town, city, or portion thereof, such territory shall automatically be classified as an R-1 District, until otherwise classified.

ARTICLE 6 - GENERAL PROVISIONS

- 6.01 **Conformance Required.** Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein, specified for the District in which it is located.
- 6.011⁽²²⁾ **Article omitted in entirety**
- 6.02 **Continuing Existing Uses.** Except as hereinafter specified, any use, building or structures, existing at the time of the enactment of this Resolution may be continued, even though such use, building or structure may not conform with the provisions of this Resolution for the District in which it is located.
- 6.03⁽⁷⁾ **Agriculture.** Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental 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.

- 6.04(9)(20)(24) Public Utilities and Railroads.** Nothing contained in this Resolution 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, railroad or communication system for the operation of its business, but a Zoning Certificate for such use, structure and building shall be required and subject to Section 19.2 if applicable. Telecommunication facilities are considered public utilities except in R-E, R-1, R-1A, R-2, R-3, R-4, R-PUD and R-MHP Districts in Morgan Township and are regulated by Section 21.4115 of this Resolution. Upon application by any public utility or railroad for a Zoning Certificate, the Zoning Administrator shall approve or disapprove the application. The applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals, pursuant to Section 21.32 in the zoning resolution).
- 6.05 Retail Establishments and Places of Entertainment.** Nothing contained in this Resolution shall prohibit the use of any land for the construction of a building, or the reconstruction, change, alteration, maintenance, enlargement or use of any building for the maintenance and operation of any mercantile or retail establishment, drug store, hotel, lunch room, or restaurant, or place of entertainment in any area zoned for trade or industry, but a Zoning Certificate for such uses shall be required in accordance with the provisions of this Resolution.
- 6.06 Outdoor Advertising.** Outdoor advertising shall be classified as a business use and shall be permitted in all districts zoned for industry and business, trade or lands used for agricultural purposes, subject to the provisions of Section 18.3 and the applicable district regulations.
- 6.07 Flood Plain District.** Nothing herein provided shall be so construed as to prohibit the owner of lands within any "F-1" District from lawfully filling, draining, constructing levees or otherwise improving his land, so as to eliminate or reduce the danger of flood or erosion. The Board shall determine the type and height of any material used.
- 6.08 Non-Conforming Uses or Buildings.** No existing building or premises devoted to a use not permitted by this Resolution in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in

the district in which such building or premises is located, and except as follows:

6.081 Substitution or Extension

6.0811 When authorized by the Board, in accordance with the provisions of subsection 21.411, the substitution for a non-conforming use of another non-conforming use or an extension of a non-conforming use may be made.

6.0812 Whenever non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

6.0813 When authorized by the Board, in accordance with the provisions of subsection 21.411, the extension or completion of a building devoted to a non-conforming use upon a lot occupied by such building, or on a lot adjoining, may be made provided use of such building became non-conforming as a result of enactment of this resolution or subsequent adoption of amendments to this resolution.

6.0814 When authorized by the Board in accordance with the provisions of subsection 21.411, a non-conforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the date when such use or such building became non-conforming, if no structural alterations, except those required by law, are made therein.

6.082 Discontinuance. No building, structure or premises where a non-conforming use has ceased for two (2) years or more shall again be put to a non-conforming use.

6.083 Replacing Damaged Buildings. Any non-conforming building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot or other calamity or Act of God may be restored or reconstructed and used as before such happening, provided that the reconstruction or repair be started within twelve (12) months and completed within twenty-four (24) months of such happening and building size not increased.

6.084 Repairs and Alterations. Such repairs and maintenance work as required to keep it in sound condition may be made to a non-conforming building or structure, provided no structural alterations shall be made except such as are required by law or authorized by the Board.

6.09 Conversion of Dwellings. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a

district in which a new building for similar occupancy would be permitted under this Resolution, and only when the resulting occupancy will comply with the requirements governing new construction in such district.

6.10 Yard Requirements Along Zoning Boundary Line in the Less Restricted Districts. Along any zoning boundary line, on a lot adjoining such boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this Resolution, shall have a minimum width and depth equal to the average of the required minimum widths or depths for such side yards, rear yard or courts in the two districts on either side of such zoning boundary line. In cases where the height of a proposed structure on such lot in the less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum width or depth of the side yard, rear yard, or court for such structure shall be determined by increasing the minimum width or depth required for the highest structure permitted in such more restricted district by one (1) foot for each two (2) feet by which the proposed structure exceeds the maximum height permitted in said more restricted district.

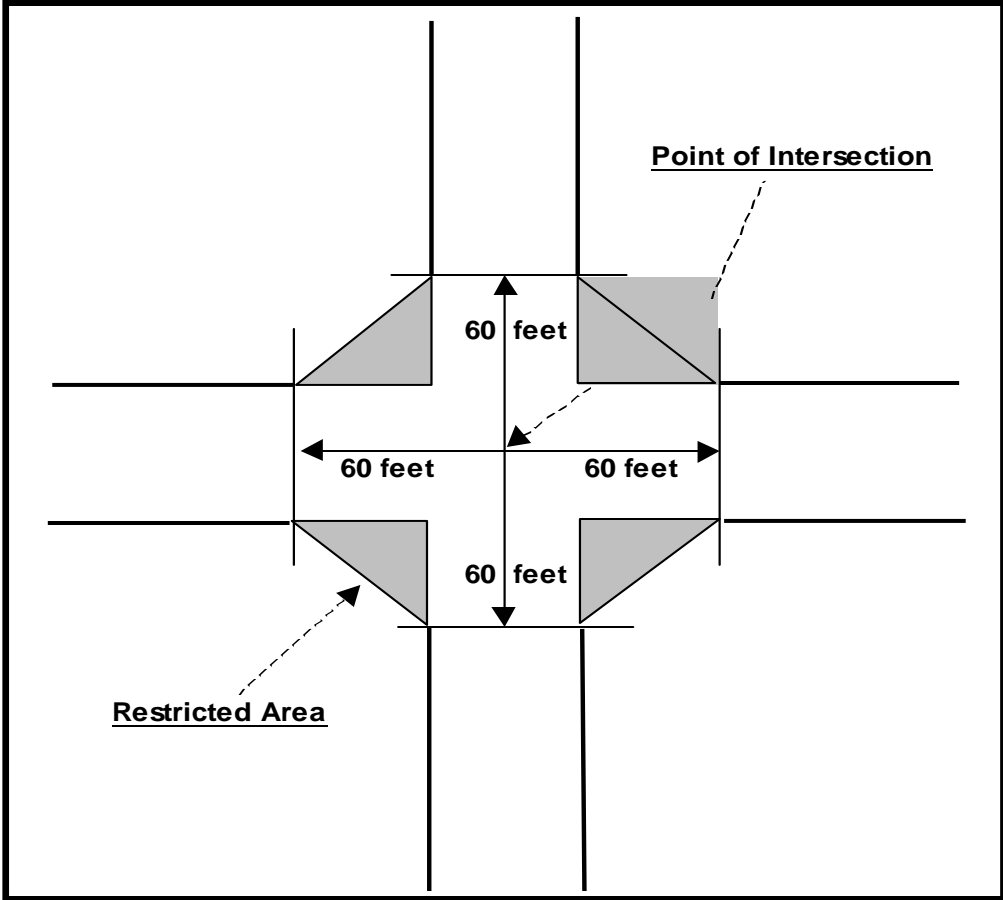
6.11 Accessory Buildings in R-Districts

6.111 An accessory building may be erected detached from the principal building, except when a stable may be erected as an integral part of the principal building, or it may be connected therewith by a breezeway or similar structure. No accessory building shall be erected in any required yard or court, except a rear yard and shall not occupy more than thirty-five (35) per cent of a required rear yard. Accessory buildings shall be distant at least six (6) feet from any dwelling situated on the same lot, unless an integral part thereof, at least six (6) feet from any other accessory building and at least three (3) feet from all lot lines of adjoining lots which are in an R-District or recorded residential subdivision.

6.112 In any R-District or recorded residential subdivision, where a corner lot adjoins in the rear of a lot fronting on the side street and located in an R-District or recorded residential subdivision, no part of an accessory building on such corner lot within twenty-five (25) feet of a common lot line shall be nearer a side street lot line than the least depth of front yard required along such side street for a dwelling on such adjoining lot, and in no case shall any part of such accessory building be nearer to the side street lot line than the least width of the side yard required for the principal building to which it is accessory.

- 6.113** An accessory building if not located in the rear yard shall be an integral part of, or connected with, the principal building to which it is accessory, and shall be so placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as said accessory building.
- 6.12** **Street Frontage Required.** Except as permitted by other provisions of this Resolution, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least sixty-five (65) feet on a street; and there shall be not more than one single-family dwelling for such frontage.
- 6.121** ⁽²⁶⁾ **Land-locked Lots.** A one-family detached dwelling may be constructed on any land-locked lot that was a lot of official record prior to November 28th 1988, if: 1) the lot has a recorded permanent easement of a minimum of 10 (ten) feet in width to facilitate ingress/egress, 2) the driveway or private road upon the easement can accommodate emergency vehicles, and 3) the dwelling constructed upon the lot meets all other requirements and regulations set forth in this Resolution. (For purposes of this section, a "land-locked lot" is defined as a lot that has no frontage on a public road, has no frontage on a private drive as described in Section 7.029 and has no recorded permanent easement).
Note: Any decision by the Zoning Administrator can be appealed to the Board of Zoning Appeals.
- 6.13**⁽¹⁶⁾ **Visibility at Intersections:** No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the pavement centerline and a line connecting them at points sixty (60) feet from the intersection of the pavement centerlines, except that street trees are permitted which are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers. See Following Illustration:

VISIBILITY AT INTERSECTIONS



6.14 Court Requirements

6.141 Where a court is provided for the purpose of furnishing light and air to rooms, such court shall be an outer court, the least dimensions of which shall be as follows:

6.1411 Least Width: Sum of heights of building opposite one another, but less than fifty (50) feet.

6.1412 Least Length: One and one-half (1 1/2) times the width.

6.15 Required Area of Space Cannot be Reduced

6.151 No lot, yard, court, parking or other space shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this Resolution; and, if already less than the minimum required by this Resolution, said area or dimension shall not be further reduced. No part of a yard, court, parking area, or other space provided about, or for, any building or structure for purpose of complying with the

provisions of this Resolution, shall be included as part of a yard, court, parking area or other space required under the Resolution for another building or structure.

- 6.16 Off-Street Parking and Loading.** In any district, spaces for off-street parking and for loading or unloading, shall be provided in accordance with the provisions of Section 18.1 of this Resolution.
- 6.17 Unsafe Buildings.** Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.
- 6.18 Pending Applications for Building Permits.** Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion, except for reasons beyond the builders' control.
- 6.19⁽¹²⁾** Fences and walls may be located in the required yards of residential lots as follows:
- a.** If not exceeding four (4) feet in height at any point above the surface of the ground, the fence or wall may be located anywhere within the lot, including up to the lot line, subject to highway right-of-way.
 - b.** If not exceeding six (6) feet in height above the surface of the ground, the fence or wall may be located in any rear yard and/or side yard, beginning not further forward than the front of the residence. The fence or wall could be located anywhere in the approved portion of the lot, including up to the lot line, subject to highway right-of-way.
 - c.** Fences shall be of approved materials and shall be kept in good repair and appearance. Approved materials shall consist of any material not specifically prohibited. The use of barbed wire, electrical, or similar type fences shall be prohibited. Fences shall be constructed with the posts or other supporting structure on the inside face of the fence. The finished side shall be on the side visible from outside the lot.

- d. On a corner lot the property is interpreted to contain two front yards, being those yards which border the streets, and two side yards, being those yards which border the adjacent lots. To facilitate traffic safety, any fence greater than four (4) feet in height shall be placed as follows:
 - 1. In the actual front yard, being the yard from which the main entry door of the house is accessed, no farther forward than the front of the house in the first side yard, and no farther forward than the rear of the house in the second front yard.
 - 2. In the side yard bordering the street, which is considered the second front yard, no closer to the right-of-way than thirty (30) feet.
 - 3. In the first side yard, being the traditional side yard, the fence may be placed anywhere up to the lot line and extend no farther forward than the front of the house.
 - 4. In the second side yard, being the traditional back yard, the fence may be placed anywhere up to the lot line and shall extend no closer to the street than thirty (30) feet.
- e. Any swimming pool, or that portion of the property on which it is located, shall be so walled or fenced, by approved materials, and using approved construction, a minimum of four (4) feet high, so as to prevent uncontrolled access. If the pool is located in the front yard of the residence forward of the front of the residence, the fence shall be a maximum of four (4) feet high. Any lighting used to illuminate the pool area shall be arranged so as to deflect the light from adjoining properties.

6.20(12) Fences and walls may be located in the Business and Industrial lots as follows:

- a. Anywhere within a lot or within the required yards of the lot, including up to the lot line, subject to highway right-of-way.
- b. Fences shall be of approved materials and shall be kept in good repair and appearance. Approved materials shall consist of any material not specifically prohibited. Barbed wire shall be used only six (6) feet or more above the ground surface. Fences shall be constructed with the posts or other supporting structure on

the inside face of the fence. The finished side shall be on the side visible from outside the lot.

6.21(12) The following sections of this Resolution may contain additional requirements or restrictions on the location or construction of fences or walls: 4.44; 6.13; 6.19; 6.20; 8.032; 8A.032; 9.032; 10.032; 11.032;14.036; 16.052; 17.0218; 18.114; 18.125 a. and b.; 18.13 c.; 18.65 b.; 18.71 c.

ARTICLE 7 – A-1 AGRICULTURAL DISTRICT

7.01 Purpose. The intent of the A-1 Agricultural District is to reserve land exclusively for agricultural cultivation, very low density residential development and other activities that are basically rural in character so that agricultural areas may be protected from haphazard encroachment by urban development.

7.02 Principal Permitted Uses

7.021(1) Agriculture and farms, including any customary agricultural use, building, or structure, farming, dairying, pasturage, apiculture, aquaculture, horticulture, floriculture, viticulture, animal or poultry husbandry, nurseries and greenhouses not including garden stores or supply centers. _On any parcel less than five (5) acres one (1) animal unit per acre is allowed. (excluded are household pet dogs and/or cats, to limits as outlined in Article 4.21.) A building in which five (5) or less farm animals, not including fowl or rabbits which shall be penned, shall be located not less than seventy-five (75) feet from any other lot in any R-District, recorded residential subdivision or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care not located on the same lot as the said uses or buildings. Buildings in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision.

7.022(23) One-family and two-family dwellings. No more than one dwelling shall be permitted on a single lot.

7.023 Churches, and other similar places of worship.

7.024 Schools and colleges located not less than fifty (50) feet from any lot in an R-District, or a recorded residential subdivision.

7.025 Neighborhood and community parkland, open spaces; provided that any principal building or swimming pool shall be located not less than one

hundred (100) feet from any lot in an R-District, or a recorded residential subdivision.

- 7.0251(1)** Public buildings and properties of an administrative, cultural, recreational, or service type, not including repair garages, storage or repair yards or warehouses, provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any district, or a recorded residential subdivision.
- 7.026(9)(20)** Public utilities or railroad structure are subject to the provisions specified in Section 6.04
- 7.027** Outdoor advertising signs and billboards; subject to the provisions specified in Section 18.3.
- 7.028** Kennels and riding stables; provided that any building or enclosure in which fowl or animals are kept shall comply with the distance requirements in subsection 7.051.
- 7.029(8)** **Private Drive Developments.**
- 7.0291(8)** A Private Drive Development is a parcel of land being no less than twelve (12) acres in size, which is developed according to the following requirements:
- 7.0292(8)** **Design Standards.**
- 7.02921(8)** All Private Drive Developments shall be approved by a Professional Engineer, licensed by the State of Ohio. There shall be no requirements to provide curb and gutter or sidewalks. Appropriate contouring of the private drive is required so as to allow for proper drainage of surface water to ensure safety and maintenance of the private drive and building lots adjacent thereto.
- 7.02922(8)(13)** All Private and Branch Drives in a Private Drive Development, shall maintain a minimum easement of sixty (60) feet in width, and the improved portion of the Private and/or Branch drives shall be a minimum of sixteen (16) feet in width. The Private Drive shall be a minimum of four-hundred (400) feet in length terminating in a cul-de-sac with a maximum of three (3) lots only, on the ball of the cul-de-sac. The required cul-de-sac shall have a ball of no less than forty (40) feet in radius.
- 7.02923(8)** A Private Drive shall be constructed in accordance with the "Typical Cross Sections For Private Drives in Morgan Township", found in section 7.3 of this Resolution.

7.02924(8) A Private Drive and all Branch Drives intersecting must have Drive or Branch names and there must be an address for each lot, assigned by the office of the County Engineer. The Drive name must be posted at the intersection of the Private Drive and the public road, or in the case of Branch Drives the sign shall be at the intersection of the Private Drive and the Branch Drive. Each lot or residence must display its address in a manner which can be identified from the Private Drive or the Branch Drive passing in front of it.

7.02925(8) In the event a Private Drive Development is established whereby there already exists one or more dwellings, residences/homes or structures, the land/lot upon which those dwellings residences/homes or structures remain after the design of the Private Drive Development is complete must be configured according to one of the two following scenarios:

- a. Either the existing dwellings, residences/homes or structures must be divided from the Private Drive Development in a manner so as to meet all acreage, setback, frontage and other requirements for the A-1 District, and shall not be included as any part of the Private Drive Development, thus requiring frontage on a public road;
- b. Or, the existing dwellings, residences/homes or structures must be divided as part of the Private Drive Development and meet all acreage, setback, frontage and all other provisions of the Private Drive Development requirements of this Resolution.

7.02926(8) The minimum lot size allowed in a Private Drive Development shall be 130,680 square feet (three acres), and the minimum number of lots allowed in the Private Drive Development shall be four (4).

7.02927(8) No Private Drive Development shall be permitted to cross a stream, creek, or any body of water flowing or impounded which would result in a span of ten (10) feet in length or longer unless such span or bridge is approved by a Professional Engineer licensed by the State of Ohio to meet load and capacity design standards of Butler County.

7.02928(8) A water (fire) hydrant shall be located at the beginning of the Private Drive, if public water is available in the area, which shall consist of the same size line but no larger than 6 inches, as provided by the public water system. A hydrant shall be required at the intersection of the Private Drive and each Branch Drive. If the service line to the Private Drive is three (3) inches or less then water hydrants shall not be required.

7.0293(8) **Homeowner's Association Minimum Requirements.**

7.02931(8) (23) Accompanying a request to the Zoning Administrator for the issuance of a Private Drive Development Zoning Certificate shall be a certified copy of Homeowners' Association Rules and Regulations that has been recorded with the Butler County Records office. Such Document shall be prepared by an attorney licensed by the State of Ohio and shall include the minimum powers of the Association for the maintenance and repair of the Private Drive, including specifics on assessment and collection of funds from the owners of record of the lots in the Private Drive Development, and the percentage applied to each lot for this purpose. Also included in the Document shall be assignment of responsibility for maintenance of appropriate Drive and Branch name signs as required in 7.02924.

7.02932(8) The Private Drive Development is required, through the Homeowner's Association, to keep current a listing of the names and addresses of all occupants of the Private Drive Development with the Morgan Township Fire Department and Life Squad, so as to facilitate provision of these services to the residents.

7.02933(8) There shall be provision in the Homeowner's Association Rules and Regulations for legally titling the Private Drive and any Branch Drives to the Homeowner's Association at such time as the developer has transferred title to 50% of the lots in the Development, from which time the Homeowner's Association shall become responsible for the maintenance of the Private Drive and any Branch Drives. Provision shall also be made in the Homeowner's Association Rules and Regulations for that Association to legally assess funds from the owners of the lots served by the Private Drive, including lots still owned by the developer or a builder, to maintain the drive, and to ensure that free access is provided to all such lots by emergency vehicles. Included in the Rules and Regulations shall be acknowledgment that if at any time the condition of the Private or Branch Drive is allowed to deteriorate to the point that, in the opinion of the Morgan Township Fire Chief, the Drive is unsafe for emergency vehicles to use, the residents of the Private Drive will be notified that fire, life squad and other emergency service provided by the township may be curtailed until such time as the Private Drive is repaired to a safe condition; and that no such termination shall be imposed without the knowledge and consent of the Morgan Township Board of Trustees; and such notice shall precede any termination of services by at least six (6) months.

7.0294(8) **Other Requirements.**

7.02941(8) All lots in a Private Drive Development are restricted to single family dwellings, with one dwelling per lot.

- 7.02942(8)** No zoning certificates will be issued for lots in a Private Drive Development until such time as all road and utility improvements are completed, per section 7.029 of this Resolution.
- 7.02943(15)** Before a Zoning Certificate for a private road development is issued, a complete plat of the entire private road development as it will ultimately exist must be presented to the Zoning Administrator. No variations from that plat will be permitted; however, the private road development may be developed over a period of time, first breaking off larger parcels and then splitting these at a later date. The final private road development, when it is fully developed, cannot vary from the original plat submitted to the Zoning Administrator unless the Morgan Township Board of Zoning Appeals grants a variance to do so.
- 7.02944(8)** The below-listed accessory uses in a Private Drive Development are limited as follows:
- 7.029441(8)** A private garage, parking area or stable, any/all of which shall be only for the private use of the owner/occupant of the dwelling.
- 7.029442(8)(16)** Customary incidental home occupations when conducted in a dwelling, provided that no stock in trade is kept or products sold, except such as are made on the premises. No home occupations shall be permitted which would require employees to work on the premises, or which would require visits to the premises by customers or clients, such as resident physician, dentist or similar professional services. A sign in connection with the home occupation may be erected in accordance with Section 18.3 of this Resolution.
- 7.029443(8)** Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.
- 7.0295(8)** **Procedure.**
- 7.02951(8)(23)** The owner/developer(s) shall submit his/their application for a Private Drive Development Zoning Certificate, a plan for the proposed development, a certified copy of Homeowners' Association Rules and Regulations that has been recorded with the Butler County Recorders office, and any other pertinent documents to the Township Zoning Administrator. The Zoning Administrator will proceed as prescribed in Article 20 of this resolution.
- 7.02952(8)** The Morgan Township Trustees shall establish a fee, to be paid by the developer, in an amount determined by the Trustees to adequately compensate the Township for all expenses directly and indirectly incurred by the Township associated with building, inspecting, and verifying

compliance with all aspects of the Private Drive Development which lead to an expense to the Township.

7.0296(8) Area, Frontage and Yard Requirements for a Private Drive Development.

7.02961(8) All lots in a Private Drive Development must have a minimum of two-hundred (200) feet of frontage on the Private Drive or Branch Drive, except those on the ball of a cul-de-sac which must contain a minimum of twenty (20) feet of frontage.

7.02962(8)(23) All lots in a Private Drive Development shall be required minimum area, frontage and yard requirements as follows:

<u>Lot Areas</u>	<u>*Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
				<u>One Side Yard</u>	<u>Both Side Yards</u>	
Single Family (3 acres minimum)	200 ft	75 ft**	1-2 1/2	25 ft	50 ft	50 ft

*On Private Drive or Branch Drive

**Setback from center line of the Private or Branch Drive and from the center of the cul-de-sac ball.

7.03 Conditional Uses Requiring Board Approval

7.031 Hospitals and sanitariums for contagious disease, and for the insane, liquor or drug addicts, and penal and correctional institutions; provided that any lot or tract of land in such use shall be not less than ten (10) acres in area, and provided that the location of any such establishment shall comply with the distance requirements in subsection 7.051.

7.032 Clubs, fraternities, lodges and other meeting places of similar organization, not including any use that is customarily conducted as a gainful business; provided that any such establishment shall be located not less than fifty (50) feet from any lot line in any A-1, R-District or recorded residential subdivision.

7.0321 Country clubs, golf courses and other private, non-commercial recreation areas and facilities, including swimming pools; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in an R-District, or a recorded residential subdivision.

- 7.033** Travel Trailer Parks for transients, subject to the provisions specified in section 11B.16 of this Resolution and subject to compliance with the distance requirements in subsection 7.051. An application to the Board for authorization to establish a travel trailer park, or to enlarge or extend an existing one, shall be accompanied by the written consent of the owners of at least fifty-one (51) percent, by number and street frontage of all properties, except properties devoted to a non-conforming use or a travel trailer park, within two thousand six hundred and forty (2640) feet (one-half mile), measured along all boundaries of the tract where such proposed travel trailer park is sought to be established or enlarged or extended.
- 7.034** Cemeteries, including mausoleums and crematories therein, provided that any mausoleum and crematory shall comply with the distance requirements in subsection 7.051, and provided that any new cemetery shall contain an area not less than twenty (20) acres.
- 7.035** Mobile Home Parks, when located within five hundred (500) feet of a primary highway as defined in section 4.27; subject to the provisions outlined in Article 11.B of this Resolution, and subject to compliance with the distance requirements in subsection 7.051. An application to the Board for authorization to establish a mobile home park, or to enlarge or extend and existing one, shall be accompanied by the written consent of the owners of at least fifty-one (51) percent by number and street frontage, of all properties, except properties devoted to a non-conforming use of a mobile home park, within two thousand six hundred and forty (2640) feet (one-half mile), measured along all boundaries of the tract where such proposed mobile home park is sought to be established or enlarged or extended.
- 7.036** Airports and landing fields; subject to the provisions specified in Section 21.41 and further provided that the location, size and plans for any such airport or landing field have been approved by the Planning Commission and any official state or federal agencies having jurisdiction.
- 7.037** Commercial hog, poultry, fur or other commercial animal farms; provided that any lot or tract of land in such use shall not be less than ten (10) acres in area and that any building or enclosure in which animals are kept shall comply with two (2) times the distance requirements in subsection 7.051.
- 7.038** Commercial mines, quarries and gravel pits, temporary sawmill for cutting timber grown on the premises; provided that any lot or tract of land containing such use, other than a temporary sawmill, shall be not less than ten (10) acres in area, and that the location of any power-driven or power-producing machinery affixed to the real estate shall comply with two (2)

times the distance requirements in subsection 7.051, and provided further that any such use shall comply with the requirements of Section 18.7.

7.039 Animal hospitals and veterinary clinics, provided any building or area on the premises used for such purposes shall be located not less than two hundred (200) feet from any R-District or recorded residential subdivision.

7.039⁽⁹⁾⁽²⁰⁾ *(as a result of an amendment, no narrative remains in this paragraph)*

7.04 Accessory Uses

7.041 Accessory uses, building and structures customarily incidental to any of the aforesaid permitted uses including:

7.0411⁽²³⁾ (deleted)

7.0412 A private garage, parking area or stable.

7.0413⁽¹⁶⁾ Customary incidental home occupations when conducted in a dwelling, provided that no stock in trade is kept or products sold, except such as are made on the premises; the office of a resident physician, dentist, architect, engineer or similar professional person – including a sign as permitted in connection with each such use as permitted by Section 18.3 of this Resolution.

7.0414 Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.

7.0415 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.

7.0416 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

7.05 Required Conditions

7.051 All uses, buildings or premises for which compliance with the distance requirement in this subsection is stipulated in the foregoing subsections of this Article, shall be distant at least two hundred (200) feet from any lot in any R-District or recorded residential subdivision, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any

institution for human care not located on the same lot as the said uses or buildings.

7.06 Prohibited Uses

7.061 Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted use.

7.062 Penal or corrective institutions shall be prohibited from all Agriculture Districts and all Residential Districts.

7.1 Height Regulations. No structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height, except as provided in Section 19.2.

7.2(2)(18) Area, Frontage and Yard Requirements. The following requirements shall be observed, except as modified by provisions of Article 19.

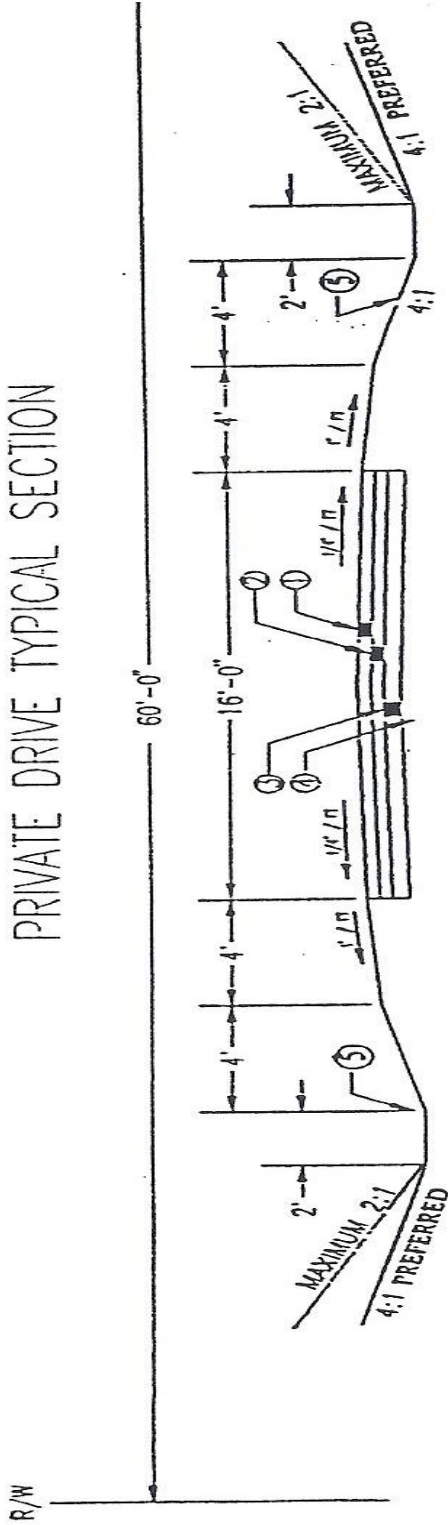
<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
				<u>One Side Yard</u>	<u>Both Side Yards</u>	
Customary Agricultural uses, as specified in subsection 7.021; other principal permitted uses where larger area not specified herein before-5 acres	300 ft.	45 ft.	1-2 1/2	50 ft.	100 ft.	50 ft.
One- and two-family dwellings, churches, public buildings - 2 acre.	200 ft.	45 ft.	1-2 1/2	25 ft.	50 ft.	50 ft.
Mobile Home Parks - 15 acres min. 7500 sq. ft. per trailer, See (1)	200 ft.	45 ft.	1	50 ft.	100 ft.	50 ft.
Travel Trailer Parks - 15 acre min., 5,000 sq. ft. per trailer	200 ft.	45 ft.	1	50 ft.	100 ft.	50 ft.

(1) See Article 11B

7.21 In a configuration where the frontage for a lot is contained in a “foot “ along the road and a “leg” extends back to the major portion of the lot, the “foot” must be a minimum depth of 80 ft from the center of the road for the full frontage length. The “leg” must be a minimum of 30 ft wide for the full length of the leg from the frontage “foot” to the main portion of the lot.

**7.3(8) Typical Cross Section for Private Drives, Morgan Township.
(see pages 34 and 35)**

MORGAN TOWNSHIP
PRIVATE DRIVE TYPICAL SECTION



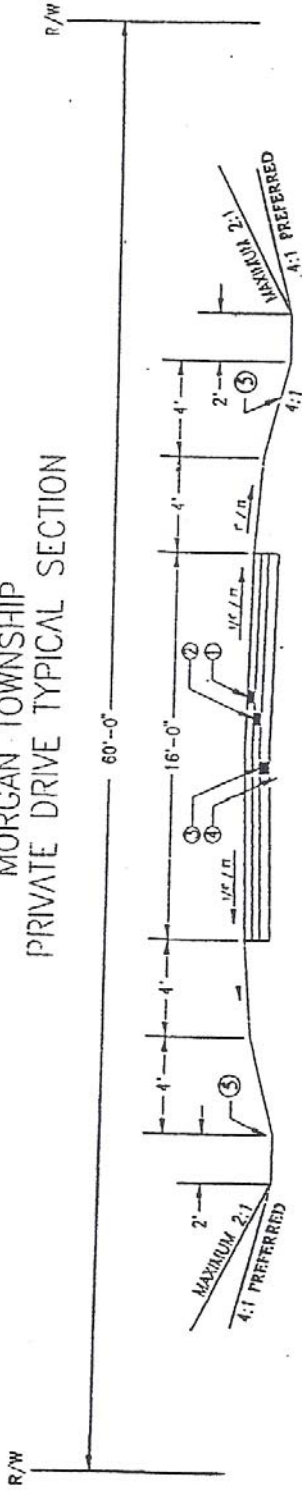
OPTION #1

LEGEND

- ① 1 1/2 inch surface course 404 asphalt concrete (85-100 or AC-20).
(See note 4.)
- ② 1 1/2 inch leveling course 402 asphalt concrete (85-100 or AC-20).
- ③ Eight inch base course of Item 304 aggregate base.
- ④ Compacted subgrade, item 203.13.
- ⑤ Seeding and mulching item 659.

Butler County Engineering Standards compliance to be met for Items 203.13 and 659.

MORGAN TOWNSHIP
PRIVATE DRIVE TYPICAL SECTION



OPTION #2

① 1 inch surface course 404 asphalt concrete (85-100 or AC-20).
(See note 4.)

② 1 1/2 inch leveling course 402 asphalt concrete (85-100 or AC-20).

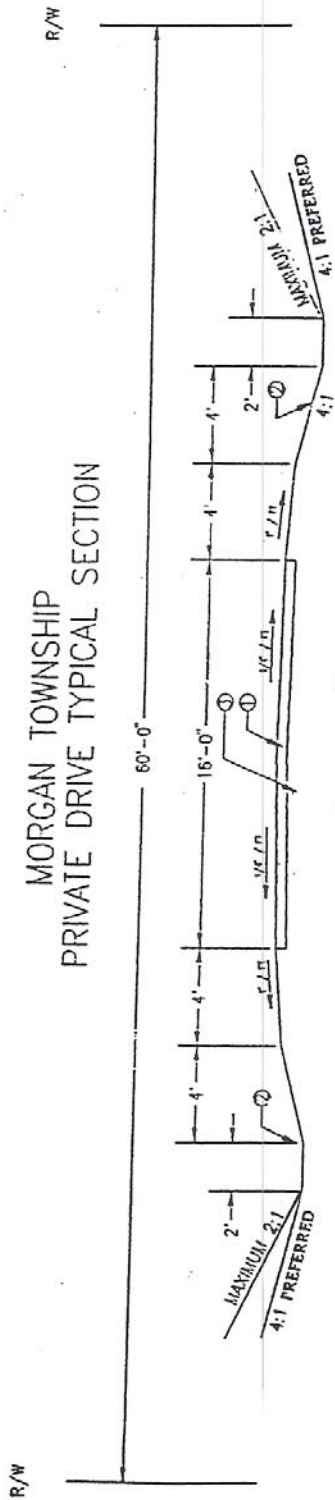
③ Six inch base course of item 301 bituminous aggregate base.

④ Compacted subgrade, item 203.13.

⑤ Seeding and mulching item 659.

Butler County Engineering Standards compliance to be met for Items 203.13 and 659.

MORGAN TOWNSHIP
PRIVATE DRIVE TYPICAL SECTION



OPTION #3

① 5 1/2 inch item 452 plain portland cement concrete pavement

② Seeding and mulching item 659.

③ Compacted subgrade, item 203.13.

Butler County Engineering Standards compliance to be met for Items 203.13 and 659.

ARTICLE 7A R-E RESIDENTIAL ESTATE DISTRICT

- 7A.01 Purpose.** The intent of the R-E Residential Estate District is to reserve certain land areas for one-family homes on lots containing a minimum of sixty thousand (60,000) square feet, situated on a dedicated public no-outlet street not exceeding one thousand five hundred (1,500) feet in length, with a maximum of three lots allowed on the ball if a cul-de-sac is used. These areas will constitute areas of sound residential development and will remain semi-rural in character. Once approved, an R-E District may not be further subdivided for the purpose of creating additional building sites.
- 7A.02 Principal Permitted Uses.**
- 7A.021⁽¹⁾** Agriculture and farms, not including commercial, animal or poultry farms or kennels; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision. On any parcel less than five (5) acres, one (1) animal unit per acre is allowed. A building in which five (5) or less farm animals, not including fowl or rabbits which shall be penned, shall be located not less than seventy-five (75) feet from any other lot in any R-District, recorded residential subdivision or any lot occupied by a dwelling other than a farm dwelling or by any school, church, or any institution for human care not located on the same lot as the said uses or buildings.
- 7A.022⁽²³⁾** One-family detached dwellings. No more than one dwelling shall be permitted on a single lot.
- 7A.023** Neighborhood and community parkland, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District, or a recorded residential subdivision.
- 7A-024** Public utilities or railroad structures are subject to the provisions specified in Section 6.04.
- 7A.03 Conditional Uses Requiring Board Approval.**
- 7A.031⁽²⁰⁾** Telecommunications facilities are subject to conditions of Subsection 21.4115.

7A.04 Accessory Uses.

7A.041 Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

7A.0411⁽²³⁾ (deleted)

7A.0412 A private garage or parking area.

7A.0413 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.

7A.0414 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

7A.05 Prohibited Uses.

7A.051 Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted uses.

7A.052 Penal or corrective institutions shall be prohibited from all Agriculture Districts and all Residential Districts.

7A.1 Height Regulations. No principal structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1 1/2) stories or twenty (20) feet in height, except as provided in Section 19.2.

7A.2 Area, Frontage, and Yard Requirements. The following minimum requirements shall be observed; except as modified by provisions of Article 19:

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
				<u>One Side Yard</u>	<u>Both Side Yards</u>	
Single-family dwellings - 60,000 sq. ft. see (1) below.	150 ft.	50 ft.	1-1 1/2 2-2 1/2	25 ft. 25 ft.	50 ft. 50 ft.	60 ft. 60 ft.

(1) See Subsection 19.3.

ARTICLE 7B ⁽²⁵⁾ PLANNED CONSERVATION DEVELOPMENT

- 7B.01** **Purpose.** The intent of the Planned Conservation Development District is to provide an optional development alternative to the property owners and developers who are developing larger tracts under single or common ownership in a unified way with the intent of conserving large portions of the natural environment. The planning and development of the conservation development district shall be carried out in such a manner as to have minimum adverse effects on the natural features and environment of the planned conservation tract and its surrounding areas without jeopardizing the overall intent of the Morgan Township Zoning Resolution or the public health, safety, and welfare.
- 7B.02** **Principal Permitted Uses.**
- 7B.021** One single family dwelling or 2-3 unit condominium. No more than one single family dwelling or 2-3 unit condominium shall be permitted on a single lot.
- 7B.022** Neighborhood and community parkland, private parks, and common open space, provided that any principal building or swimming pool shall be located not less than 100 feet from any other lot in any R-district, A-1 district, or the boundary of any recorded residential subdivision.
- 7B.023** Public utilities or railroad structures are subject to the provisions specified in subsection 6.04
- 7B.03** **Conditional Uses.**
- None
- 7B.04** **Accessory Uses.**
- 7B.041** Accessory uses, building and structures customarily incidental to any of the aforesaid permitted uses including:
- 7B.042** A private garage and parking area: size of detached garage cannot exceed 50% of first floor area of dwelling and must be similar in material and design to the dwelling. Front set-back of detached garage must be equal to or greater than that of the dwelling.

- 7B.043** Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.
- 7B.044** Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- 7B.05** **Prohibited Uses**
- 7B.051** Uses not permitted are prohibited unless determined by the Board of Zoning Appeals to be of the same general character as the above permitted uses.
- 7B.052** **Penal or Corrective Institutions** Any building, dwelling or dwelling unit, boarding or lodging house, day care center, group home, half-way house, hospital, motel, nursing home, rest home or other structure used for the housing or care of one or more persons who are either:
- 1)** in the custody or control, by virtue of sentence for commission of crime(s) or other order of a court, legislative authority or executive authority, of any of the following: a) the United States government or the government of any other nation, state or territory; b) the Ohio Department of Rehabilitation and Correction, or similar agency of another state or territory; c) the Sheriff of any county or the municipal authority of any municipality; or d) any other governmental or private entity.
 - 2)** in the custody or control of the Ohio Department of Youth Services, or a similar agency of another state, by virtue of commitment by a juvenile division of a court of common pleas, or a court of competent jurisdiction of another state, because such person(s) has been found to have committed any act(s) that would constitute a crime if committed by an adult;
 - 3)** subject to placement in any facility by order of detention prior to disposition by, or by disposition order of, a juvenile division of a court of common pleas, or a court of competent jurisdiction of another state, because such person(s) has been found to have committed any act(s) that would constitute a crime if committed by an adult.
- 7B.06** **Design Standards**
- 7B.061** Unless otherwise specified below, the design standards for area, coverage, density, yard requirements, and parking and screening for a proposed Planned Conservation Development shall be determined by the Morgan Township Zoning Commission.
- 7B.062** The tract of land to be developed on a planned conservation basis shall be a minimum of forty (40) acres. There shall be reserved, within the tract to be developed a 50% minimum percentage of land area of the entire tract for use as common conservation area, for the use and enjoyment of residents of the proposed development.

7B.063 The common conservation area shall not consist of isolated or fragmented pieces of land or public right of ways. It shall consist of natural features as well as items of historic or cultural significance. This might include, but is not limited to, areas of woods, hedgerows, natural vegetation, meadows, hillsides, streams, wetlands, lakes, ponds, archeological features, historic structures, and the like. Included in this common conservation area may be such uses as pedestrian walkways, bike paths, parkland, open areas, , drainage ways, floodways, flood plain, storm water management facilities, bridle paths, barns, farming and other lands of essentially open character, exclusive of off-street parking areas (unless directly related to a designated recreation area), and street rights of way. Landscaped islands located in parking lots or cul-de-sacs are not considered common conservation areas. These common conservation areas shall be interconnected throughout the development as well as with existing or potential conservation areas on adjacent parcels. The deed for the common conservation area shall be held by the Home Owners Association. The common conservation area shall be prohibited from further subdivision or development by deed restriction with the exception of a public road improvement.

7B.064 A detailed plan for landscaping including entry features and signs must be provided. To the greatest extent possible and as approved by the Morgan Township Zoning Commission, lots shall be arranged with enough mounding and vegetation screening as to prevent structures from being seen from the roads bounding the development. The only exception to this will be existing historical structures that are to remain. Said screening, landscaping, entry features, and signs must be in place prior to the occupancy of the first new residence.

7B.065 Common conservation area improvements, such as pedestrian walkways, bike paths, parkland, open areas, and bridle paths must be completed prior to the occupancy of 25% of the planned residences.

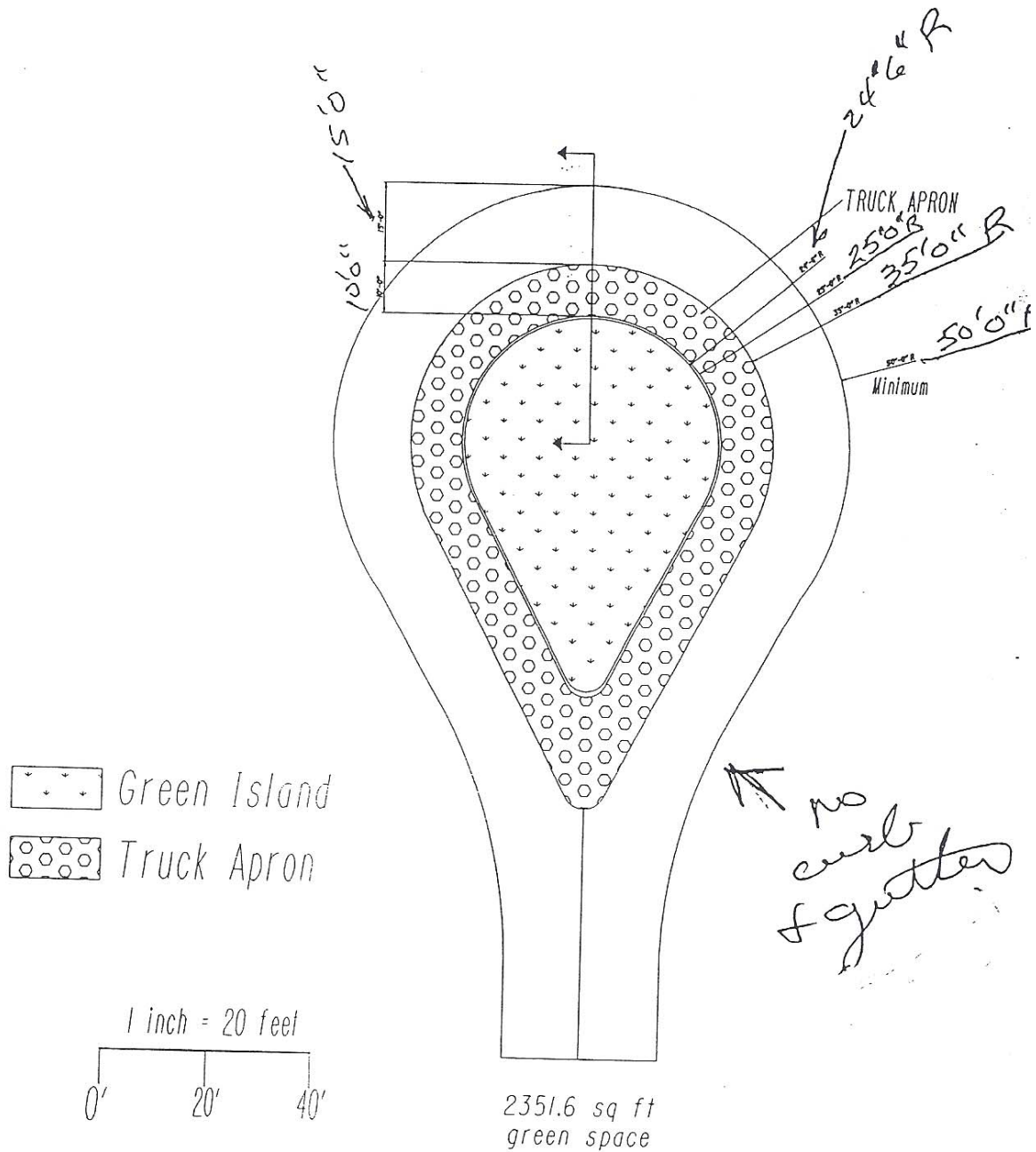
7B.07 Development Design Criteria

All elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic, and cultural features and meets the objectives of this district.

7B.071 Conservation of woodlands, vegetation, and other natural areas: The design and layout of the development should conserve, maintain, and incorporate

existing wooded areas, meadows, hedgerows, and tree lines between fields or meadows, especially those containing significant wildlife habitats.

- 7B.072** Conservation of wildlife habitats: Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources shall be protected.
- 7B.073** Conservation of existing scenic vistas and visual quality of the environment: Buildings, plantings, fences, or other visual barriers shall be located to ensure that scenic views and vistas are unblocked or uninterrupted.
- 7B.074** Conservation of cultural resources: Sites of historic, archaeological, or cultural value and their environs shall be protected insofar as needed to safeguard the character of the feature.
- 7B.075** The minimum lot size shall be 3/4 acres. A lot shall contain one single family dwelling or one 2-3 unit condominium.
- 7B.0751** No more than one-third of the total dwelling units can be 2-3 unit condominiums and the condominiums shall be segregated from the single family dwellings.
- 7B.076** The minimum road frontage shall be one hundred (100) feet or twenty (20) feet on the loop of a cul-de-sac.
- 7B.077** Homes shall be set back a minimum of fifty-five (55) feet from the center of the road. Side setbacks shall be a minimum of 15 feet, rear setback minimum of 50 feet.
- 7B.078** The cul-de-sac loop shall have a one hundred (100) foot minimum diameter with one-way traffic and shall have a “green island” in the center to facilitate plantings. See drawing in section 7B.0781. There shall be a maximum of four (4) lots on the loop.
- 7B.0781** **Diagram of cul-de-sac: (following page)**



7B.079

All roadways shall be constructed with minimal disturbance to the land, attempting to follow the natural topography whenever possible, and to minimize the need for cutting and filling. All roadways shall be publicly maintained and be constructed to county specifications.

7B.0791

Each lot shall contain its own primary sewage system, with the secondary system permitted in the conservation area. The Homeowners' Association is required to grant an easement of minimum intrusion into the conservation area to the homeowner for the secondary sewage system. All cost of the easement, installation, and maintenance must be borne by the homeowner.

Restoration of the conservation area shall be the responsibility of the homeowner, and must be approved by the Homeowners' Association.

- 7B.0792** All utilities shall be buried. All utility boxes, including transformers, telephone, cable, etc, shall be concealed with shrubbery.
- 7B.0793** Driveways shall be hard paved, such as blacktop, concrete, unit pavers, pervious concrete, etc. Driveways crossing swales within fifty (50) feet of the center of the roadway shall have natural stone or faux stone headwalls.
- 7B.0794** The maintenance and repair of the common conservation area and the features therein, other public areas not counted as conservation area, and the plantings in the center of the cul-de-sac loop shall be the responsibility of the Homeowners' Association.
- 7B.0795** Fences will not exceed six (6) feet in height above the surface of the ground. Fences shall be regulated as in Section 6.19 b.
- 7B.08** **Preliminary Development Plan Review Procedures** The owner/developer(s) are encouraged to engage in informal consultation with the Morgan Township Zoning Commission prior to preparing the Preliminary Conservation Development Plan. It is understood that no statement or representation by either party in these consultations shall be binding.
- 7B.081** **Submission of Conservation Development Plan** The applicant shall submit a Conservation Development Plan to the Morgan Township Zoning Administrator. The plan shall include documentation illustrating compliance with the standards and criteria set forth in this Article. The plan and documentation shall include, but not necessarily be limited to:
- 7B.0811** **Identification of existing site characteristics, including a general depiction of:**
- 7B.08111** Boundaries of the area proposed for development, dimensions, and total acreage
- 7B.08112** Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings, and other significant topographical features.
- 7B.08113** Location of wetlands (and potential wetlands), the floodplain boundary and base flood elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream banks, ponds, and water courses
- 7B.08114** Existing soil classifications and identification of Prime Farmlands

- 7B.08115 Locations of all wooded areas, tree lines, hedgerows, and specimen trees
- 7B.08116 Delineation of existing drainage patterns on the property, existing wells and well sites
- 7B.08117 Description of significant existing vegetation by type of species , health, quality, size, and location.
- 7B.08118 Existing buildings, structures, and other significant man-made features on the site and within 200 feet outside of the project boundary
- 7B.08119 Description of all structures and areas of known or potential historical significance and existing views and identification of unique vistas
- 7B.0812 **Preliminary Site Plan:**
The preliminary site plan shall be drawn at a scale not less than 1 inch to 50 feet and shall include:
- 7B.08121 A summary of the proposed development including the total acreage, number of residential units, type of dwelling, density by type of dwelling, and acreage of restricted open space to be conserved
- 7B.08122 A sketch layout of standard single family lots, and/or condominium lots, if any.
- 7B.08123 The location of the restricted open space and any proposed recreational facilities
- 7B.08124 Natural features to be conserved and any required buffer areas
- 7B.08125 Natural features to be altered or impacted by the development and areas where new landscaping will be installed
- 7B.08126 General location of public street rights of way
- 7B.08127 Proposed utility easement locations
- 7B.0813 **Homeowners' Association** A certified copy of Homeowners' Association Rules and Regulations shall be recorded with the plat in the Butler County Recorder's office. Such document shall be prepared by an attorney licensed by the State of Ohio and shall include the minimum powers of the Association for maintenance and repair as specified in section 7B.0794, specifics on assessment and collection of funds from the owners of record of the lots in the Planned Conservation Development, and the percentage applied to each lot for this purpose.
- 7B.0814 **Project Phasing** A description of the project phasing including the phased construction of open space improvements

- 7B.082 Review for Completeness of Preliminary Development Plan:**
After receiving the plan, the Zoning Administrator shall review the plan to determine that the plan includes all the items required in section 7B.081. If the plan is deemed complete and the application fee paid, the Zoning Administrator shall officially accept the plan on that date.
- 7B.083 Onsite Inspection:**
An onsite inspection or site walk by a group made up of the developer, Morgan Township Zoning Commission, and Zoning Administrator shall occur. The developer shall make copies of a map of the parcel available for this inspection. The purpose of this site walk is to identify the elements of the development design criteria outlined in Section 7B.07.
- 7B.084 Review and Approval by the Township of Preliminary Development Plan:** The Morgan Township Zoning Commission shall review the preliminary development plan and the comments received from section 7B.083 above. The Morgan Township Zoning Commission shall take action on the submitted development plan by either:
- 7B.0841** Approving the preliminary development plan as submitted, or
- 7B.0842** Approving the preliminary development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, the general building layout, common open space, landscaping, and maintenance of common open space, and other pertinent development characteristics or
- 7B.0843** Denying approval of the preliminary development plan
- 7B.085 Significance of Approved Plan**
- Approval of the conservation development plan shall:
- 7B.0851** Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments
- 7B.0852** Be the basis for the application to proceed with detailed planning and engineering based on the approved development plan
- 7B.0853** Provide the benchmark for the Morgan Township Zoning Commission to consider and approve amendments to the development plan when the Zoning Commission determines that the amended plan is equal to or better than the approved conservation development plan. Examples of this would be more contiguous open space design, improve street alignments, etc.

- 7B.0854** Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.
- 7B.086** **Final Development Plan**
After a preliminary development plan has been approved, the applicant shall submit a final development plan for review and approval. The final development plan may be submitted either for the entire project or for each construction phase. Each construction phase must meet the regulations at the time approval for that phase is sought.
- 7B.0861** **Submission requirements:** The final development plan shall include:
- 7B.08611** A site plan drawn at a scale not less than 1 inch to 50 feet, indicating:
- 7B.086111** Boundaries of the area proposed for development, accurate dimensions and total acreage
- 7B.086112** The exact location and dimension of private streets, common drives, and public street rights-of-way
- 7B.086113** Exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed
- 7B.086114** Dimensions of building/unit spacing
- 7B.086115** The extent of environmental conservation and change and the exact location of all no cut/no disturb zones
- 7B.086116** Designated restricted open space areas and a description of proposed open space improvements
- 7B.08612** A grading plan drawn at a scale of 1 inch to 50 feet, showing all information pertaining to surface drainage
- 7B.08613** A detailed landscaping plan for new landscaping, including entry features and signs
- 7B.08614** The Declaration, Articles of Incorporation, or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space
- 7B.08615** Conditions imposed by other regulatory agencies
- 7B.0862** **Review of Completeness of the Final Development Plan:**
After receiving the final plan, the Zoning Administrator shall review the

plan to determine if the plan includes all the items required in subsection 7B.0861 above. If the plan is deemed complete and the application fee paid, the Zoning Administrator shall officially accept the application on that date.

7B.0863 Review and Approval by the Township of the Final Development Plan:

The Morgan Township Zoning Commission shall review the final development plan and the comments received from section 7B.083 above. The Morgan Township Zoning Commission shall determine if the final development plan is in compliance with the general development plan and take action on the submitted final development plan by either:

7B.08631 Approving the final development plan as submitted; or

7B.08632 Approving the final development plan subject to specific conditions not included in the plan as submitted , such as, but not limited to , improvements to the general building layout or open space arrangement; or

7B.08633 Denying approval of the final development plan

ARTICLE 8 - R-1 SUBURBAN RESIDENCE DISTRICT

8.01 **Purpose.** The intent of the R-1 Suburban Residence District is to reserve certain land areas for one-family homes on lots containing a minimum of twenty-thousand (20,000) square feet. These areas will constitute areas of sound residential development and will remain semi-rural in character. Lots containing under twenty five thousand (25,000) square feet require either public water or public sanitary sewer.

8.02 **Principal Permitted Uses.**

8.021⁽¹⁾ Agriculture and farms, not including commercial, animal or poultry farms or kennels; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision. On any parcel five (5) acres or less, one animal unit per acre is allowed. A building in which five (5) or less farm animals, not including fowl or rabbits which shall be penned, shall be located not less than seventy-five (75) feet from any other lot in any R-District, recorded residential subdivision or any lot occupied by a dwelling other than a farm dwelling, or by any school, church, or any institution for human care not located on the same lot as the said uses or buildings.

8.022⁽²³⁾ One family detached dwellings. No more than one dwelling shall be permitted on a single lot.

- 8.023** Churches and other similar places of worship.
- 8.024** Schools and colleges located not less than fifty (50) feet from any other lot in any R-District or a recorded residential subdivision.
- 8.025** Neighborhood and community parkland, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District, or a recorded residential subdivision.
- 8.026** Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R-District, or a recorded residential subdivision.
- 8.027⁽⁹⁾⁽²⁰⁾** Public utilities and railroad structures are subject to the provisions specified in Subsection 6.04.
- 8.03** **Conditional Uses Requiring Board Approval.**
- 8.031** Country clubs, golf courses and other private non-commercial recreation areas and facilities including swimming pools; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District or a recorded residential subdivision.
- 8.032** Nursery schools and child care centers for children not over age 14, if located not less than twenty-five (25) feet from any other lot in any R-District or a recorded residential subdivision, provided there is established and maintained in connection therewith a completely fenced and screened play lot of adequate size.
- 8.033** Hospitals and sanitariums not for contagious diseases or for the insane or liquor or drug addicts, religious or charitable institutions not including penal or correctional institutions provided any such establishment shall be located not less than two hundred (200) feet from any other lot in any R-District or a recorded residential subdivision.
- 8.034** Cemeteries adjacent to, or in extension of existing cemeteries; subject to the provisions specified in Section 21.41.
- 8.04** **Accessory Uses.**

- 8.041** Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:
- 8.0411(23)** (deleted)
- 8.0412** A private garage or parking area.
- 8.0413(16)** The office of a resident physician, dentist, professional engineer, architect or similar professional person, including a sign as permitted in Section 18.3 of this Resolution.
- 8.0414** Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.
- 8.0415** Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of work.
- 8.05 Prohibited Uses.**
- 8.051** Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted uses.
- 8.052** Penal or corrective institutions shall be prohibited from all Agriculture Districts and all Residential Districts.
- 8.1 Height Regulations.** No principal structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1 1/2) stories or twenty (20) feet in height, except as provided in Section 19.2.
- 8.2 Area, Frontage, and Yard Requirements.** The following minimum requirements shall be observed; except as modified by provisions of Article 19:

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
				<u>One Side Yard</u>	<u>Both Side Yards</u>	
Single-family dwellings - 20,000 sq. ft.	100'	40'	1-1 1/2	15'	30'	50'
			2-2 1/2	15'	30'	50'
Other permitted uses - 3 acres	200'	40'	1-1 1/2	20'	40'	50'
			2-2 1/2	25'	50'	50'

ARTICLE 8A - R1-A SUBURBAN RESIDENCE DISTRICT

- 8A.01** **Purpose.** The intent of the R1-A Suburban Residence District is to reserve certain land areas for one-family homes on lots containing a minimum of fifteen thousand (15,000) square feet where public water and sanitary facilities are available and to designate new, undeveloped land areas for such residential development and housing.
- 8A.02** **Principal Permitted Uses.**
- 8A.021⁽¹⁾** Agriculture and farms, not including commercial, animal or poultry farms or kennels; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision. On any parcel five (5) acres or less, one animal unit per acre is allowed. A building in which five (5) or less farm animals, not including fowl or rabbits which shall be penned, shall be located not less than seventy-five (75) feet from any other lot in any R-District, recorded residential subdivision or any lot occupied by a dwelling other than a farm dwelling or by any school, church, or any institution for human care not located on the same lot as the said uses or buildings.
- 8A.022⁽²³⁾** One family detached dwellings. No more than one dwelling shall be permitted on a single lot.
- 8A.023** Churches and other similar places of worship.
- 8A.024** Schools and colleges located not less than fifty (50) feet from any other lot in any R-District or a recorded residential subdivision.
- 8A.025** Neighborhood and community parkland, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District, or a recorded residential subdivision.
- 8A.026** Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R-District, or a recorded residential subdivision.
- 8A.027⁽⁹⁾⁽²⁰⁾** Public utilities or railroad structures are subject to the provisions specified in Subsection 6.04.

8A.03 Conditional Uses Requiring Board Approval.

8A.031 Country clubs, golf courses and other private non-commercial recreation areas and facilities including swimming pools; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District or a recorded residential subdivision.

8A.032 Nursery schools and child care centers for children not over age 14, if located not less than twenty-five (25) feet from any other lot in any R-District or a recorded residential subdivision, provided there is established and maintained in connection therewith a completely fenced and screened play lot of adequate size.

8A.033 Hospitals and sanitariums not for contagious diseases or for the insane or liquor or drug addicts, religious or charitable institutions not including penal or correctional institutions provided any such establishment shall be located not less than two hundred (200) feet from any other lot in any R-District or a recorded residential subdivision.

8A.034 Cemeteries adjacent to, or in extension of existing cemeteries; subject to the provisions specified in Section 21.41.

8A.04 Accessory Uses.

8A.041 Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

8A.0411⁽²³⁾ (deleted)

8A.0412 A private garage or parking area.

8A.0413⁽¹⁶⁾ The office of a resident physician, dentist, professional engineer, architect or similar professional person, including a sign as permitted in Section 18.3 of this Resolution.

8A.0414 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.

8A.0415 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of work.

8A.05 Prohibited Uses.

8A.051 Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted uses.

8A.052 Penal or corrective institutions shall be prohibited from all Agriculture Districts and all Residential Districts.

8A.1 **Height Regulations.** No principal structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1 1/2) stories or twenty (20) feet in height, except as provided in Section 19.2.

8A.2 **Area, Frontage, and Yard Requirements.** The following minimum requirements shall be observed; except as modified by provisions of Article 19:

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
				<u>One Side Yard</u>	<u>Both Side Yards</u>	
Single-family dwelling - 15,000 sq. ft.	90'	35'	1-1 1/2	10'	25'	45'
			2-2 1/2	10'	25'	50'
Other permitted uses - 3 acres	200'	40'	1-1 1/2	20'	40'	50'
			2-2 1/2	25'	50'	50'

8A.3 **Off-Street Parking Requirements.** Off-Street parking shall be provided in accordance with the requirements specified in Article 18 of this Resolution.

ARTICLE 9 - R-2 SINGLE FAMILY RESIDENCE DISTRICT

9.01 **Purpose.** The intent of the R-2 Single-Family Residence District is to reserve certain land areas for one (1) family homes on lots containing a minimum of eight thousand (8000) square feet where public water and sanitary facilities are available. These areas will constitute areas of sound residential development at medium densities.

9.02 **Principal Permitted Uses.**

9.021 Agriculture and farms, as regulated under subsection 8.021.

9.022⁽²³⁾ One family detached dwellings. No more than one dwelling shall be permitted on a single lot.

- 9.023** Churches and other similar places of worship.
- 9.024** Schools and colleges located not less than fifty (50) feet from any other lot in any R-District or a recorded residential subdivision.
- 9.025** Neighborhood and community parkland, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District, or a recorded residential subdivision.
- 9.026** Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R-District, or a recorded residential subdivision.
- 9.027⁽⁹⁾⁽²⁰⁾** Public utilities and railroad structures are subject to the provisions specified in Subsection 6.04.
- 9.03** **Conditional Uses Requiring Board Approval.**
- 9.031** Country clubs, golf courses and other private non-commercial recreation areas and facilities including swimming pools; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District or a recorded residential subdivision.
- 9.032** Nursery schools and child care centers for children not over age 14, if located not less than twenty-five (25) feet from any other lot in any R-District or a recorded residential subdivision, provided there is established and maintained in connection therewith a completely fenced and screened play lot of adequate size.
- 9.033** Hospitals and sanitariums not for contagious diseases or for the insane or liquor or drug addicts, religious or charitable institutions not including penal or correctional institutions provided any such establishment shall be located not less than two hundred (200) feet from any other lot in any R-District or a recorded residential subdivision.
- 9.034** Cemeteries adjacent to, or in extension of existing cemeteries; subject to the provisions specified in Section 21.41.
- 9.035⁽¹⁶⁾** Home Occupations; provided that such occupations shall be conducted solely by the occupants of the residence; provided that not more than one quarter (1/4) of the area of one (1) floor of said residence shall be used for the home occupation; provided that no such use shall require internal or

external operations, construction features or mechanical equipment not customary in dwellings; and provided the entrance to the space devoted to the home occupation shall be from the dwelling. A sign shall be permitted according to provisions of Section 18.3 of this Resolution.

9.04 Accessory Uses.

9.041 Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

9.0411⁽²³⁾ (deleted)

9.0412 A private garage or parking area.

9.0413⁽¹⁶⁾ The office of a resident physician, dentist, professional engineer, architect or similar professional person, including a sign as permitted in Section 18.3 of this Resolution.

9.0414 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.

9.0415 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of work.

9.05 Prohibited Uses.

9.051 Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted uses.

9.052 Penal or corrective institutions shall be prohibited from all Agriculture Districts and all Residential Districts.

9.1 Height Regulations. No principal structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1 1/2) stories or twenty (20) feet in height, except as provided in Section 19.2.

9.2 Area, Frontage, and Yard Requirements. The following minimum requirements shall be observed; except as modified by provisions of Article 19:

Lot	Front Yard	<u>Side Yard Widths</u>		Rear Yard
		One Side	Both Side	

<u>Lot Areas</u>	<u>Frontage</u>	<u>Depths</u>	<u>Story</u>	<u>Yard</u>	<u>Yards</u>	<u>Depth</u>
Single-family dwellings - 8,000 sq. ft.	65'	35'	1-1 1/2 2-2 1/2	8' 10'	20' 25'	40' 40'
Other permitted uses - 20,000 sq. ft.	100'	35'	1-1 1/2 2-2 1/2	15' 20'	30' 40'	45' 50'

ARTICLE 10 - R-3 ONE AND TWO FAMILY RESIDENCE DISTRICT

- 10.01 Purpose.** The intent of the R-3 One and Two Family Residence District is to reserve certain land areas for one (1) family homes on lots containing a minimum of eight thousand (8,000) square feet; and two (2) family homes on lots containing a minimum of twelve thousand (12,000) square feet where public water and sanitary facilities are available. These areas will constitute areas of sound residential development at medium densities.
- 10.02 Principal Permitted Uses.**
- 10.021** Agriculture and farms, as regulated under subsection 8.021.
- 10.022⁽²³⁾** One family detached dwellings. No more than one dwelling shall be permitted on a single lot.
- 10.023⁽²³⁾** Two family dwellings. No more than one dwelling shall be permitted on a single lot.
- 10.024** Dwelling groups comprised of buildings containing not more than two (2) families in any one building; subject to the requirements specified in this Article, and to the provisions specified in Section 18.4.
- 10.025** Churches and other similar places of worship.
- 10.026** Schools and colleges located not less than fifty (50) feet from any other lot in any R-District or a recorded residential subdivision.
- 10.027** Neighborhood and community parkland, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District, or a recorded residential subdivision.

- 10.028** Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R-District, or a recorded residential subdivision.
- 10.029⁽⁹⁾⁽²⁰⁾** Public utilities and railroad structures are subject to the provisions specified in Subsection 6.04.
- 10.03** **Conditional Uses Requiring Board Approval.**
- 10.031** Country clubs, golf courses and other private non-commercial recreation areas and facilities including swimming pools; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District or a recorded residential subdivision.
- 10.032** Nursery schools and child care centers for children not over age 14, if located not less than twenty-five (25) feet from any other lot in any R-District or a recorded residential subdivision, provided there is established and maintained in connection therewith a completely fenced and screened play lot of adequate size.
- 10.033** Hospitals and sanitariums not for contagious diseases or for the insane or liquor or drug addicts, religious or charitable institutions not including penal or correctional institutions provided any such establishment shall be located not less than two hundred (200) feet from any other lot in any R-District or a recorded residential subdivision.
- 10.034** Cemeteries adjacent to, or in extension of existing cemeteries; subject to the provisions specified in Section 21.41.
- 10.035⁽¹⁶⁾** Home Occupations; provided that such occupations shall be conducted solely by the occupants of the residence; provided that not more than one quarter (1/4) of the area of one (1) floor of said residence shall be used for the home occupation; provided that no such use shall require internal or external operations, construction features or mechanical equipment not customary in dwellings; and provided the entrance to the space devoted to the home occupation shall be from the dwelling. A sign shall be permitted according to provisions of section 18.3 of this Resolution.
- 10.036** Rest homes or nursing homes for convalescent patients; provided that any building for such use shall be located not less than twenty-five (25) feet from any other lot in any R-District, or a recorded residential subdivision.
- 10.04** **Accessory Uses.**

10.041 Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

10.0411⁽²³⁾ (deleted)

10.0412 A private garage or parking area.

10.0413⁽¹⁶⁾ The office of a resident physician, dentist, professional engineer, architect or similar professional person, including a sign as permitted in Section 18.3 of this Resolution.

10.0414 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.

10.0415 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of work.

10.05 Prohibited Uses.

10.051 Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted uses.

10.052 Penal or corrective institutions shall be prohibited from all Agriculture Districts and all Residential Districts.

10.1 Height Regulations. No principal structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1 1/2) stories or twenty (20) feet in height, except as provided in Section 19.2.

10.2 Area, Frontage, and Yard Requirements. The following minimum requirements shall be observed; except as modified by provisions of Article 19:

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
				<u>One Side Yard</u>	<u>Both Side Yards</u>	

Single-family dwellings - 8,000 sq. ft.	65'	30'	1-1 1/2 2-2 1/2	8' 10'	20' 22'	35' 40'
Two-family dwellings - 12,000 sq. ft.	80'	35'	1-1 1/2 2-2 1/2	8' 10'	20' 25'	45' 50'
Other permitted uses-Same as R-2 District	100'	35'	1-1 1/2 2-2 1/2	15' 20'	30' 40'	45' 50'

ARTICLE 11 - R-4 MULTIPLE FAMILY RESIDENCE DISTRICT

- 11.01 Purpose.** The intent of the R-4 Multiple-Family Residence District is to reserve certain land areas where public water and sanitary facilities are available for multiple-family residential development. These areas will constitute areas of sound residential development, developed at medium-high density.
- 11.02 Principal Permitted Uses.**
- 11.021** Agriculture and farms, as regulated under subsection 8.021.
- 11.022(23)** One family detached dwellings. No more than one dwelling shall be permitted on a single lot.
- 11.023(23)** Two family dwellings. No more than one dwelling shall be permitted on a single lot.
- 11.024** Dwelling groups comprised of buildings containing not more than two (2) families in any one building; subject to the requirements specified in this Article, and to the provisions specified in Section 18.4.
- 11.025** Multiple-family dwellings; garden apartments, row dwellings, town houses, containing more than two (2) family dwellings.
- 11.026** Churches and other similar places of worship.
- 11.027** Schools and colleges located not less than fifty (50) feet from any other lot in any R-District or a recorded residential subdivision.
- 11.028** Neighborhood and community parkland, open space; provided that any principal building or swimming pool shall be located not less than one

hundred (100) feet from any other lot in any R-District, or a recorded residential subdivision.

11.029 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R-District, or a recorded residential subdivision.

11.030⁽⁹⁾⁽²⁰⁾ Public utilities and railroad structures are subject to the provisions specified in Subsection 6.04.

11.03 Conditional Uses Requiring Board Approval.

11.031 Country clubs, golf courses and other private non-commercial recreation areas and facilities including swimming pools; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District or a recorded residential subdivision.

11.032 Nursery schools and child care centers for children not over age 14, if located not less than twenty-five (25) feet from any other lot in any R-District or a recorded residential subdivision, provided there is established and maintained in connection therewith a completely fenced and screened play lot of adequate size.

11.033 Hospitals and sanitariums not for contagious diseases or for the insane or liquor or drug addicts, religious or charitable institutions not including penal or correctional institutions provided any such establishment shall be located not less than two hundred (200) feet from any other lot in any R-District or a recorded residential subdivision.

11.034 Cemeteries adjacent to, or in extension of existing cemeteries; subject to the provisions specified in Section 21.41.

11.035⁽¹⁶⁾ Home Occupations; provided that such occupations shall be conducted solely by the occupants of the residence; provided that not more than one quarter (1/4) of the area of one (1) floor of said residence shall be used for the home occupation; provided that no such use shall require internal or external operations, construction features or mechanical equipment not customary in dwellings; and provided the entrance to the space devoted to the home occupation shall be from the dwelling. A sign shall be permitted according to provisions of Section 18.3 of this Resolution.

11.036 Rest homes or nursing homes for convalescent patients; provided that any building for such use shall be located not less than twenty-five (25) feet from any other lot in any R-District, or a recorded residential subdivision.

11.04 Accessory Uses.

11.041 Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

11.0411⁽²³⁾ (deleted)

11.0412 A private garage or parking area.

11.0413⁽¹⁶⁾ The office of a resident physician, dentist, professional engineer, architect or similar professional person, including a sign as permitted in Section 18.3 of this Resolution.

11.0414 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.

11.0415 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of work.

11.05 Prohibited Uses.

11.051 Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted uses.

11.052 Penal or corrective institutions shall be prohibited from all Agriculture Districts and all Residential Districts.

11.1 Height Regulations. No principal structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 19.2.

11.2 Area, Frontage, and Yard Requirements. The following minimum requirements shall be observed; except as modified by provisions of Article 19:

<u>Lot Areas</u>	<u>Lot</u>	<u>Front</u> <u>Yard</u>	<u>Story</u>	<u>Side Yard Widths</u>		<u>Rear</u> <u>Yard</u>
				<u>One Side</u> <u>Yard</u>	<u>Both Side</u> <u>Yards</u>	
	<u>Frontage</u>	<u>Depths</u>		<u>Yard</u>	<u>Yards</u>	<u>Depth</u>

Single-family dwellings - 8,000 sq. ft.	65'	30'	1-1 1/2	8'	20'	35'
			2-2 1/2	10'	22'	40'
Two-family dwellings - 12,000 sq. ft.	80'	30'	1-1 1/2	10'	20'	40'
			2-2 1/2	12'	24'	45'
Three-family dwellings - 10,000 sq. ft.	80'	30'	1-1 1/2	10'	22'	40'
			2-2 1/2	12'	26'	45'
Four-family dwellings - 10,000 sq. ft.	80'	30'	1-1 1/2	12'	26'	45'
			2-2 1/2	14'	30'	50'
Multi-family dwellings - (over 4 families - 2,500 sq. ft. per dwelling unit)	100'	30'	1-1 1/2	14'	28'	50'
			2-2 1/2	16'	32'	55'
			3	18'	36'	60'
Other permitted uses	100'	35'	1-1 1/2	20'	40'	50'
			2-2 1/2			

**ARTICLE 11A⁽²²⁾ - R-PUD PLANNED UNIT DEVELOPMENT DISTRICT
(omitted in its entirety)**

ARTICLE 11B - R-MHP MOBILE HOME PARK DISTRICT

11B.01 Purpose. The intent of the R-MHP Mobile Home Park District is to specify the conditions under which Mobile Home Parks may be permitted on tracts containing not less than ten (10) acres within an R-MHP Zoning District; or may be conditionally permitted on tracts containing not less than fifteen (15) acres, or fifteen (15) acres in the use of Travel Trailer Parks within an A-1 Zoning District.

11B.02 General Provisions.

- 11B.021** Mobile homes, travel trailers, boats and house vehicles shall not be used as living quarters except that mobile homes may be occupied within a mobile home park.
- 11B.022** No one may apply for a Zoning Certificate and Building Permit for a Mobile Home Park without first obtaining an approval of plans from the State of Ohio, Environmental Protection Agency.
- 11B.023** Any mobile home not located within a mobile home park is privileged to remain at its present location and shall be allowed to be replaced under conditions approved by the Board provided no conditional use permit has been previously granted by said Board. (See Sections 20.35 thru 20.38)
- 11B.024** No existing mobile home park may be expanded without making application for a Building Permit and meeting the requirements of this Article. Any mobile home park existing prior to the enactment of this resolution shall be exempt from the requirements of this Article. Any addition to said park shall meet the requirements of this Article.
- 11B.025** The parking of any travel trailers, boats and house vehicles in an accessory private garage, building or in a rear yard in any district shall be permitted provided no living quarters shall be maintained or any business conducted while vehicle is so parked.
- 11B.026⁽²⁰⁾** Telecommunication facilities are a conditional use subject to the provisions specified in Section 6.04.
- 11B.03** **Principal Permitted Uses.**
- 11B.031** Mobile homes on individual sites within a Mobile Home Park.
- 11B.032** Private parks and common open space; provided that any principal buildings or swimming pool shall be located not less than two hundred (200) feet from any other lot in any R-District or a recorded residential subdivision.
- 11B.033** Related and accessory communal facilities such as management, maintenance and storage of groundskeeping equipment; coin-operated laundry and drying facilities.
- 11B.04** **Mobile Home Park Plan Filing Procedure and Requirements.**
- 11B.041** The owner/developer(s) shall file a Mobile Home Park Plan for a proposed mobile home park located within an R-MHP District with the Zoning Administrator, or with the Board of Zoning Appeals for a proposed mobile home park located in an A-1 District. The Mobile Home

Park Plan shall include and specify the information required in this Article, and shall contain the following text and map information:

- 11B.0411** The proposed location, site size, total number of mobile home sites to be developed, and the production schedule for the development.
- 11B.0412** Proposed location, size and use of the non-residential portions of the tract, including usable open space, parklands, playgrounds and other areas and spaces, including their suggested ownership.
- 11B.0413** Provisions for water, sanitary sewer, surface drainage and fire protection facilities, including engineering feasibility studies or other evidence of reasonableness.
- 11B.0414** Proposed traffic circulation pattern, including location of public and private streets, walks and other accessways showing their relationship to existing streets and topographic features.
- 11B.0415** Information on the use or re-use of existing features such as topography, drainageways, tree cover, structures, streets and easements.
- 11B.0416** Names and addresses of the owners of all properties lying within two thousand six hundred and forty (2640) feet of every boundary line of the tract proposed for R-MHP Zoning or a minimum of 20 property owners located completely surrounding the proposed tract, including those adjoining all boundaries and directly opposite any road frontage, whichever is greater. Where property is held in more than one name, for the purpose of this requirement, it shall be counted as one.
- 11B.0417** Deed restriction, covenants, easements and encumbrances to be used to control the use, development, and/or maintenance of the zoning tract.

- 11B.1** **Design Standards.**
- 11B.11** The tract of land to be developed shall contain a minimum of ten (10) acres when located in an R-MHP District, and fifteen (15) acres when located in an A-1 District.
- 11B.12** Before a mobile home park may be occupied, it shall be a condition that at least forty (40) percent of the mobile home sites be completed and ready for occupancy, which completion shall include but not be limited to the installation of roadways and drives, sidewalks, lighting, public utilities, service and management buildings.

- 11B.13 Minimum Site Size, Maximum Site Coverage and Site Frontage.**
- 11B.131** Every mobile home hereafter placed in a mobile home park shall be on a site having an area of not less than seventy-five hundred (7,500) square feet; and every mobile home park shall contain a density of not more than seven (7) mobile homes per "gross" acre when located in an R-MHP District, and six (6) mobile homes per "gross" acre when located in an A-1 District.
- 11B.132** Each mobile home dwelling, including accessory buildings, garages and porches, shall not cover more than fifty (50) percent of the area of the mobile home site on which it is placed.
- 11B.133** Every mobile home placed on a mobile home site shall front upon an interior street.
- 11B.14 Yard Requirements.** No mobile home shall be placed on a mobile home site unless the following yards are provided and maintained in connection with such mobile home dwellings:
- 11B.141 Front Yard.** Each mobile home site shall have a front yard of not less than twenty (20) feet.
- 11B.142 Side Yard.** Each mobile home site shall have a side yard on each side of not less than fifteen (15) feet, except for corner sites which shall be not less than twenty (20) feet.
- 11B.143 Rear Yard.** Each mobile home site shall have a rear yard of not less than twenty (20) feet.
- 11B.15 Streets, Sidewalks and Parking**
- 11B.151** Every mobile home park shall provide a main entrance drive not less than thirty-six (36) feet wide. No street shall have a usable travel width less than twenty-four (24) feet.
- 11B.152** All streets shall be paved and shall be maintained in good condition and lighted at night.
- 11B.153** All drives shall be protected at the edges by curbs, gutters, or other suitable edging, as necessary to provide for the stabilization of the pavement, and adequate drainage.
- 11B.154** All mobile home sites shall abut a driveway.

- 11B.155** Every mobile home park shall contain common walkways not less than three (3) feet wide where pedestrian traffic is concentrated for the safety and convenience of the pedestrian. Driveways not including walks shall be graded in such manner that walks can be added later. Individual walks from each mobile home stand to its paved parking shall also be provided.
- 11B.16** **Travel Trailer Park Plan Filing Procedure and Requirements.**
- 11B.161** The owner/developer(s) shall file a Travel Trailer Park Plan for a proposed travel trailer park located within an A-1 District with the Board of Zoning Appeals. The Plan shall include the following requirements and information:
- 11B.162** The proposed location, tract size, total number of travel trailer sites to be developed, including open space, playgrounds and other access spaces.
- 11B.163** Travel Trailer Parks shall be served by a central water system, and a central sanitary sewerage system approved by the State of Ohio, Environmental Protection Agency.
- 11B.164** Travel Trailer Parks shall provide a main entrance drive not less than thirty-six (36) feet wide. All others shall be of a width necessary for the use required; except that no street shall have a usable travel width less than twenty-four (24) feet.
- 11B.165** All streets shall be paved and shall be maintained in good condition and lighted at night.
- 11B.166** Adequate storm drainage for each travel trailer site shall be provided.
- 11B.167** Proper refuse collection sites shall be provided, and approved by the Butler County Board of Health.
- 11B.168** Any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District, or a recorded residential subdivision.
- 11B.169** Requirements of Sections 11B.4 and 11B.5 shall apply to a Travel Trailer Plan.
- 11B.17** **Utility Requirements.**
- 11B.171** **Water.** Every mobile home park shall be served by a water system which has been inspected and approved by the State of Ohio, Environmental Protection Agency and the Butler County Board of Health, which provides adequate pressure and appropriate water connections for domestic usage.

- 11B.172 Fire Protection.** For fire protection purposes, there shall be domestic water under adequate pressure in standard fire hydrants approved by the Butler County Sanitary Engineer, which hydrants shall be located within five hundred (500) feet of every mobile home site within the mobile home park.
- 11B.173 Sanitary Sewers.** Every mobile home park shall be served by a sanitary sewerage system which has been inspected and approved by the State of Ohio, Environmental Protection Agency and the Butler County Board of Health, that provides appropriate connections for mobile home usage. Connection between storm water drainage systems and sanitary sewage disposal systems shall not be permitted.
- 11B.174 Storm Drainage.** Adequate storm drainage for each mobile home site connected to the main storm drainage system shall be provided.
- 11B.175 Refuse Collection.** Where refuse collection is not carried out on an individual site basis, there shall be refuse disposal receptacles or incinerators located within two hundred (200) feet of each mobile home site. The type, size and location of such receptacles or incinerators shall be approved by the Butler County Board of Health.
- 11B.176 Liquefied Petroleum Gas or Fuel.** When liquefied petroleum gas or fuel is used in the mobile home park, the containers for such gas or fuel shall be the container approved by the Butler County Board of Health, according to its intended use.
- 11B.177 Fuel Oil Supply.** When the fuel oil systems are used, they shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel oil storage containers, barrels, tanks or cylinders and piping to the mobile homes shall be securely fastened in place and protected against physical damage.
- 11B.178 Natural Gas System.** When natural gas piping systems are used, they shall be installed underground in accordance with applicable codes and regulations and public utility standards. Each mobile home site provided with piped natural gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved method to prevent accidental discharge of gas when the outlet is not in use.
- 11B.18 Mobile Home Stand.** Each mobile home dwelling shall be placed on a concrete stand designed to carry the load placed thereon.

- 11B.2** **Communal Facilities.** In all mobile home parks, the following facilities shall be provided and available to residents:
- 11B.21** Management and maintenance offices including storage facilities for grounds-keeping equipment.
- 11B.22** Laundry and drying facilities in a permanent structure which shall be in a convenient, accessible location; and which shall also provide laundry trays and slop sinks.
- 11B.23** Safe, usable, conveniently located recreation area or areas shall be located in each mobile home park, and shall comprise an area equal to eight (8) percent of the gross area of the mobile home park tract, or one-half (1/2) acre, whichever is greater.
- 11B.3** **Peripheral Buffer.** All mobile home park tracts which are adjacent to an "R" Zoning District or a recorded residential subdivision shall provide a forty (40) foot wide planting strip which extends along all outside boundaries contiguous to the "R" Zoning District or the recorded residential subdivision. The strips shall be planted with trees and shrubs that will provide a dense screen at all times, and that will be mature within a three year period.
- 11B.4** **Conditions of Approval.** The basis for the approval of a Mobile Home Park application shall be:
- 11B.41** That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution.
- 11B.42** That the proposed development meets all the minimum requirements specified in the Design Standards section.
- 11B.43** That the proposed development is in conformity with the Butler County Land Use Plan or portion thereof as it may apply.
- 11B.44** That the proposed development advances the general welfare of the Township and the immediate vicinity.
- 11B.45** That the design character and improved site arrangement justify the location and size proposed in the development.
- 11B.46** That the utilities to serve the proposed development have received State of Ohio, Environmental Protection Agency approval.
- 11B.47** The approval or Conditional Use Permit shall be for a period of one (1) year to allow construction to be substantially started in accordance with

the Mobile Home Park Plan or Travel Trailer Park Plan with evidence that construction will be completed within a reasonable length of time. Unless construction, as described, is initiated with the one (1) year time limit the approval of the Conditional Use Permit shall be voided and all the land shall revert to the last previous zoning district, except if an application for a time extension is submitted and approved by the Planning Commission when located in an R-MHP District or the Board of Zoning Appeals when located in an A-1 District.

11B.48 The Zoning Commission, upon making an affirmative finding with regard to the above criteria, may authorize the Zoning Inspector to issue a zoning certificate to the applicant when the mobile home park is located in an R-MHP District. The Zoning Inspector must subsequently determine that all the required improvements have been installed prior to permitting the mobile home park to be occupied; or

11B.49 The Board of Zoning Appeals, after recommendation by the Planning Commission, and upon making an affirmative finding with regard to the above criteria, may authorize the issuance of a Conditional Use Permit for a mobile home park located in an A-1 District or a Travel Trailer Park. The Zoning Inspector must subsequently determine that all the required improvements have been installed prior to permitting the mobile home park to be occupied.

11B.5 **Frontage Requirement.** Any mobile home park or travel trailer park approved shall have a minimum of two hundred (200) feet of lot frontage.

ARTICLE 12 - B-1 NEIGHBORHOOD BUSINESS DISTRICT.

12.01 **Purpose.** The intent of the B-1 Neighborhood Business District is to reserve certain land areas of convenience commercial, personal services and certain types of business and professional uses. These areas will constitute concentrations of neighborhood business uses located in convenient and close relationship to areas of surrounding development.

12.02 **Principal Permitted Uses.**

12.021 Any local convenience retail and/or service uses including but not limited to, grocery or other food stores, drugstores, barber shops, garden stores, beauty salons, bakery shops, dry cleaning and laundry pick-up stations, laundromats, professional offices and the like, supplying commodities or performing services primarily for the residents of the neighborhood in which they are located.

12.022 Restaurant, cafe, and soda fountain, not including dancing and/or sales of or permissive use of alcoholic beverages.

- 12.023** Automobile service stations, garages doing only minor repair work not including body work; subject to the provisions specified in Section 18.14.
- 12.024** Outdoor Advertising signs and structures; subject to the provisions in Section 18.3.
- 12.025** Financial institutions, including drive-in institutions.
- 12.026** Any other local convenience retail and/or service establishment which is determined by the Board to be of the same general character as the above permitted uses; but not including those uses which are first permitted in the B-2 District, or any uses which are prohibited in the B-2 District.
- 12.027⁽²⁰⁾** Telecommunications facilities are subject to conditions of 21.4115.
- 12.03** **Accessory Uses.**
- 12.031** A private garage or parking area.
- 12.032⁽¹⁶⁾** Exterior signs which pertain only to a permitted use on the premises and comply with Section 18.3 of this Resolution.
- 12.033⁽¹⁶⁾** Directional and other incidental signs as permitted in Section 18.3 of this Resolution.
- 12.034** Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.
- 12.035** Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion, or abandonment of the construction work.
- 12.036** Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
- 12.04** **Required Conditions.**
- 12.041** All business, service or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and off-street loading.
- 12.042** In any B-1 District fronting directly across the street from any A-1, R-E, R-1, R-1A, R-2, R-3 or R-4 District, the parking and loading facilities shall be distant at least twenty (20) feet from the established street right-

of-way line and the buildings and structures at least fifty (50) feet from the said right-of-way line.

- 12.043** Goods for sale shall consist of primarily new merchandise, antiques excepted.
- 12.044** All products produced on the premises, whether primary or incidental shall be sold at retail primarily on the premises where produced.
- 12.045** Process and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter or water-carried waste.
- 12.05** **Prohibited Uses.**
- 12.051** Any use which is first permitted or which is prohibited in the B-2 District.
- 12.06⁽⁹⁾** **Conditional Uses Requiring Board Approval.**
- 12.061⁽⁹⁾⁽²⁰⁾** *(as a result of an amendment, no narrative remains in this paragraph)*
- 12.1** **Height Regulations.** No structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height, except as provided in Section 19.2.
- 12.2** **Area, Frontage and Yard Requirements.** The following minimum requirements shall be observed; except as modified by provisions of Article 19:

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
				<u>One Side Yard</u>	<u>Both Side Yards</u>	
Non-residential buildings - none	None	25'	(2)	None, except where adjoining R-District or recorded residential subdivision - then not less than fifteen (15) feet each side yard.	None, except when abutting an R-District or recorded residential subdivision - then not less than twenty-five (25) feet.	
Neighborhood Shopping Center Projects (1) -						

2 acres

(1) See Section 18.6.

(2) See Section 12.1.

ARTICLE 13 - B-2 COMMUNITY BUSINESS DISTRICT

- 13.01** **Purpose** The intent of the B-2 Community Business District is to reserve certain land areas for community and highway oriented retail and service establishments which serve the residents of a number of neighborhoods.
- 13.02** **Principal Permitted Uses.**
- 13.021** Any local convenience retail and/or service uses including but not limited to, grocery or other food stores, drugstores, barber shops, garden stores, beauty salons, bakery shops, dry cleaning and laundry pick-up stations, laundromats, professional offices and the like, supplying commodities or performing services primarily for the residents of the neighborhood in which they are located.
- 13.022** Restaurants, including drive-in restaurants; bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments, provided that:
- 13.0221** Such uses are conducted entirely within an enclosed building.
- 13.0222** Such uses that are in buildings less than two hundred (200) feet from any R-District or recorded residential subdivision shall be within buildings which have no openings other than stationary windows or required fire exits.
- 13.023** Automobile service stations.
- 13.024** Automobile, truck, trailer and farm implement sales and service establishments for the display, hire and sales, including sales lots and repair of automobiles, trucks, trailers and farm implements; provided that all such operations other than display and sales shall be conducted within a completely enclosed building; and further provided that any building used for repair work shall have no openings other than stationary windows or required fire exits when located within one hundred (100) feet of any R-District, or a recorded residential subdivision.
- 13.025** Financial institutions, including drive-in institutions.
- 13.026** Interior decorating shops.
- 13.027(1)** Carpenter shops, electrical, plumbing, heating and air

conditioning shops; printing, publishing and lithography shops; furniture upholstering; antique shops; funeral homes and mortuaries; provided that any such use shall be conducted within a completely closed building; and further provided that any building located within one hundred (100) feet of any R-District or recorded residential subdivision shall have no openings other than stationary windows or required fire exits.

- 13.028** Garden stores and supply centers.
- 13.029** Motor hotels, motels; subject to the provisions specified in Section 18.2.
- 13.030** Outdoor advertising signs and structures; subject to the provisions specified in Section 18.3.
- 13.031** Any other community retail and/or service establishment which is determined by the Board to be of the same general character as the above permitted uses; but not including those uses which are first permitted in the B-3 District, or any uses which are prohibited in the B-3 District.
- 13.032⁽²⁰⁾** Telecommunication facilities are subject to conditions of 21.4115.
- 13.03** **Accessory Uses.**
- 13.0311** A private garage or parking area.
- 13.0322⁽¹⁶⁾** Exterior signs which pertain only to a permitted use on the premises and comply with Section 18.3.
- 13.0333⁽¹⁶⁾** Directional and other incidental signs as permitted in Section 18.3.
- 13.0344** Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.
- 13.0355** Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- 13.0366** Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
- 13.04** **Required Conditions.**
- 13.041** All business, service or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and off-street loading.

13.042 In any B-2 District fronting directly across the street from any A-1, R-E, R-1, R-1A, R-2, R-3 or R-4 District, the parking and loading facilities shall be distant at least twenty (20) feet from the established street right-of-way line and the buildings and structures at least fifty (50) feet from the said right-of-way line.

13.043 Goods for sale shall consist of primarily new merchandise, antiques excepted.

13.044 All products produced on the premises, whether primary or incidental shall be sold at retail primarily on the premises where produced.

13.045 Process and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter or water-carried waste.

13.05 Prohibited Uses.

13.051 Any use which is first permitted or which is prohibited in the B-3 District.

13.06⁽⁹⁾ Conditional Uses Requiring Board Approval.

13.061⁽⁹⁾⁽²⁰⁾ *(as a result of an amendment, no narrative remains in this paragraph)*

13.1 Height Regulations. No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 19.2.

13.2 Area, Frontage and Yard Requirements. The following minimum requirements shall be observed; except as modified by provisions of Article 19:

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
				<u>One Side Yard</u>	<u>Both Side Yards</u>	
Non-residential buildings - None	None	25'	(2)	None, except where adjoining R-District or recorded residential subdivision -		Same as B-1 District

then not less than
twenty (20) feet
each side yard.

Motels & Motor Hotels (1) - 1 acre min.; (500 sq. ft. per bedroom.)	100'	25'	1-1 1/2	15'	30'	50'
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- (1) See Section 18.2
 - (2) See Section 13.1

ARTICLE 14 - B-3 GENERAL BUSINESS DISTRICT

14.01 Purpose. The intent of the B-3 General Business District is to reserve certain land areas for central commercial uses which serve the general and service needs of the residents of the Township. Their locations shall accommodate the most intensive commercial and office development and shall reflect areas of sound, organized development.

14.02 Principal Permitted Uses.

14.021 Any local convenience retail and/or service uses including but not limited to, grocery or other food stores, drugstores, barber shops, garden stores, beauty salons, bakery shops, dry cleaning and laundry pick-up stations, laundromats, professional offices and the like, supplying commodities or performing services primarily for the residents of the neighborhood in which they are located.

14.022 Restaurants, including drive-in restaurants; bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments, provided that:

14.0221 Such uses are conducted entirely within an enclosed building.

14.0222 Such uses that are in buildings less than two hundred (200) feet from any R-District or recorded residential subdivision shall be within buildings which have no openings other than stationary windows or required fire exits.

14.023 Automobile service stations.

14.024 Automobile, truck, trailer and farm implement sales and service establishments for the display, hire and sales, including sales lots and repair of automobiles, trucks, trailers and farm implements; provided that

all such operations other than display and sales shall be conducted within a completely enclosed building; and further provided that any building used for repair work shall have no openings other than stationary windows or required fire exits when located within one hundred (100) feet of any R-District, or a recorded residential subdivision.

- 14.025** Financial institutions, including drive-in institutions.
- 14.026** Interior decorating shops.
- 14.027** Carpenter shops, electrical, plumbing, heating and air conditioning shops; printing, publishing and lithography shops; furniture upholstering; antique shops, auction houses, flea markets; storage or warehouses; funeral homes and mortuaries; provided that any such use shall be conducted within a completely closed building; and further provided that any building located within one hundred (100) feet of any R-District or recorded residential subdivision shall have no openings other than stationary windows or required fire exits facing said R-District.
- 14.028** Garden stores, supply centers or greenhouses.
- 14.029** Motor hotels, motels; subject to the provisions specified in Section 18.2.
- 14.030** Drive-in restaurants, summer gardens including entertainment and dancing; provided that any principal building shall be located not less than two hundred (200) feet from any R-District or a recorded residential subdivision.
- 14.031** Theaters, including drive-in theaters, when authorized by the Board in accordance with provisions specified in subsection 21.41; provided that all parts of such drive-in theaters shall be located not less than two hundred (200) feet from any R-District or recorded residential subdivision; and further provided that the movie screen shall be so located as not to be visible from adjacent streets or highways, and shall be set back not less than two hundred (200) feet from the established right-of-way of said street or highway. A lesser distance may be imposed by the Board when, in its opinion, visibility would not be adversely affected or there is no interference with traffic visibility.
- 14.032** Animal hospitals, veterinary clinics or kennels; provided any building or area on the premises used for such purposes shall be located not less than two hundred (200) feet from any R-District or recorded residential subdivision, and one hundred (100) feet from any B-1 or B-2 District.
- 14.033** Commercial recreation, including baseball fields, swimming pools, bowling alleys, skating rinks; golf driving ranges, stables or riding

academies, amusement parks or similar recreation uses and facilities; provided that such buildings or principal uses shall be located not less than two hundred (200) feet from any lot in an R-District, or a recorded residential subdivision.

- 14.034** Laundry, clothes cleaning and/or dyeing establishments, wholesale business, storage or warehouses, commercial greenhouses; provided that any such building or principal use shall be located not less than one hundred (100) feet from any lot in an R-District, or a recorded residential subdivision.
- 14.035** Bottling of soft drinks and milk; distribution stations; provided that any such building used for such processing and distribution shall be located not less than one hundred (100) feet from any R-District, or a recorded residential subdivision.
- 14.036⁽¹⁴⁾** The following uses: (1) when conducted wholly within a completely enclosed building, but not located within one hundred (100) feet of any R-District or recorded residential subdivision; or (2) when conducted within an area enclosed on all sides with a solid wall of uniformly painted solid board fence, not less than six (6) feet high, but not within two hundred (200) feet of any R-District, or a recorded residential subdivision:
- 14.0361** Building materials sales yard, not including concrete mixing.
- 14.0362** Contractor's equipment storage yard or plant, or storage and rental equipment commonly used by contractor.
- 14.0363** Trucking and motor freight station or terminal.
- 14.0364** Retail lumber yard, including mill work only when incidental.
- 14.0365** Storage and sales of grain, livestock feed or fuel; provided dust is effectively controlled during all operations.
- 14.0366** Carting, express or hauling establishments, including storage of vehicles.
- 14.0367** Stone or monument works not employing power driven tools or if employing such tools then only within a completely enclosed building at least one hundred (100) feet from any R-District, or a recorded residential subdivision.
- 14.037** Outdoor advertising signs and structures; subject to the provisions specified in Section 18.3.

14.038 Any other general business and/or service use which is determined by the Board to be of the same general character as the above permitted uses; but not including any use which is first permitted, or which is prohibited in the M-1 District.

14.03 **Accessory Uses.**

14.0311 A private garage or parking area.

14.0322⁽¹⁶⁾ Exterior signs which pertain only to a permitted use on the premises and comply with Section 18.3 of this Resolution.

14.0333⁽¹⁶⁾ Directional and other incidental signs as permitted in Section 18.3 of this Resolution.

14.0344 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.

14.0355 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

14.0366 Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.

14.039⁽²⁰⁾ Telecommunications facilities are subject to conditions in Section 21.4115.

14.04 **Required Conditions.**

14.041 All business, service or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and off-street loading.

14.042 In any B-3 District fronting directly across the street from any A-1, R-E, R-1, R-1A, R-2, R-3 or R-4 District, the parking and loading facilities shall be distant at least twenty (20) feet from the established street right-of-way line and the buildings and structures at least fifty (50) feet from the said right-of-way line.

14.043 Goods for sale shall consist of primarily new merchandise, antiques excepted.

14.044 All products produced on the premises, whether primary or incidental shall be sold at retail primarily on the premises where produced.

14.045 Process and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter or water-carried waste.

14.05 Prohibited Uses.

14.051 Any use which is first permitted or which is prohibited in the M-1 District.

14.06(9) Conditional Uses Requiring Board Approval.

14.061(9)(20) (as a result of an amendment, no narrative remains in this paragraph)

14.1 Height Regulations. No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 19.2.

14.2 Area, Frontage and Yard Requirements. The following minimum requirements shall be observed; except as modified by provisions of Article 19:

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
				<u>One Side Yard</u>	<u>Both Side Yards</u>	
Non-residential buildings - None	None	25'	(2)	None, except where adjoining R-District or recorded residential subdivision - then not less than twenty (20) feet each side yard.		Same as B-1 District
Motels & Motor Hotels (1) - 1 acre min.; (500 sq. ft. per bedroom.	100'	25'	1-1 1/2	15'	30'	50'

(1) See Section 18.2

(2) See Section 14.1

ARTICLE 15 - M-1 LIGHT INDUSTRIAL DISTRICT

- 15.01** **Purpose.** The intent of the M-1 Light Industrial District is to reserve certain land areas for industrial development, wholesaling and warehousing uses, and limited commercial use, which will not adversely affect their surroundings, in locations which can be served by the necessary utilities and have good access. These land areas are to be reserved exclusively for light industrial manufacturing, warehousing and wholesaling activities, and commercial use as specified in subsection 15.026.
- 15.02** **Principal Permitted Uses.**
- 15.021** Except for uses and processes prohibited as specified in subsection 15.06, permitted uses include the manufacturing, compounding, processing, packaging and assembling of products such as:
- 15.0211** Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products; except fish or meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats or oils.
- 15.0212** Products from the following previously prepared material: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper; plastics, precious or semi-precious metals or stones, sheet metal (except where presses over twenty (20) tons rated capacity are employed), shell, textiles, tobacco, wax, wood (except where saw and planing mills are employed), yards.
- 15.0213** Pottery and figurines, using previously pulverized clay and kilns fired only with gas or electricity.
- 15.0214** Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
- 15.0215** Electrical and electrical appliances, instruments and devices, television sets, radios, phonographs.
- 15.0216** Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves and the like.
- 15.022** Laboratories - experimental, film or testing; provided no operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions.
- 15.023** The following uses, provided no part of a building occupied by such uses shall have any openings other than stationary windows or required fire

exits within one hundred (100) feet of any R-District, or a recorded residential subdivision:

- 15.0231 Blacksmith, welding or other metal working shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and other noise producing machine operated tools.
- 15.0232 Foundry, casting lightweight non-ferrous metals, electric foundry not causing noxious fumes or odors.
- 15.0233 Bag, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
- 15.0234 Ice manufacturing and cold storage plant; creamery and bottling plant.
- 15.024 The following uses, when located not less than two hundred (200) feet from any R-District or a recorded residential subdivision:
- 15.0241 Inflammable liquids, underground storage only, not to exceed twenty-five thousand (25,000) gallons per tank or storage unit.
- 15.0242 Building materials sales yards including concrete mixing, lumber yards, including millwork, open yards for storage and sale of feed and/or fuel.
- 15.025 Any other use that is determined by the Board, as provided in Article 21, to be of the same general character as the above permitted uses but not including any use which is first permitted in the M-2 District, or which is prohibited in said district under subsection 16.062.
- 15.026 Any other use permitted and as regulated in the B-1, B-2 and B-3 Districts when located within three hundred (300) feet of any road right-of-way existing at the time of enactment of this resolution or projects being developed for multiple uses for which a general overall plan is submitted and approved, prior to the enactment of this resolution.
- 15.027⁽²⁰⁾ Telecommunications facilities are subject to conditions of subsection 21.4115.
- 15.03 **Conditional Uses Requiring Board Approval.**
- 15.031 A single-family residential use, located in conjunction with a permitted use; subject to the provisions specified in Section 18.8.
- 15.032⁽⁹⁾⁽²⁰⁾ *(as a result of an amendment, no narrative remains in this paragraph)*
- 15.033⁽¹¹⁾ Adult entertainment facility; subject to conditions of subsection 21.4116.

- 15.04** **Accessory Uses:**
- 15.041** A private garage or parking area.
- 15.042**⁽¹⁶⁾ Exterior signs which pertain only to a permitted use on the premises and comply with Section 18.3.
- 15.043**⁽¹⁶⁾ Directional and other incidental signs as permitted in Section 18.3.
- 15.044** Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.
- 15.045** Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- 15.046** Other uses and structures customarily accessory and incidental to a principal permitted use except for uses not otherwise permitted in an M-1 District.
- 15.047** When authorized by the Board, subject to subsection 21.4113, any use permitted in an M-2 District as a principal use when necessary and incidental to a use permitted in an M-1 District; subject to such conditions and requirements as may, in the opinion of the Board, be necessary to protect adjacent property and prevent conditions which may become objectionable or offensive.
- 15.05** **Required Conditions.**
- 15.051** All uses, except for loading and unloading operations and parking, shall be conducted wholly within a completely enclosed building provided that uses specified in subsections 15.0242 shall not be subject to this provision.
- 15.052** No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within one hundred (100) feet of any R-District or recorded residential subdivision, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any R-District or recorded residential subdivision.
- 15.06** **Prohibited Uses.**
- 15.061** Any use which is first permitted in the M-2 District, or which is prohibited in said District under subsection 16.062.

15.062 No use shall be permitted or authorized to be established or maintained which, when conducted in compliance with the provisions of this Resolution and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious or offensive, due to odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

15.063 Dwellings and residences (excepting Section 15.03) including motels, mobile home parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted use.

15.1 **Height Regulations.** Within two hundred (200) feet of any R-District or recorded residential subdivision, no structure shall exceed three (3) stories or fifty (50) feet in height and no structure otherwise shall exceed in height the distance measured to the center line of any street; except as provided in Section 19.2.

15.2 **Area, Frontage and Yard Requirements.** The following minimum requirements shall be observed; except as modified by provisions of Article 19:

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
				<u>One Side Yard</u>	<u>Both Side Yards</u>	
Non-residential structures - none	None	25'	(1)	None, except when adjoining an R-District or recorded residential subdivision - then not less than twenty-five (25) feet each side yard.		1 story-30' 2 story-40' 3 story-50' Five (5) feet more each story.

(1) See Section 15.1

ARTICLE 16 - M-2 GENERAL INDUSTRIAL DISTRICT

16.01 **Purpose.** The intent of the M-2 General Industrial District is to reserve certain land areas for general industrial, manufacturing, processing and related operations which are compatible with residential and commercial development. These areas are to be reserved exclusively for general industrial and related development to provide suitable sites for such activity.

16.02 Principal Permitted Uses.

16.021 Any use permitted in certain parts of said District; or permitted in certain parts subject to Board authorization; or which are not prohibited in the M-2 District by this Article or by any other law or resolution.

16.022 Any of the following uses, when located not less than three hundred (300) feet from any R-District or recorded residential subdivision, and not less than one hundred (100) feet from any other district, except an M-1 or an F-1 District:

- a. Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch
- b. Acid manufacture, except as specified as a conditional use in subsection 16.031-t
- c. Asbestos manufacturing
- d. Automobile assembly
- dd. Bag, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust
- ddd. Blacksmith welding or other metal working shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and other noise producing machine tools
- e. Bleaching, cleaning and dyeing of large scale production
- f. Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over twenty (20) tons rated capacity
- g. Brewing or distilling of liquors
- h. Brick, pottery, tile and terra cotta manufacturing
- i. Bulk station
- ii. Building materials sales yards including concrete mixing, lumber yards, including millwork, open yards for storage and sale of feed and/or fuel
- j. Candle or sperm oil manufacturing
- k. Coal yards, excepting such as permitted in subsection 14.0365
- l. Cooperage works
- m. Dextrin, starch or glucose manufacturing
- n. Disinfectant, insecticide or poison manufacturing
- o. Dye and dyestuff manufacture
- p. Enameling, lacquering or japanning
- q. Emery cloth or sandpaper manufacturing
- r. Felt manufacturing
- s. Flour or grain mill
- t. Forge or foundry works

- u. Gas - generation or storage for illumination or heating
- v. Grain drying or poultry feed manufacturing
- w. Hair or hair products manufacturing
- ww. Ice manufacturing and cold storage plant; creamery and bottling plant
- x. Lime or lime products manufacturing
- y. Linoleum, oil cloth or oiled goods manufacturing
- z. Match manufacturing
- aa. Meat packing; but not stockyards or slaughterhouses, specified as a conditional use in subsection 16.031q
- ab. Oil, paint shells, turpentine, varnish or enamel manufacturing, or the grinding of colors by machine
- ac. Paper and pulp manufacturing
- ad. Perfume manufacturing
- ae. Pickle, sauerkraut or sausage manufacturing
- af. Plaster manufacturing
- ag. Poultry, slaughterhouse, including packing and storage for wholesale
- ah. Printing ink manufacturing
- ai. Radium extraction
- ak. Sandblasting or cutting
- al. Sawmill, the manufacture of excelsior wood fiber or sawdust products
- am. Sewage disposal plant
- an. Shoddy manufacturing
- ao. Shoe blacking or polish or stove polish manufacturing
- ap. Soap manufacturing
- aq. Steam power plant, except where necessary to a permitted principal use
- ar. Stone and monument works employing power driven tools unless complying with provisions in subsection 14.0367
- as. Storage, drying, rags, glass, cloth, paper or clipping, including sorting, refining, baling, wool pulling and scouring
- at. Sugar refining
- av. Tar distillation or manufacturing
- aw. Vinegar manufacturing
- ax. Wire or rod drawing - nut, screw or bolt manufacturing
- ay. Yeast manufacturing
- az. Any other use which, in the opinion of the Board, is of a similar character to those specified above.

16.023(20) Telecommunications facilities are subject to conditions of subsection 21.4115.

16.03 Conditional Uses Requiring Board Approval.

16.031 Any of the following uses shall be prohibited, unless located not less than six hundred (600) feet from any R-District or recorded residential

subdivision, and not less than two hundred (200) feet from any other district except as provided in subsection 21.4113, subject to such conditions and requirements as may, in the opinion of the Board, be necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

- a. Ammonia, chlorine or bleaching powder manufacture
- b. Animal black, lamp black, bone black or graphite manufacture
- c. Celluloid or pyroxylin products manufacturing or storage
- d. Cement, lime gypsum or plaster of Paris manufacture
- e. Crematory
- f. Creosote manufacture or treatment
- g. Distillation of coal, petroleum, refuse, grain, wood or bones, except in the manufacture of gas
- h. Explosives manufacture or storage for small arms ammunition
- i. Fertilizer, compost - manufacture or storage
- j. Fish curing, smoking or packing, fish oil manufacture or refining
- k. Garbage, offal, dead animals, refuse, or rancid fats, for incineration, reduction, or storage
- l. Glue manufacturing, size or gelatin manufacturing where the processes include the refining or recovery of products from fish, animal or offal
- m. Hog farm
- n. Livestock feeding yard
- o. Petroleum or inflammable liquids production, refining and storage above ground
- p. Rubber, caoutchouc or gutta percha manufacture and treatment from curde or scrap material or the manufacture of balata
- q. Slaughtering of animals or stock yards
- r. Smelting of ferrous or non-ferrous ores
- s. Storage, curing or tanning of raw, green or salted hides or skins
- t. Sulphurous, sulfuric, nitric, picric, carbolic or hydrochloric or other corrosive acid manufacture
- u. Any other use which in the opinion of the Board is of a similar character to those specified above
- v. Automobile wrecking yards, junk yards; subject to the provisions specified in Section 18.9.

16.032⁽⁹⁾⁽²⁰⁾ *(as a result of an amendment, no narrative remains in this paragraph)*

16.033⁽¹¹⁾ Adult entertainment facility; subject to conditions of subsection 21.4116.

16.04 **Accessory Uses.**

16.041 A private garage or parking area.

- 16.042⁽¹⁶⁾** Exterior signs which pertain only to a permitted use on the premises and comply with Section 18.3.
- 16.043⁽¹⁶⁾** Directional and other incidental signs as permitted in Section 18.3.
- 16.044** Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 18.3.
- 16.045** Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- 16.046** Other uses and structures customarily accessory and incidental to a principal permitted use except for uses not otherwise permitted in an M-1 District.
- 16.047** Any other use when an incidental and necessary accessory use to a permitted principal use, when authorized by the Board as provided by subsection 21.41 13, subject to such conditions and requirements as may, in the opinion of the Board, be necessary to protect adjacent property and prevent conditions which may become objectionable or offensive.
- 16.05 **Required Conditions.****
- 16.051** The requirement that certain businesses, services or processing shall be conducted within a completely enclosed building shall not apply to any principal use permitted under subsection 15.02 in the M-1 District. Any such use may be conducted in the M-2 District within or without a building or enclosure, subject to any applicable distance limitations set forth in Article 15.
- 16.052** All junk yards shall be enclosed by a solid board fence or wall not less than eight (8) feet high with a planting strip ten (10) feet wide on the outside of such wall on all sides adjoining a roadway or an R-District or recorded residential subdivision. Such planting strip shall be planted with trees or shrubs that will provide a dense screen at all times, and that will be mature within a three (3) year period.
- 16.06 **Prohibited Uses.****
- 16.061** Dwellings and residences of any kind including motels, mobile home parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the M-2 District at the time of adoption of this Resolution, or any amendment thereto, shall not be classified as a non-conforming use as defined in section 4.29.

16.062 No use shall be permitted or authorized to be established or maintained which when conducted in compliance with the provisions of this Resolution and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

16.1 **Height Regulations.** Within two hundred (200) feet of any R-District or recorded residential subdivision no structure shall exceed three (3) stories or fifty (50) feet in height and no structure otherwise shall exceed in height the distance measured to the center of any street; except as provided in Section 19.2.

16.2 **Area, Frontage and Yard Requirements.** The following minimum requirements shall be observed; except as modified by the provisions of Article 19:

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
				<u>One Side Yard</u>	<u>Both Side Yards</u>	
Non-residential structures - none	None	25'	(1)	None, except when adjoining an R-District or recorded residential subdivision - then not less than fifty (50) feet each side yard.		1 story-40' 2 story-50' 3 story-60' Five (5) feet more each additional story.

(1) See Section 16.1

ARTICLE 17 - F-1 FLOOD PLAIN DISTRICT

17.01 **Purpose.** The intent of the F-1 Flood Plain District is to protect storm water channels so they can carry abnormal flows of water in time of high water and flooding; to prevent encroachment into those areas in which development will materially obstruct the flow of flood water, thereby increasing the magnitude of the flooding; and to prevent the loss of life and excessive property damage in the areas of greatest flood hazard.

17.02 **Definitions:** As used in Sections 17.021 to 17.101 inclusive:

- 17.021** **Channel:** A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.
- 17.0211** **Equal Degree of Encroachment:** A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.
- 17.0212** **Flood:** A temporary rise in stream flow or stage that results in inundation of areas adjacent to the channel.
- 17.0213** **Flood Frequency:** The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded, which is expressed as having a probability of occurring once within a specified number of years.
- 17.0214** **Floodway Fringe:** That portion of the regulatory flood plain outside of the floodway.
- 17.0215** **Flood Plain:** The areas adjoining a watercourse which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions.
- 17.0216** **Flood Proofing:** A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.
- 17.0217** **Floodway:** The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.
- 17.0218** **Obstruction:** Any dam, wall, wharf, embankment, levee, dike, pike, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter; which is in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area; which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water; or which is placed where the flow of water might carry the same downstream to the damage of life or property.
- 17.0219** **Reach:** Longitudinal segments of a stream or river, which will be affected by the placement of an obstruction in a Floodway or Floodway Fringe.

- 17.022** **Regional Flood:** A flood which is representative of large floods known to have occurred generally in Ohio and reasonably characteristic of what can be expected to occur on an average frequency in the order of the 100-year recurrence interval.
- 17.023** **Regulatory Flood Plain:** A watercourse and the areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.
- 17.0231** **Regulatory Flood Protection Elevation:** A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Resolution are required to be elevated or flood proofed.
- 17.0232** **Structure:** Anything constructed, set, placed, or erected on the ground or attached to the ground, including but not limited to, buildings, factories, sheds, cabins, mobile homes, and other similar items.
- 17.0233** **Watercourse:** A channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.
- 17.0234** **Water Surface Profile:** A graph showing the relationship of water surface elevation to location, the latter generally expressed as distance above mouth for a stream of water flowing in an open channel. It is generally drawn to show surface elevation for the crest of a specific flood, but may be prepared for conditions at a given time or stage.
- 17.0235** **Establishment of Regulatory Flood Plain District:** The Official Zoning Map delineating the landward limits of the Regulatory Flood Plain District together with all explanatory matter thereon and attached thereto and including the appropriate flood profile is hereby adopted by reference and declared to be a part of this Resolution. The Official Zoning Map will be on file in the office of the Township Clerk.
- 17.0236** The flood hazard areas within the jurisdiction of this Resolution are hereby designated as the Regulatory Flood Plain District. The boundaries of this district will be shown on the Official Zoning Map and shall be determined by the water surface profile, and, in the event of a conflict, the water surface profile shall control. Within this district, only those uses allowed as Permitted Uses or Conditional Uses will be permitted. When sufficient information becomes available to designate separate Floodway and Floodway Fringe Districts, this Regulatory Flood Plain District may be separated into the two districts.

- 17.0237** This Resolution will apply to all lands within the jurisdiction of Morgan Township shown on the Official Zoning Map or as may be identified by the water surface profile as being located within the boundaries of the Regulatory Flood Plain District.
- 17.0238** The regulations in this Resolution will be construed as being supplementary to and do not change any regulations imposed on the same lands or uses permitted by virtue of the land being part of a Zoning District.
- 17.0239** The regulatory flood protection elevation and necessary floodway areas will be established by the Board, consistent with the methods specified in Section 17.0241 and 17.062 of this Resolution.
- 17.024** The Board will estimate the discharge of the regional flood which is representative of large floods known to have occurred in this region and which are reasonably characteristic of what can be expected to occur on the particular streams subject to this Resolution. It is in general order of a flood which could be expected to occur on the average of once every 100 years.
- 17.0241** The boundaries of the Regulatory Flood Plain District will be determined by scaling distance on the Official Zoning Map and consulting water surface profiles. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Board will make the necessary interpretation. The person contesting the location of the district boundary will be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
- 17.03** **Compliance.**
- 17.031** No structure or land, whether public or private, shall hereafter be used and no structure shall be located, extended, converted, expended, enlarged or structurally altered without full compliance with the terms of this Resolution.
- 17.04** **Regulatory Flood Plain District Permitted Uses.** Only the following open space uses will be permitted within the Regulatory Flood Plain District, provided they are not prohibited by any other resolution, and, provided further, that they do not require structures, fill or storage of materials or equipment. In addition, no use will adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

- 17.041** Agricultural uses such as general farming, pasturing, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- 17.042** Industrial-Commercial uses such as loading areas, parking areas, airport landing strips.
- 17.043** Recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- 17.044** Residential uses such as lawns, gardens, parking areas and play areas.
- 17.05** **Prohibited Uses in Floodway Portion of Regulatory Flood Plain District.** The following structures and uses are hereby prohibited in the floodway:
- 17.051** Structures designed or used for human habitation.
- 17.052** The storage or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive or could be injurious to human, animal, or plant life in time of flooding or that have a high flood damage potential.
- 17.053** Garbage and waste disposal facilities including any further encroachment upon the floodway at existing sites.
- 17.054**⁽⁹⁾⁽²⁰⁾ *(as a result of an amendment, no narrative remains in this paragraph)*
- 17.06** **Conditional Uses, Generally.**
- 17.061** Uses other than those specified in Regulatory Flood Plain District Permitted Uses are permitted only upon application to the Zoning Inspector and the issuance of a special permit by the Board. The Board shall determine whether the proposed Conditional Use is located within a floodway or floodway fringe area. If it is determined that the proposed use is located within the floodway the provisions of Conditional Uses in Floodway portion of Regulatory Flood Plain District of this Resolution shall apply. If it is determined that the proposed use is located within the floodway fringe, the provisions of Conditional Uses in Floodway Fringe portion of Regulatory Flood Plain District of this Resolution shall apply. All uses shall be subject to standards contained in this Resolution.

17.062

The Board may deny, grant, or conditionally grant a conditional use permit in accordance with the provisions of Conditional Uses in Floodway portion of Regulatory Flood Plain District and Conditional Uses in Floodway Fringe portion of Regulatory Flood Plain District of this Article after it:

- a. Determines the specific flooding threat at the site of the proposed conditional use and determines whether the use is located in a floodway or a floodway fringe by:
 - 1. Calculation of water surface elevations and flood protection elevations based upon a hydraulic analysis of the portions of the stream channel and other areas inundated by the regional flood. Flood protection elevations shall be one (1) foot above the water surface elevations of the regional flood plus the increase in flood heights caused by the proposed development.
 - 2. Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development. Computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Any increase in flood stages attributable to encroachments on the flood plain of any river or stream shall not exceed 0.5 feet of any one reach or for the cumulative effect of several reaches.
- b. Evaluates the effects of the proposed use upon the public health, safety, convenience, comfort, prosperity, and general welfare in light of the purposes of this Resolution and the standards established herein.

17.07

Conditional Uses in Floodway Portion of Regulatory Flood Plain District. The following Conditional Uses shall be permitted within the floodway, provided they comply with the provisions of this Section, Prohibited Uses in Floodway Portions of Regulatory Flood Plain District and Conditional Uses, Generally, and other standards established in this Resolution, and any conditions attached by the Board to the issuance of the Conditional Use Permit. No temporary or permanent structure, fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use will be permitted, which, acting alone or in combination with existing or reasonably anticipated uses, will result in an increase in stage beyond that permitted in Section 17.062A.2. Where permitted, such fill or other materials will be protected against erosion by vegetative cover, riprap, or bulkheading. Consideration of the effects of a proposed use will be based on a reasonable assumption that

there will be an equal degree of Encroachment extending for a significant reach on both sides of the stream. Conditional Uses include:

- a. Uses or Structures accessory to open space or Conditional Uses.
- b. Circuses, carnivals and similar transient amusement enterprises.
- c. Extraction of sand, gravel and other materials.
- d. Navigational and drainage aids, marinas, boat rentals, docks, piers, wharves, and water measuring and control devices.
- e. Railroads, streets, bridges, utility transmission lines, underground culverts, pipes and pipelines.
- f. Other uses similar in nature to uses described in Regulatory Flood Plain District Permitted Uses or this subsection which are consistent with the provisions set out in the purpose clause.

17.071 Structures (temporary or permanent) accessory to Conditional Uses listed in Section 17.07 are permitted as follows, provided:

- a. They have a low flood damage potential.
- b. They are constructed and placed on the building site so as to offer the minimum obstruction to the flow of waters.
 - 1. Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flood flow, and
 - 2. So far as practical, structures will be placed approximately on the same flood flow lines as those of adjoining structures.
- c. They are firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings, and other narrow sections of the stream or river.
- d. Service facilities such as electrical and heating equipment are placed at or above the regulatory flood protection elevation for the particular area or adequately flood proofed.

17.072 Storage of material or equipment other than that prohibited in Section 17.052 may be allowed upon issuance of Conditional Use Permits if not subject to major damage by floods and firmly anchored to prevent flotation or are readily removable from the area within the time available after flood warning.

- 17.073** Public utility facilities and water oriented industries which must be adjacent to watercourses are permitted provided that the development is located so that it will not significantly alter flood flows, heights, or velocities of the regional flood. Whenever necessary, compensating measures will be required to be undertaken to offset any adverse effects of allowing the use within the floodway and to keep increases in stages of the regional flood within the limits specified in this Resolution.
- 17.074** Structural works for flood control such as dams, levees, dikes and floodwalls will not be allowed within the floodway except upon issuance of a Conditional Use Permit. In addition, any proposed structural work in the beds of public waters as defined in Section 1521.06, Ohio Revised Code, which will change the course, current or cross section of the waters will be subject to the provisions of Sections 1521.06 and 1521.07, Ohio Revised Code, and other applicable statutes.
- 17.08⁽²¹⁾** **Conditional Uses in Floodway Fringe Portion of Regulatory Flood District.** The following structural or other uses are permitted within the floodway fringe as Conditional Uses to the extent they are not prohibited by any other resolution and they meet the following applicable standards:
- 17.081⁽²¹⁾** Conditional Uses permitted in Floodway Fringe Portion of Regulatory Flood Plain District.
- 17.082⁽²¹⁾** Residential uses: Residences, consisting of four (4) units or less, erected, constructed, reconstructed, altered, or moved will be located so that the lowest floor, including basement, is at least one (1) foot above the water surface elevation in the profile of the regional flood plus any increase in flood heights caused by the proposed development. Such building, structures, or additions shall have a means of ingress and egress to land outside the Regulatory Flood Plain which is at or above the regulatory flood protection elevation. This means of ingress and egress shall be constructed of materials which will withstand the pressures associated with the discharge of a regional flood. The means of ingress and egress shall be at least one (1) foot above the regulatory flood protection elevation and shall be a minimum of fifteen (15) feet wide, or a minimum of (5) feet wide if equipped either with handrails or other safety features as may be reasonably required. All fillings of any areas in Floodway Fringe are permitted subject to providing the volume of fill placed in the Floodway Fringe area is compensated by equal volume or soil excavated in the same flood area.
- 17.083⁽²¹⁾** Nonresidential uses other than those described in Sections 17.084 through 17.089. New construction and substantial improvements of structure and buildings, except for attendant utility and sanitary facilities which shall be

flood proofed to the regulatory flood protection elevation, shall be elevated as provided for in Section 17.082 except in special circumstances where they may be protected to a point at or above the regulatory flood protection elevation.

17.084⁽²¹⁾ Commercial Uses: New construction of and substantial improvements to commercial structures and buildings will be elevated as provide for in Section 17.082 except in special circumstances where they may be protected to a point at or above the regulatory flood protection elevation. Accessory land uses, such as yards, railroad tracks, and parking lots may be at lower elevations. However, a permit for such facilities to be used by the general public will not be granted, in the absence of a flood warning system, if the area in inundated to a depth greater than two (2) feet or subject to flood velocities greater that four (4) feet per second upon the occurrence of the regional flood.

17.085⁽²¹⁾ For purposes of this section, residential structures, containing more than four (4) units, will be considered Commercial Uses and provision of Section 17.084 will apply. Also, such building, structures, or additions shall have at least one (1) means of ingress and egress to land outside the regulatory flood plain the same manner as set forth in Section 17.082.

17.086⁽²¹⁾ Manufacturing and Industrial Uses: New construction of and substantial improvement to manufacturing and industrial buildings, structures, and appurtenant works will be raised to the flood protection elevation or flood proofed and otherwise protected to the floor protection elevation.

Measures will be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses such as yards, railroad tracks, and parking lots may be at lower elevations subject to requirements set out in Section 17.084. In considering permit applications, the Board will give due consideration to needs of an industry whose business requires that it be located in flood plain areas.

17.087⁽²¹⁾ Utilities, Railroad Tracks, Streets and Bridges: Public utility facilities, roads, railroad tracks, and bridges will be designed not to increase the flood stage in any one reach or for the cumulative effect of several reaches and will be compatible with local comprehensive flood plain development plans.

17.088⁽²¹⁾ Storage of Materials: Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life will be stored at or above the flood protection elevation, flood proofed, or protected by structural measures consistent with the standards set forth herein. Storage of materials likely to cause pollution of the waters, as

defined by Ohio Law, if subject to flooding, are permitted only if adequate safeguards approved by the appropriated State Agencies are provided.

17.089(21) Waste Treatment and Waste Disposal:

- A. No new construction, addition, or modification to existing waste treatment facilities will be permitted within floodway fringe areas unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the appropriate State Agencies. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters.
- B. There shall be no disposal of garbage or solid waste materials within floodway fringe areas except by issuance of a Conditional Use Permit at sites approved by the Ohio Environmental Protection Agency.

17.090(21) Flood Control Works: Flood control works shall be subject to the provisions of Section 17.074, and the following provisions:

- A. The minimum height and design of any dikes, levees, flood walls, or similar structural works shall be based upon the flood profile of the regional flood confined between the structures subject to the following:
 - 1. For jurisdictional areas, the minimum height and design of structural works shall be at least three (3) feet above the elevation of the regional flood.
 - 2. Modifications and additions to existing structural works shall assure that the work will provide a means of decreasing the flood damage potential in the area.
- B. Flood protection elevations and floodway limits which reflect proposed measures for flood control, that will reduce the flood elevation, shall not become effective until such measures have been constructed and are operative. If the proposed measures will increase flood heights, the regulatory flood protection elevations and flood plain limits shall reflect the anticipated increases.
- C. Detailed plans shall be submitted to the board for any new developments placed on the flood plain landward from dikes and levees. The plans must provide for ponding areas or other measures to protect against flooding from internal drainage.

17.09⁽²¹⁾ **NONCONFORMING USES:** A structure or the use of a structure or premises which was lawful before the adoption of this Resolution, but which is not in conformity with the provisions of the Resolution may be continued subject to the following conditions:

17.091⁽²¹⁾ No Nonconforming Use shall be expanded, extended, replaced, reconstructed, substituted, changed, enlarged, or altered in the floodway.

17.092⁽²¹⁾ No Nonconforming Use in the floodway fringe shall be expanded, extended, replaced, reconstructed, substituted, changed, enlarged, or altered in a way which increases its nonconformity.

Alternative A: Structural alterations or additions to any nonconforming structure, shall not exceed, in the aggregate, over the life of the structure, sixty percent (60%) of its assessed building valuation at the time of the adoption of this Resolution, unless the structure is permanently changed to a Conforming Use.

Alternative B: Structural alterations or additions to any nonconforming structure shall not exceed, in the aggregate, over the life of the structure, sixty percent (60%) of its ground floor areas at the time of the adoption of the Resolution, unless the structure is permanently changed to a conforming structure.

17.093⁽²¹⁾ If such use is voluntarily discontinued for two (2) years or more, any future use of the building premises shall conform to the Resolution.

17.094⁽²¹⁾ If any Nonconforming Use, created by this Resolution, is destroyed by any means, including floods, to an extent of fifty percent (50%) or more of its assessed value, it shall not be reconstructed except in conformity with the provisions of this Resolution. The Board may permit reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately flood proofed, elevated, or otherwise protected in conformity with this Resolution.

17.095⁽²¹⁾ Repairs and maintenance work required to keep a Nonconforming Use in sound condition may be made.

17.096⁽²¹⁾ Any alteration or addition to any Nonconforming Use which will result in substantially increasing its flood damage potential shall be protected by measures pursuant to this Resolution.

17.097⁽²¹⁾ Except as provided in Section 17.094, any use which has been permitted as a Conditional Use shall not be considered as a Nonconforming Use.

- 17.098**⁽²¹⁾ The Zoning Administrator shall prepare a list of those Nonconforming Uses which have been flood proofed or otherwise adequately protected. The Administrator shall present such list to the Board which may issue a certificate to the owner stating that such uses as a result of these corrective measures are in conformity with the provisions of this Resolution.
- 17.099**⁽²¹⁾ Whenever a Nonconforming Use has been changed to a Conforming Use, such use shall not thereafter be changed to a Nonconforming Use.
- 17.100**⁽²¹⁾ Uses or adjuncts thereof or accessory uses which are found by the appropriate Common Pleas Court as nuisances shall not be entitled to continue as Nonconforming Uses.
- 17.101**⁽²¹⁾ The provisions in this Section of Nonconforming Uses are not intended and shall not be construed to permit greater expansion, extension, enlarging, or replacement that is permitted under any existing Zoning Code Sections relating to Nonconforming Uses.

ARTICLE 18 - SPECIAL PROVISIONS

- 18.1** **Parking and Loading Areas, Public Garages, Parking Lots and Filling Stations.**
- 18.11** **Off-Street Loading Space.**
- 18.111** In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouses, goods display, retail store, wholesale store, market, motor hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet.
- 18.112** Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height.
- 18.113** Subject to the limitations in subsection 18.114 such space may occupy all or any part of any required yard or court space.
- 18.114** No space shall be located closer than fifty (50) feet to any other lot in any R-District or recorded residential subdivision, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

18.12 Off-Street Parking Space.

18.121 Required Automobile Parking Spaces. In all districts, in connection with every industrial business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the requirements herein.

18.122 Sizes and Access. Each off-street parking space shall have an area not less than one-hundred-sixty (160) square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be less than one thousand (1000) square feet in area.

There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in the case of a dwelling, and not less than eighteen (18) feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder in such manner as to secure the most appropriate development of the property in question, but, except where provided in connection with a use permitted in an R-District or recorded residential subdivision, such easement of access or access drive shall not be located in any R-District or recorded residential subdivision.

18.123 Floor Area Defined. For the purpose of applying the requirements in subsection 18.124, "floor area", in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, client or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings for toilet or restrooms, for utilities or for dressing rooms, fitting or alteration rooms.

18.124 Number of Parking Spaces Required. The number of off-street parking spaces required shall be set forth in the following:

Uses	Parking Spaces Required
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Automobile or Machinery Sales	
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and Service Garages.....	1 for 800 sq. ft. floor area
Banks, Business and Professional Offices.....	1 for each 400 sq. ft. floor area
Bowling Alleys.....	5 for each alley
Churches and Schools.....	1 for each 8 seats in an auditorium or 1 for each 17 classroom seats; whichever is greater
Dance Halls and Assembly Halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium.....	1 for each 100 sq. ft. of floor area used for assembly or dancing
Dwellings.....	1.5 for each family or dwelling unit
Funeral Homes, Mortuaries.....	6 for each parlor or 1 for each 50 sq. ft. of floor area
Furniture & Appliance Stores, Household Equipment or furniture Repair Shop.....	1 for each 400 sq. ft. of floor area
Hospitals.....	1 for each 2 beds
Lodging Houses.....	1 for each 2 bedrooms
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants, over 1,000 sq. ft. in area.....	1 for each 2 employees in the maximum working shift, or 1,200 sq. ft. of floor area, whichever is greater
Medical or Dental Clinics.....	1 for each 200 sq. ft. of floor area
Motels and Motor Hotels.....	1 space for each living or sleeping unit
Restaurants, Beer Parlors and Night Clubs, over 1,000 sq. ft. in area.....	1 for each 200 sq. ft. of floor area
Retail Stores, Shops, Etc. over 200 sq. ft. in area.....	1 for each 150 sq. ft. of floor area
Sanitarium, Convalescent Homes, Children's Homes.....	1 for each 6 beds
Sports Arenas, Auditorium, Theaters, Assembly Halls other than schools.....	1 for each 6 seats
Wholesale Establishments or Warehouses.....	1 for each 3 employees on maximum shift

or for each 3,000 sq. ft. of floor area,
whichever is greater

In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply.

18.125

Development and Maintenance of Parking Areas. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

- a. Screening and Landscaping.** Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any R-District or recorded residential subdivision, or institutional premises, by a masonry wall or solid fence of acceptable design. Such wall or fence shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the side lot line adjoining premises, or the front lot line facing premises, in any R-District or recorded residential subdivision, shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. In case the capacity of the parking area exceeds thirty (30) vehicles, it shall be screened by a masonry wall of height herein above prescribed.
- b. Minimum Distances and Set-Backs.** No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot, unless screened by an unpierced masonry wall of acceptable design. If not in an R-District or recorded residential subdivision, but adjoining such district, the parking area shall not be located within twenty-five (25) feet from the established right-of-way line within fifty (50) feet of any R-District or recorded residential subdivision.
- c. Surfacing.** Any off-street parking area for more than five (5) vehicles shall be surfaced with an asphaltic or Portland cement binder pavement so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to surfacing shall not apply to a parking area in an M-District if more than two hundred (200) feet distant from any R-District, or recorded

residential subdivision, except that a dustless surface shall be provided in any case.

- d. Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-District or recorded residential subdivision.

18.126 The Board may authorize on appeal a modification reduction, or waiver of the foregoing requirements if it should find that, in the particular case appealed the peculiar nature of the residential, business trade, industrial or other use, or the exceptional shape or size of the property or other exceptional situation or condition, would justify such action.

18.13⁽¹⁶⁾ Restricted Business or Industrial Accessory Parking Areas

The Board of Appeals may authorize, as a conditional use, subject to the provisions of subsection 21.41, the establishment and operation of an off-street parking area for ten (10) or more automobiles in such parts of any A, R, or F District that abut at least fifty (50) feet either directly or across an alley, a B or M District - subject to the following conditions and requirements:

- a. The parking lot shall be accessory to, and for use in connection with, one or more business or industrial establishments located in an adjoining B or M District.
- b. Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distance from any adjacent property located in any R-District or recorded residential subdivision.
- c. The parking lot shall be subject to all the requirements of subsection 18.12; and any additional conditions or requirements, in respect to development, maintenance and operation, which the Board deems necessary or desirable for the protection of adjacent property or the public interest.
- d. No sign of any kind, other than designated entrances, exits and conditions of use as prescribed by Section 18.3 of this Resolution, shall be maintained on such parking lot.
- e. No commercial repair work or services of any kind shall be conducted on such parking lot.
- f. No charge shall be made for parking in such parking lot.

- g. Any person, firm or corporation desiring to secure permission to establish and maintain a restricted business or industrial parking lot within the meaning of this subsection, shall make application to the Board, accompanied by a plan which clearly indicates the proposed development, including the location, size, shape, design, landscaping, curb cuts, and other features and appurtenances of the parking lot. Such application shall also be accompanied by the names and addresses of all the owners of all properties within the same block as the proposed parking lot and all properties separated therefrom by not more than one street, any part of any one of which properties is within two hundred (200) feet of any part of said proposed parking lot and is located in an R-District or recorded residential subdivision.
- h. Before making its final determination, the Board shall hold a public hearing, notice of which shall be given to owners of property above described. If the Board approves the aforesaid application, the Zoning Administrator shall thereafter issue a zoning certificate in accordance therewith, subject to any modifications of the foregoing requirements and to any additional requirements that may be stipulated by the Board.
- i. Any permit authorized by the Board and issued by the Zoning Administrator may be revoked at the time that the aforementioned requirements are not complied with.

18.14 Filling Stations, Public Garages and Parking Lots.

18.141 No gasoline filling station, parking lot for twenty-five (25) or more motor vehicles, or parking garage or automobile repair shop, shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

18.142 No gasoline filling station or public garage shall be permitted where any oil draining pit or visible appliance, for any purposes, other than filling caps, is located within twelve (12) feet of any street or lot line or within twenty-five (25) feet of any R-District or recorded residential subdivision, except where such appliance or pit is within a building.

18.2 Motels and Motor Hotels.

18.21 General Requirements. The sanitary regulations prescribed by the State of Ohio, Environmental Protection Agency or other authority having jurisdiction, the regulations of the Building Code of Butler County, Ohio,

and as may be otherwise required by law, shall be complied with, in addition to the following regulations:

- 18.210** Area and Yard Requirements. Motels and Motor Hotels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
- 18.211** Lot Area Occupancy. The buildings in any motel or motor hotel, together with any non-accessory buildings already on the lot, shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot.
- 18.212** Parking. All areas used for automobile access and parking shall comply with the applicable provisions of this resolution.
- 18.213** Entrance to Motels and Motor Hotels. No vehicular entrance to or exit from any motel or motor hotel, wherever such may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children except where such property is in another block or another street which the premises in question does not abut.
- 18.214** Peripheral Buffer. All motels and motor hotels which are adjacent an "R" zoning district or a recorded residential subdivision shall provide a twenty (20) foot wide planting strip which extends along all outside boundaries contiguous to the "R" zoning district or the recorded residential subdivision. The strips shall be planted with trees and shrubs that will provide a dense screen at all times, and that will be mature within a five year period.
- 18.22** **Enlargement - Board Approval.** Any enlargement or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such and establishment.
- 18.3⁽¹⁶⁾** **SIGNS**
- 18.31⁽¹⁶⁾** **Purpose.** The intent of these sign requirements is to support and promote the rural character of the Township as outlined in the Township Land Use Plan. Additionally, these requirements intend to protect and enhance the physical landscape of the Township and preserve the scenic and natural beauty of the area, thereby safeguarding property value and esthetic desirability of Morgan Township. Regarding practical issues, these requirements should further work to allow business and professionals to adequately publicize their wares and services and at the same time insure

public safety by eliminating hazards and distractions to traffic, both vehicle and pedestrian.

18.32⁽¹⁶⁾ Definitions

- a. Abandoned Sign:** A sign that no longer identifies or advertises a location, product, or activity conducted on the premises on which the sign is located.
- b. Agricultural Sign:** An advertising sign directing attention to a business or commodity conducted, sold or offered upon the premises where such sign is located, and which premises meets the definition of the term “agriculture” as defined in this Resolution.
- c. Animated Sign:** A sign employed actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this Resolution, include the following types:
 - 1. Environmentally Activated:** Animated signs or devices motivated by wind, thermal changes, or other natural environment input; includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
 - 2. Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
 - 3. Electrically Activated:** Animated signs producing the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - (a) Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceed four (4) seconds.
 - (b) Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by

simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

- d. Announcement Sign:** A temporary sign erected for the purpose of announcing a one-time event to the general public. Examples are, but not limited to, school or church carnivals, garage or yard sales, fundraising events and other similar activities. The sign may be hand made, professionally printed or a portable sign.
- e. Awning Sign:** A sign displayed on or attached flat against the surface or surfaces of an awning.
- f. Background Area of a Sign:** The entire area of a sign on which copy and/or graphics could be placed.
- g. Banner:** A flexible substrate printed or painted with words and/or symbols or pictures, the purpose of which is to attract the public's attention to a business, event or idea. A banner may be hung from a pole or poles, or suspended on the side of a building or fence.
- h. Billboard:** A permanent off-premise sign erected, maintained or used in the outdoor environment for the purpose of providing copy area for commercial or non-commercial messages.
- i. Business Sign:** A sign erected on the premises of a business the purpose of which is to advertise the name and/or goods and services provided by the business, or any other pertinent information which would benefit patronage of the business.
- j. Canopy (attached):** A multi-sided structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Marquee.
- k. Canopy (freestanding):** A multi-sided structure supported by columns. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.
- l. Changeable Sign:** A sign with the capability of content change by means of manual or remote input.

- m. **Copy:** The graphic content or message of a sign.
- n. **Copy Area:** The actual area of the sign copy as applied to any background.
- o. **Directional/Parking Sign:** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic and parking.
- p. **Double-Faced Sign:** A sign with two faces, commonly back to back.
- q. **Flag:** The official symbol of a governmental entity; for example, but not limited to, the State of Ohio, the United States of America, or the country of Wales.
- r. **Free Standing Sign:** A sign principally supported by one or more columns, poles, or braces placed in or upon the ground.
- s. **Government Sign:** Any sign which denotes names, places, laws or regulations which are within the control of a governmental agency. Examples include, but are not limited to, street names, traffic signs, government offices, school districts, fire department and traffic regulations such as fire lanes and no parking areas.
- t. **Home Occupation Sign:** A sign which denotes the name and profession of an individual engaged in the operation of business from his/her personal residence.
- u. **Illuminated Sign:** A sign characterized by the use of artificial light, either projecting through its surface (internally illuminated), or reflecting off its surface (externally illuminated).
- v. **Marquee (Attached or Free-Standing):** See Canopy (Attached or Free-Standing)
- w. **Multiple-Faced Sign:** A sign containing three (3) or more faces.
- x. **Parallel Sign:** A sign applied or permanently affixed to the wall, fascia, parapet or window of a building.
- y. **Pennant:** A small portion of flexible material, usually triangular in shape and attached to a cord or string, used to attract attention to a business or public event.
- z. **Political Sign:** A temporary sign erected for the purpose of advocating a candidate or an issue in a primary, general or special

election.

aa. Portable Sign: Any sign which is not permanently attached to the ground or to a building or building structure.

bb. “Pride of Ownership” Sign: A sign installed by a private landowner to make known his/her name or the name they have given to the property.

cc. Projecting Sign: A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

dd. Real Estate Sign: A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

ee. Roof Sign: A sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which is wholly or partially supported by such building.

ff. Signboard: See Billboard.

gg. Sign Structure: Any structure designed for the support of a sign.

hh. Subdivision Sign: A permanent sign erected at the entrance to a residential or business subdivision which identifies the name of that entity.

ii. Temporary Sign: A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature.

jj. V Sign: A sign containing two faces of equal size, positioned at an interior angle subtending less than one hundred seventy-nine (179) degrees at the point of juncture of the individual faces.

kk. Wall Sign: A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall.

18.33⁽¹⁶⁾

GENERAL PROVISIONS:

a. CONFORMANCE: Any sign erected or maintained within the township shall conform to the provisions of this Resolution.

b. PROJECTING OVER PUBLIC WALKWAYS: Signs projecting

over public walkways, where permitted, may do so only subject to the projection and clearance limits either defined herein or is not so defined, at a minimum height of ten (10) feet from grade level to the bottom of the sign. See 18.36(16) for other restrictions and requirements.

- c. FRONTAGE ON TWO OR MORE STREETS:** If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated may then be applied to permitted signs placed on each separate wall or property line frontage.
- d. ANIMATED SIGNS:** Animated signs are permitted in Business and Industrial Districts only. Changeable signs, manually activated, are permitted in all Districts, subject to requirements in Section 18.34. Changeable signs, electrically activated, are permitted in all non-residential zones, as well as for institutional or other non-residential uses permitted in residential zones.
- e. UNSAFE SIGNS:** All signs must be kept in good repair. Any signs determined by the Zoning Administrator to have become unsafe or unsightly due to deterioration, or that have become in danger of falling due to inadequate installation or deterioration, or any sign being unlawfully installed, erected or maintained in violation of any of the provisions of this Resolution, shall be repaired or removed within ten (10) days of receipt of notice from the Zoning Administrator. Notice shall be served by mail or in person to the individual or entity responsible for maintaining the sign; however, ultimate responsibility for corrective action falls to the owner of the property upon which the sign is located.
- f. NON-CONFORMING SIGNS:** Any sign legally existing at the time of the passage of this Resolution Amendment that does not conform in use, location, height, or size with the requirements of the District in which such sign is located shall be considered a protected non-conforming use and may continue in such status until such time as it is either abandoned or removed by its owner. Replacement of such signs is permitted provided the replacement is no larger than the original sign and is of the same or similar nature.
- g. REMOVAL OF OBSOLETE SIGNS:** Any sign that no longer advertises or identifies a use conducted on the property on which it is

erected must be removed within ten (10) days after written notification from the Zoning Administrator.

h. TEMPORARY SIGN RESTRICTIONS: Temporary signs, unless otherwise regulated by specific provisions of this Resolution relating to size, use and District in which placed, shall be subject to the following restrictions:

1. Except for those temporary signs which size is specifically addressed elsewhere in this Resolution, the size of any temporary sign shall not be in excess of the size permitted for any permanent sign of like configuration and/or type in a given District.
2. Any temporary sign that is electrically energized or that contains any electrical device must conform to the same requirements that relate to permanent electric signs under this Resolution.

i. PROHIBITIONS:

1. The use of any revolving or flashing device duplicating an emergency type light, shall be prohibited.
2. No permanent sign shall be placed in a highway right-of-way. Additionally, no sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device. Further
reference
Article 6, section 6.13.
3. No sign shall be illuminated by other than electrical means. Electrical devices, components and wiring shall be installed and maintained in accordance with the requirements of the electrical code of Butler County. In no case shall an open spark or flame be used for display purposes.
4. No animated sign or roof sign shall be permitted in any Residence District, including R-4 Multiple Family and R-PUD.

j. SETBACKS: Unless otherwise regulated by specific reference in this Resolution, there shall be no setback requirements for permitted freestanding signs in all Districts.

18.34⁽¹⁶⁾ AREA OF SIGNS:

a. SIGNS CONTAINING INTEGRAL BACKGROUND AREAS:

The area of a sign containing a background area shall be expressed as the area of the smallest standard geometric shape capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be expressed as the sum of the areas of all separate background areas, but without regard for any open space between the separate background areas.

b. SIGNS WITHOUT INTEGRAL BACKGROUND AREAS:

Where a sign consists of individual elements such as letters, symbols or other graphic objects or representations that are painted, attached to or otherwise affixed to a surface such as a wall, window, canopy, architectural projection or any surface not specifically designed to serve as a sign background, the sign area shall be expressed as the sum of the individual areas of the smallest geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.

c. COMPUTING THE AREA OF A DOUBLE-FACED SIGN:

In computing the area of a double-faced sign, only one side shall be considered provided all faces are identical in size. The area of multiple-faced signs in which the interior angle formed by the faces is greater than ninety-one (91) degrees shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-faced signs.

18.35⁽¹⁶⁾

PERMITS

a. PERMITS REQUIRED: Unless specifically exempted, a permit must be obtained from the Zoning Administrator for the erection of all signs within the Township. Exemption from securing a permit shall not relieve the owner of the sign from responsibility for its erection and maintenance in a safe manner and in accordance with the provisions of this Resolution.

b. APPLICATION FOR PERMIT: Application forms for a permit shall be obtained from the Zoning Administrator and shall be

accompanied by a diagram showing dimensions, materials, details of construction and any other pertinent data demonstrating the proposed sign to be in conformance with this Resolution. Additionally, if the applicant is not the owner or lessee of the premises, written consent of said owner or lessee must be included with the application.

- c. **PERMITS TO ENLARGE OR RELOCATE A SIGN:** No sign shall be enlarged or relocated except in conformity with the provisions herein, nor until a proper permit has been secured. Changing of movable parts or components of an approved sign that is designed for such changes, or changing of copy, display and/or graphic matter, or the content of any sign or sign structure shall not be deemed an alteration.
- d. **SIGNS NOT REQUIRING PERMITS:** No permit is required for signs such as those advertising garage or yard sales, temporary real estate for sale signs, restricted entry signs such as “no trespassing” or “private property”, temporary political signs, “pride-of-ownership” signs, crop brand signs, festival or non-profit fund-raising signs, and other similar signs. The Zoning Administrator shall determine whether or not a sign not listed above falls into this category.

18.36⁽¹⁶⁾

REQUIREMENTS BY DISTRICT:

- a. **ON-PREMISE SIGNS PERMITTED IN ALL DISTRICTS:** In addition to any signs designated as permissible in the General Provisions and/or in any other section of this Resolution, the following signs and/or sign types are permitted in all Districts:
 - 1. **TEMPORARY REAL ESTATE SIGNS** as defined herein. All such signs shall be permitted only during the time during which the property advertised is available for sale, lease or rental, and must be removed within ten (10) days after closing of the sale, lease or rental.
 - 2. **TRESPASSING SIGNS:** Trespassing signs, signs indicating the private nature of a road, driveway or premises, provided that the area of any such sign shall not exceed six (6) square feet.
 - 3. **TEMPORARY SUBDIVISION DEVELOPMENT SIGNS:** Temporary signs erected in connection with the development or proposed development of the premises or property provided that the area of any such sign shall not exceed sixteen (16) square feet per each five thousand (5000) square feet of lot area in the subject

development, or ninety-six (96) square feet, whichever is smaller. Not more than one (1) such sign shall be placed on property held in single and separate ownership unless the property fronts on more than one (1) street, in which case one (1) such sign shall be permitted on each separate street frontage. Such signs shall be removed within ten (10) days after the development has been completed and/or the last structure occupied.

4. TEMPORARY POLITICAL SIGNS: Temporary political signs as defined herein provided that the area of any such signs shall not exceed thirty-two (32) square feet. If used for the purpose of advertising political parties and/or candidates for election or issues subject to referendum, such signs shall be removed within ten (10) days following such election or referendum. The property owner shall be responsible for such removal.

5. TEMPORARY SPECIAL EVENTS SIGNS: Temporary signs advertising special events and/or promotions of a commercial or non-commercial nature, shall be displayed during a time period of no more than forty-five (45) days prior to the special event and/or promotion, and shall be removed within ten (10) days following the special event and/or promotion; and further provided that not more than one (1) such sign shall be placed on any single premises or property unless such premises or property fronts on more than one street in which case one (1) such sign shall be permitted on each separate street frontage. The area of any such sign shall not exceed the following limitations by District:

(a) **RE Residential thru R-3 Residence** – sixteen (16) square feet

(b) **Agriculture, R-4 Residence, R-PUD and R-MHP** – thirty-two (32) square feet

(c) **Business and Industrial** – sixty-four (64) square feet

6. INFORMATIONAL OR PUBLIC SERVICE SIGNS: Informational or public service signs as required on any premises or property for the purpose of advertising the availability of rest rooms, telephones or similar facilities of public convenience provided the area of any such sign shall not exceed six (6) square feet.

7. MEMORIAL, HISTORICAL, TOWN NAME SIGNS:

Memorial signs, historical signs or tablets and town identification signs, provided the area of any such sign or tablet shall not exceed sixteen (16) square feet.

8. DIRECTIONAL SIGNS: Directional signs as defined herein and as required on any premises or property provided that the area of any such sign shall not exceed the following limitations by District:

(a) Residential – six (6) square feet

(b) All Other Districts – nine (9) square feet

b. ON-PREMISE SIGNS PERMITTED IN A-1, R-E, R-1 Thru R-3, And F-1 DISTRICTS:

1. PRIDE-OF-OWNERSHIP and HOME OCCUPATION

SIGNS: Pride-of-ownership signs and home occupation or avocation signs provided that the area of any such sign shall not exceed six (6) square feet for the first one hundred (100) feet of road frontage, and three (3) square feet for each additional one hundred (100) feet of road frontage, not to exceed thirty-two (32) square feet.

2. TEMPORARY CONTRACTORS' OR ARTISANS'

SIGNS: Contractors' or artisans' temporary signs displayed during the period such contractors or artisans are performing work on the premises on which such signs are displayed, provided the area of any such sign shall not exceed twelve (12) square feet. Such signs shall be limited to one (1) sign per contractor or artisan, and shall be removed immediately upon completion of the work of the contractor or artisan, or upon expiration of the initial building permit, whichever comes first.

3. SUBDIVISION IDENTIFICATION AND PERMITTED NON-RESIDENTIAL OR INSTITUTIONAL USE SIGNS:

Subdivision identification signs, and/or signs identifying apartment or condominium complexes, provided the copy area of any such sign shall not exceed thirty-two (32) square feet for the first one hundred (100) feet of road frontage and an additional six (6) square feet for each additional one hundred (100) feet of frontage, up to a maximum of sixty-four (64) square feet; and further provided one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the subdivision, apartment or condominium complex and/or for each means of entrance to or exit from the subdivision, apartment or condominium complex.

4. **HEIGHT LIMITS:** Unless otherwise regulated by specific reference in this Resolution, freestanding signs shall be limited to a height above the grade level on which they are placed of nine (9) feet to the top of the sign.

c. **ON-PREMISE SIGNS PERMITTED IN R-4 MULTIPLE FAMILY RESIDENCE, R-PUD AND R-MHP DISTRICTS:**

1. **Any signs permitted in a Residential District** that relate to a use permitted in R-4 and R-PUD Districts.
2. **BUILDING IDENTIFICATION AND DIRECTORY SIGNS:** Signs of an apartment building or development, office or professional building, including a directory of tenants engaged in professional and/or commercial activity on the premises. The area of any such sign shall not exceed sixty-four (64) square feet and not more than two (2) such signs shall be permitted on premises held in single and separate ownership unless such premises fronts on more than one (1) street, in which case two (2) such signs shall be permitted on each separate street frontage, and further provided that one (1) sign, the area of which shall not exceed sixty-four (64) square feet, shall be permitted for each means of entrance to or exit from the premises.
3. **SIGNS FOR PERMITTED USES OTHER THAN APARTMENT, OFFICE OR PROFESSIONAL:** Signs for permitted uses within the Districts other than an apartment, office or professional building provided the area of any such sign shall not exceed sixty-four (64) square feet and further provided not more than two (2) such signs shall be permitted for each separate street and/or separate building frontage occupied by the permitted use.
4. **FREESTANDING SIGN HEIGHT LIMIT:** Unless otherwise regulated by specific reference in this Resolution, freestanding signs shall be limited to a height above the grade level on which they are placed of twelve (12) feet to the top of the sign.

d. **ON-PREMISE SIGNS PERMITTED IN B-1, B-2, B-3, M-1, M-2 AND M-3 DISTRICTS:**

1. **ANY SIGNS PERMITTED IN MORE RESTRICTED DISTRICTS:** Any signs permitted in a., b. and c. above that relate to a use permitted in the Business and Industrial Districts.
2. **SIGNS BY TYPE:** Signs for permitted uses as regulated by

reference to types of signs listed below:

(a) FREESTANDING SIGNS:

- (1) Freestanding signs shall be limited to one (1) except for a use that fronts on more than one street or other property usage, in which case one (1) such sign shall be permitted for each separate street frontage or frontage on other property usage. If a use exceeds three hundred (300) lineal feet on any frontage, one additional such sign on such frontage shall be permitted; and for each multiple of three hundred (300) lineal feet of frontage thereafter, one additional such sign shall be permitted for each separate street frontage or frontage on other property usage.
- (2) Unless otherwise regulated by specific reference herein, the area and height above grade of any freestanding sign shall not exceed the amounts specified in Table I (for uses bordering streets with posted speeds up to 40 MPH) or Table II (for uses bordering streets with posted speeds exceeding 40 MPH) on pages 119 and 120.
- (3) For a use designated as a shopping center or industrial park, one (1) freestanding sign per each three hundred (300) lineal feet of frontage or multiple thereof shall be permitted for each separate street frontage, frontage on other property usage and/or for each means of
of
entrance to or exit from the use. The area of any such sign shall not exceed the product of one-half (1/2) of one percent (1%) of the aggregate lot area of the subject premises, or five hundred (500) square feet, whichever is smaller, and the height above the grade level on which the sign is placed shall not exceed fifty (50) feet to the top of the sign.
- (4) Within the environs of a use designated as a shopping center or planned industrial park, freestanding signs shall be permitted as required for the primary purpose of promoting traffic safety through the provision of directional information within the environs of the use,

provided that any such sign shall not exceed an area of one hundred (100) square feet nor a height above the grade level on which it is placed of sixteen (16) feet to the top of the sign.

TABLE I
ON PREMISE FREESTANDING SIGNS / COMMERCIAL AND INDUSTRIAL ZONES
VEHICULAR SPEED SUBJECT TO POSTED LIMITS TO 40 MPH

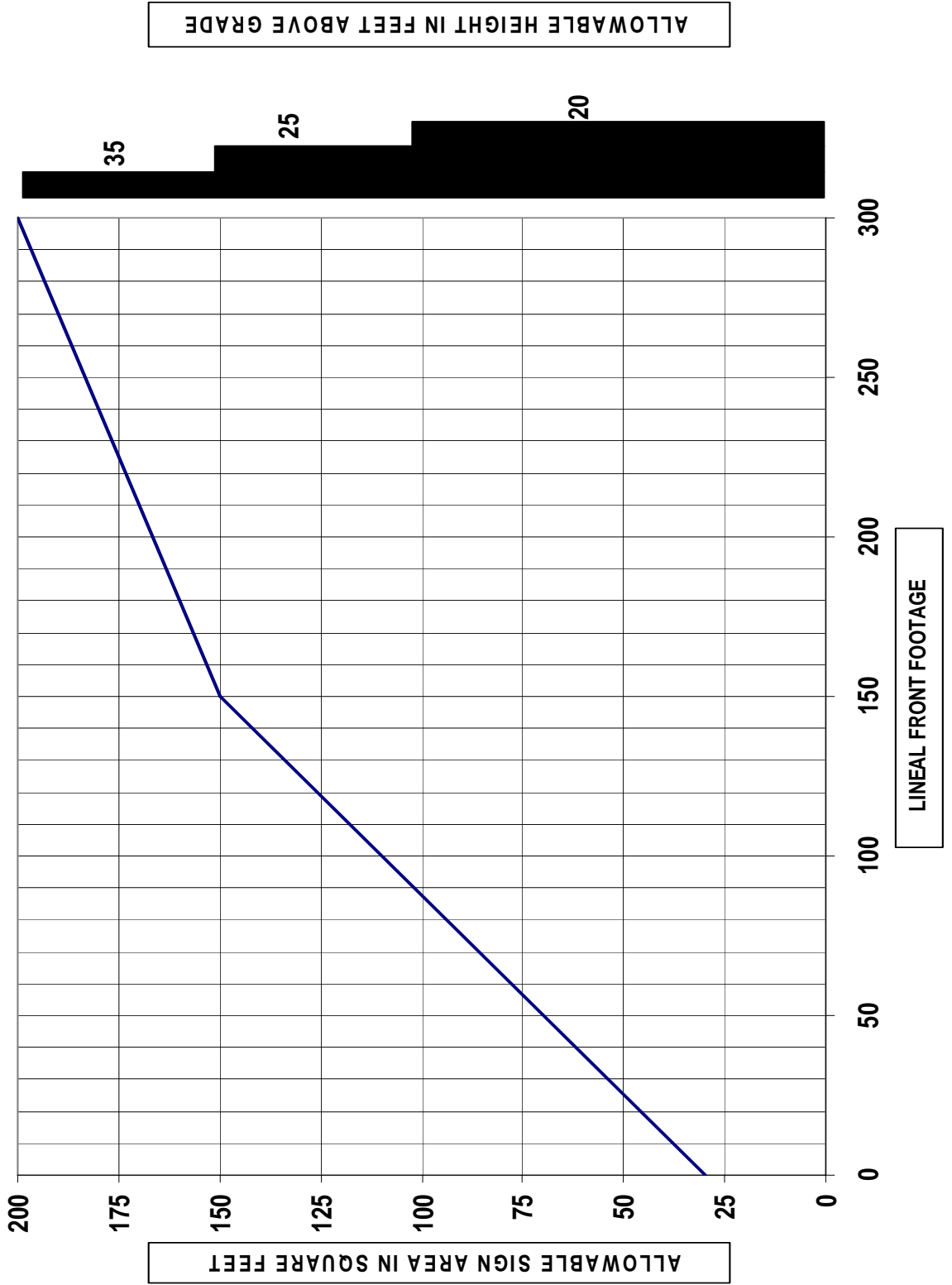
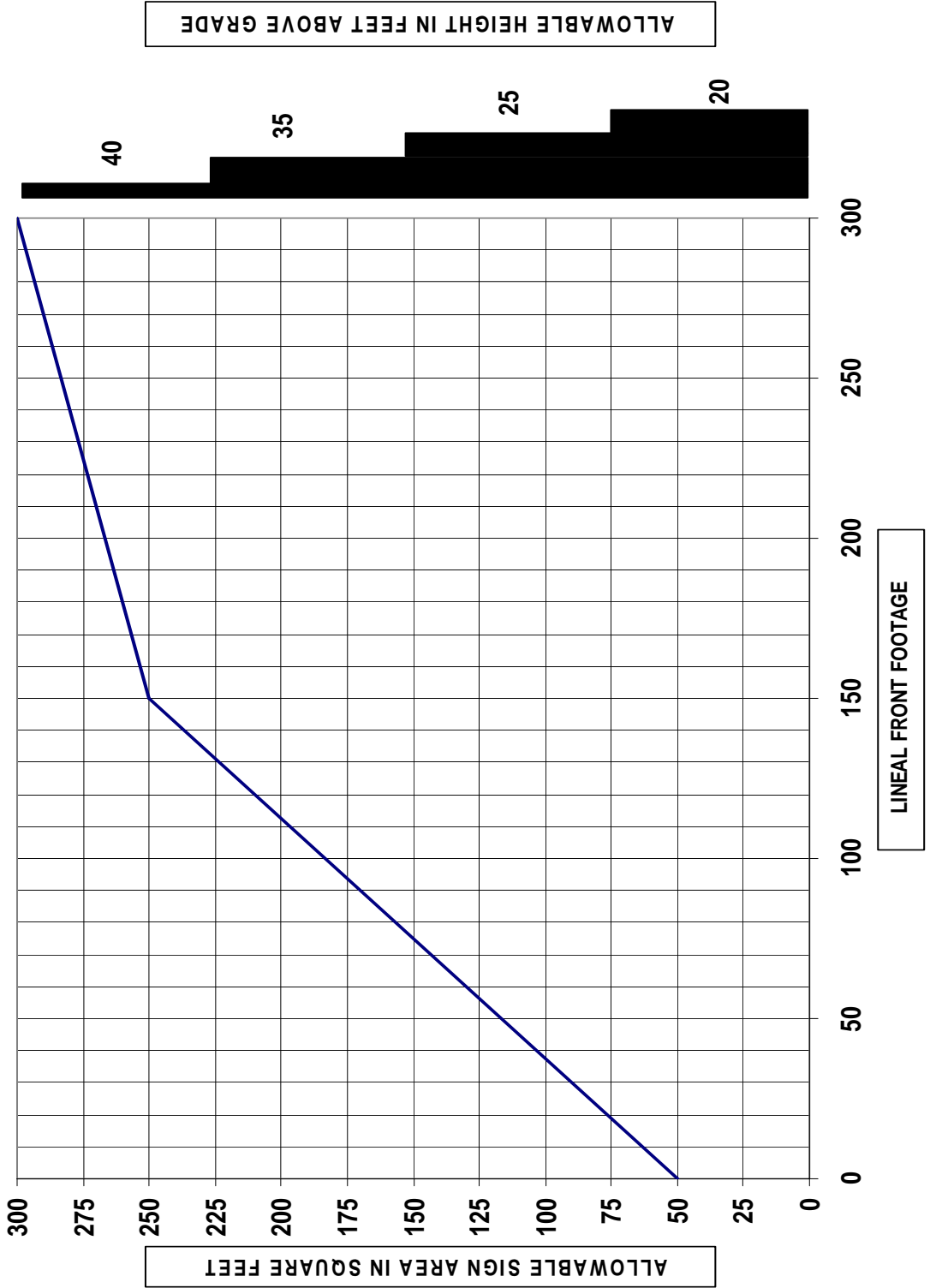


TABLE II
ON PREMISE FREESTANDING SIGNS / COMMERCIAL AND INDUSTRIAL ZONES
VEHICULAR SPEED SUBJECT TO POSTED LIMITS TO 65 MPH



(b) PARALLEL SIGNS:

- (1) The total area of all signs affixed or applied essentially in a parallel plane to any given building façade shall not exceed an area computed a a percentage of the building façade, including window and door areas and cornices to which they are affixed or applied in accordance with Table III below:

TABLE III – PARALLEL SIGNS

Distance of Sign From Road or Adjacent Commercial or Industrial Zone	Percentage of Building Face or Wall Permitted For Sign Area
----- 0 to 100 feet	Fifteen (15%)
101 to 300 feet	Twenty (20%)
Over 300 feet	Twenty-Five (25%)

- (2) In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premises shall apply with respect to each building, separate store or similar use. Only parallel signs shall be permitted for individual establishments.

(c) ROOF SIGNS, SPECIAL CONSIDERATIONS:

- (1) The height of any roof sign above the highest architectural point of Sthe building to which it is mounted shall not exceed the percentage of the vertical dimension of the building façade parallel to the sign in accord with [a] and [b] below. Measurements shall be computed from the highest building point to the top of the sign.
- [a] Business Districts-Twenty-five percent (25%)
 - [b] Industrial Districts-Fifty percent (50%)
- (2) The area calculation in accordance with Table III above for any roof sign whose orientation on a roof may be other than parallel to an individual building façade shall be computed with reference to the building façade which most closely parallels the orientation of such sign.

(d) CANOPY AND MARQUEE SIGNS, AND SIGNS ON ARCHITECTURAL PROJECTIONS:

- (1) Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to forty percent (40%) of the product of the height and length of the face area of the canopy, marquee or architectural projection to which such sign is affixed or applied.
- (2) Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee or architectural projection without restriction, and the area of any such graphic treatment shall not be calculated as a component of permitted copy area.

(e) AWNING SIGNS:

- (1) Signs affixed or applied to the face or side surfaces of an awning or backlit awning provided that the copy area of any such sign, as defined herein, does not exceed an area equal to fifty percent (50%) of the total background area of the awning or backlit awning surface to which it is affixed or applied; or alternatively, does not exceed an amount equal to the amount of copy area permitted for parallel signs as provided herein, whichever is greater.
- (2) Graphic treatment and/or embellishment in the form of striping, patterns or valances shall be permitted on the face or side surfaces of any awning or backlit awning without restriction, and the area of any such graphic treatment and/or embellishment shall not be calculated as a component of permitted copy area.

(f) PROJECTING SIGNS:

- (1) Projecting signs shall be limited to one (1) per building façade on which any such sign is mounted except for a use that fronts on more than one street or other property usage, in which case one (1) such sign shall be permitted per façade for each separate street frontage or frontage on

other property usage. In the case of a building in which any individual façade exceeds two hundred (200) lineal feet, one (1) such sign shall be permitted for each two hundred (200) lineal feet of such façade or multiple thereof on each separate street or other property usage on which such façade fronts.

- (2) The area of any projecting sign shall not exceed one (1) square foot per every two (2) lineal feet of the building façade on which such sign is mounted, except that no such sign shall be larger in area than one hundred (100) square feet.
- (3) No projecting sign shall extend in a vertical dimension above the highest architectural point of the façade to which it is mounted in excess of twenty-five percent (25%) of the vertical dimension of the façade itself.
- (4) Projecting signs extending over a public sidewalk, where permitted, shall be limited to a projection distance not to exceed two-thirds (2/3) of the width of the sidewalk.
- (5) Projecting signs shall not be permitted in addition to any permitted freestanding signs on any given property frontage, except that, in the case in which a premises is permitted either freestanding or projecting signs on any one frontage, projecting signs may be substituted for any of the permitted freestanding signs on such frontage, provided that the requirements herein specifically relating to size, height and extension of projecting signs are met.

(g) UNDER CANOPY SIGNS: Signs affixed to the underside of a canopy, marquee or architectural projection shall be limited to a copy area not to exceed eight (8) square feet. One such sign shall be permitted for each means of entrance to or exit from a premises utilizing a canopy-type structure, and/or for every one hundred (100) lineal feet of such canopy-type structure.

(h) TEMPORARY SIGNS (EXTERIOR): Temporary signs, in the form of banners, portable signs or other means of graphic communication shall be in accord with the provisions of Section 18.33 h. The area of any temporary sign shall not exceed an area computed in accordance with (1) and (2) below. The area allowances so computed shall not be included in any computation of area allowances for other signs as provided

herein.

- (1) Freestanding temporary signs – forty percent (40%) of the area permitted for permanently installed freestanding signs as provided herein.
- (2) Building-mounted temporary signs – fifteen percent (15%) of the building façade on which such sign is mounted.

(i) **TEMPORARY SIGNS (WINDOW):** Temporary signs displayed as window signs as defined herein shall be in accord with the provisions of Section 18.33 h., as provided herein and shall not exceed an area equal to fifty percent (50%) of the window area on which such signs are displayed. This area allowance shall not be included in any computation of area allowances for other signs as provided herein.

e. OFF-PREMISE SIGNS PERMITTED IN AGRICULTURE, BUSINESS AND INDUSTRIAL DISTRICTS:

1. Billboard or Signboard: As defined in Section 18.32 of this Resolution and regulated as follows:

- (a) No billboard or signboard shall be permitted which any Residence District or recorded residential subdivision or within one-hundred (100) feet of any of the following: entrance to a public park; public, private or parochial school; library; church; museum; historical monument or roadside safety rest area.
- (b) Adjacent to primary highways, no billboard or signboard or structure shall be erected within one thousand (1,000) feet of another sign structure on the same side of the highway. All distances between signs shall be measured along the nearest edge of the pavement directly opposite the signs, along each side of the highway. On premises signs shall not be considered in determining spacing requirements.
- (c) Billboards or signboards, where permitted, shall be set back from the established right-of-way line of any street or highway, at least as far as the required front yard depth for a principal building in such district. In any Agriculture District, the minimum set-back shall be at least fifty (50) feet from the established right-of-way, except that at all intersections the

minimum set-back shall be at least one-hundred (100) feet from the established right-of-way on both intersecting streets.

(d) Maximum area for any billboard or signboard, excluding border, trim and support structure, shall be calculated based upon the distance from the highway right-of-way at which the sign is to be installed and frontage of the lot on which the sign is placed. Calculation of this area shall be made using Tables I and II in paragraphs 18.36 d.2.(a)(2) of this Resolution.

(e) All billboards or signboards shall be maintained according to Section 18.33 e. of this Resolution.

18.4 Dwelling Groups.

A zoning certificate for the erection of a dwelling group, in those districts where permitted, may be issued by the Zoning Inspector, provided such dwelling group conforms to all of the following conditions and requirements:

18.41 The area of the lot on which the dwelling group is to be erected shall be at least twenty (20) percent greater than the aggregate of the minimum lot areas otherwise required for the individual dwellings in the group.

18.42 Each dwelling in the group shall front either on a street, or other permanent public open space at least forty (40) feet wide, or on a common yard or outer court. The least width of such yard, if flanked by buildings on one side only shall be:

1-1 1/2 stories	30 feet
2-2 1/2 stories	35 feet
3 stories	40 feet

If flanked by buildings on both sides, the least width of such yard shall be:

1-1 1/2 stories	40 feet
2-2 1/2 stories	50 feet
3 stories	60 feet

In each case the distances between principal buildings, other than the distances specified above, shall not be less than the sum of the least widths of side yards required in the district in which the dwelling group is to be located.

18.43 In cases where the principal buildings are arranged in some other manner than is indicated in 18.42 above, the minimum distance between such buildings shall not be less on at least two sides of each building that the

least widths of a required outer court and on any other side not less than the otherwise required sum of least widths of side yards.

18.44 The distance between principal buildings and the nearest lot lines, other than a front lot line, shall be not less than the height of the building, nor less than thirty (30) feet in any case.

18.45 Every dwelling in the dwelling group shall be within sixty (60) feet of an access roadway or drive, having a right-of-way at least twenty (20) feet wide, providing vehicular access from a public street, and within five hundred (500) feet, measured along the route of vehicular access, from a public street.

18.5 Planned Unit Development - Neighborhood Convenience Commercial Uses.

18.51 The conditions for Approval of Neighborhood Convenience Commercial Uses within a Planned Unit Development shall be as follows:

18.511 The Planned Unit Development landholding shall contain not less than fifty (50) acres.

18.512 The Neighborhood Convenience Commercial area shall contain not more than two percent (2%) of the total Planned Unit Development landholding.

18.513 The Neighborhood Convenience Commercial area shall be located so as to have adequate pedestrian and vehicular access from within the PUD along public rights-of-way which are regularly maintained and adequate to handle the traffic generated by the use.

18.514 Off-street loading and parking shall be provided in accordance with the provisions specified in Sections 18.11 and 18.12, inclusive.

18.515 Parking areas shall be located not less than fifty (50) feet from any adjoining residential uses.

18.516 Outdoor artificial lighting shall be approved by the Morgan Township Trustees.

18.6 Neighborhood and Community Shopping Center Projects.

18.61 The owner of a tract of land, located in any District at or near where a proposed shopping center is shown on the land use plan, and containing not less than two (2) acres in the case of a neighborhood shopping center (B-1 District type), and not less than fifteen (15) acres in case of a community shopping center (B-2 District type), may submit to the

Planning Commission for its review a preliminary plan for the use and development of such tract of land for an integrated shopping center project.

- 18.62** In accepting such plan for review the Commission must be satisfied that the proponents of the integrated neighborhood or community shopping center are financially able to carry out the proposed project; that they intend to start construction within one (1) year of the approval of the project and necessary change in zoning, and intend to complete it within a reasonable time as determined by the Commission.
- 18.63** It shall then be the duty of the Commission to investigate and ascertain whether the location, size and other characteristics of the site and the proposed plan, comply with the following conditions:
- 18.631** The need for the proposed center at the proposed location, to provide adequate shopping facilities or services to the surrounding neighborhood or community as the case may be, has been demonstrated by the applicant by means of market studies and such other evidence as the Commission may require.
- 18.632** The proposed shopping center is adequate, but not excessive in size to provide adequate neighborhood or community shopping facilities, as the case may be, for the population which reasonably may be expected to be served by such shopping facilities.
- 18.634** The plan provides for a shopping center consisting of one or more groups of establishments in buildings or integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, which will be an attractive and efficient shopping center, convenient, pleasant and safe to use, and which will fit harmoniously into, and will have no adverse effects upon the adjoining or surrounding development.
- 18.64** The uses permitted in an integrated neighborhood shopping center shall be those retail business, commercial and service uses permitted in the B-1 District; and the uses permitted in an integrated community shopping center shall be the same kind of uses as permitted in the B-2 District. No residential, heavy commercial or industrial uses shall be permitted, or any use other than such as is necessary or desirable to supply with goods or services the surrounding neighborhood or community as the case may be.
- 18.65⁽¹⁶⁾** The following regulations shall apply to an integrated neighborhood or community shopping center:

- a. **Building Heights:** No building shall exceed two (2) stories or twenty-five (25) feet in height; except as modified by Section 19.2 of this Resolution.
- b. **Yards:** No building shall be less than fifty (50) feet distant from any boundary of the tract on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any R-District or recorded residential subdivision, and, except for necessary entrances and exits from all properties located across the street and within one hundred (100) feet from such center in any R-District or recorded residential subdivision, by a solid wall or compact evergreen hedge not less than four (4) or over six (6) feet in height. Such wall or hedge shall be placed at least five (5) feet from the property line, and the space between such property line and the wall or hedge shall be properly and permanently landscaped and properly maintained.
- c. **Tract Coverage:** The ground area occupied by all the buildings shall not exceed in the aggregate twenty-five (25) percent of the total area of the lot or tract.
- d. **Customer Parking Space:** Notwithstanding any other requirements of this Resolution, there shall be provided one (1) off-street parking space for each two hundred (200) square feet of rental floor space not including basement storage space, in an integrated neighborhood shopping center; and one (1) off-street parking space for each one hundred (100) square feet of rental floor space, not including basement storage space in an integrated community shopping center.
- e. **Loading Space:** Notwithstanding any other requirements of this Resolution, there shall be provided one (1) off-street loading or unloading space for each twenty thousand (20,000) square feet or fraction thereof of aggregate floor space of all building in the center. At least one-third (1/3) of the spaces required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.
- f. **Accessway and Illumination of Parking Areas:** These shall conform to the requirements for off-street parking area in subsection 18.12.
- g.(16) **Signs:** See Section 18.32(16).

18.66

Upon determination by the Planning Commission that the proposed integrated neighborhood shopping center or community shopping center, as the case may be, as shown in the preliminary plan, appears to conform

to the requirements of this Section and all other applicable requirements of this Resolution, the proponents shall prepare and shall incorporated any changes or modifications required or suggested by the Commission.

18.67 If the final development plan is found to comply with the requirements set forth in this Section and other applicable provisions of this Resolution, the Planning Commission shall submit said plan with its report and recommendations, together with the required application by the proponents of the necessary change in zoning classification of the site of the proposed center, to the Zoning Commission, who shall hold a public hearing on both the development plan and the application for a change in zoning.

18.68 Following a public hearing, the Zoning Commission may modify the plan consistent with the intent and meaning of this Resolution, and may re-zone the property to the classification permitting the proposed center, for development in substantial conformity with the final plan, as approved by them.

18.69 After the final development plan has been improved by the Zoning Commission, and in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, loading areas, entrances, heights or yards, may be requested by the proponents, and provided such requests conform to the standards established by the final development plan and this Resolution, such adjustments or rearrangements may be authorized by the Zoning Commission.

18.7 Commercial Mines, Quarries, Gravel Pits.

18.71 Any owner, leasee or other person, firm or corporation having an interest in mineral lands may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom, provided, however, that he shall comply with all requirements of the District in which said property is located, and with the following additional requirements:

- a. No quarrying operation shall be carried on or any stock pile place closer than fifty (50) feet to any property line, unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property;
- b. In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way;

- c. Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board.
- d. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.
- e. The crushing, washing and refining or other similar processing may be authorized by the Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the land use regulations of the District in which the operation is located.

18.72 In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.

18.73 An application for such operation shall set forth the following information: (1) names of the owner or owners of land from which removal is to be made; (2) names of the applicant making request for such a permit; (3) name of the person or corporation conducting the actual removal operation; (4) location, description and size of the area from which the removal is to be made; (5) location of processing plant uses; (6) type of resources or materials to be removed; (7) proposed method of removal and whether or not blasting or other use of explosives will be required; (8) description of equipment to be used; (9) method of rehabilitation and reclamation of the mine area.

18.74 Upon receipt of such application, the Board shall set the matter for a public hearing, which shall be advertised in a newspaper of general circulation at least fifteen (15) days prior to the date of hearing.

18.75 The Board shall make a complete record and transcript of all testimony and witnesses heard at the public hearing. It shall either approve, deny or conditionally approve said application. Any person or corporation aggrieved by the action of the Board shall have the right to appeal to the Common Pleas Court of Butler County, Ohio, pursuant to law.

18.76 To guarantee the restoration, rehabilitation and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to Morgan Township, in an amount of not less than \$10,000 and not more than \$50,000 as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall

within a reasonable time and to the satisfaction of the Board meet the following requirements:

1. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or back filled with non-noxious, non-inflammable and non-combustible solids, to secure (a) that the excavated area shall not collect and permit to remain therein stagnant water; or (b) that the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof, as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
2. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
3. The banks of all excavations not back-filled shall be sloped to the water line at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
4. The said conditions and the amount of performance bond shall be determined by the Board prior to issuance of the permit.

18.8 Single-Family Residences.

A single-family residence may be located in an M-1 District if such residence is an accessory to a principal permitted use in such district and the Board determines that such use is proper.

18.81 Any one family detached dwellings housing more than five (5) residents, not related by blood or marriage, shall be approved by the Board.

18.9 Automobile Wrecking Yards - Junk Yards.

18.91 A plan is to be submitted showing proposed property to be used and names of owners within two hundred (200) feet of the proposed site.

18.92 The site shall not contain less than ten (10) acres.

18.93 The site shall be surrounded by a solid fence not less than eight (8) feet high with no advertising and well maintained, approved by the Board and located not less than five hundred (500) feet from any lot in an R-District or a recorded residential subdivision. On boundaries where such wrecking or junk yard faces or borders a roadway or an R-District or recorded

residential subdivision, such wall or fence shall be screened by a ten (10) foot wide planting strip, planted with trees or shrubs that will provide a dense screen at all times and that will be mature within a three (3) year period.

18.94 Staking of automobiles will not be permitted where visible from roadway or surrounding properties.

18.95 Storage of any automobile, automobile parts or junk will be prohibited outside the fence.

18.96 Any accessory building shall be approved by the Board.

18.9A Parking, Rebuilding and Storage of Campers, Trucks, Trailers, or Other Vehicles.

18.9A1 In any District where not permitted, the repairing, rebuilding, dismantling, or storage of more than one (1) inoperative vehicle outside of an enclosed building shall be prohibited. No dismantled vehicle in process of being dismantled shall be kept over thirty (30) days without being in an enclosed building.

18.9B Residential Use in a Commercial District.

18.9B1 In any B-1, B-2, or B-3 District, a dwelling or dwellings may be permitted if such dwelling is made a part of the principal building and approved by the Board.

ARTICLE 19 - EXCEPTIONS AND MODIFICATIONS

The requirements and regulations specified herein above in this Resolution shall be subject to the following exceptions, modifications and interpretations:

19.1 Existing Lots of Record. In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record at the effective date of this Resolution, irrespective of its area or width, the owner of which does not own any adjoining property; provided:

19.11(22) In no case shall the width of any side yard be less than fifteen (15) percent of the width of the lot, and provided that on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than ten (10) feet or twenty (20) per cent of the frontage, whichever is greater.

- 19.12⁽²²⁾** The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than fifteen (15) feet.
- 19.2** **Height Limits.** Height limitations stipulated elsewhere in this Resolution shall not apply:
- 19.21** To barns, silos or other farm buildings or structures on farms; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag pole, radio tower, sand and gravel processing plants, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.
- 19.22** To places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- 19.23** To bulkheads, elevator penthouses, water tanks, monitors and scenery lofts, provided no linear dimension of any such structure exceeds fifty (50) percent of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose tower, cooling towers, grain elevators, gas holders, or other structures, where the manufacturing process requires a greater height. Provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than fifty (50) feet in all parts from every lot line not a street lot line.
- 19.231⁽⁹⁾⁽²⁰⁾** Telecommunication facilities shall comply with conditions of Section 21.4115.
- 19.24⁽²⁰⁾** (as a result of an amendment, no narrative remains in this paragraph)

19.3 **Area Requirements.**

- 19.31** Any other regulations of this Resolution notwithstanding, in any district, except A-1 and R-1, where public water and sanitary facilities are not accessible the lot area and frontage requirements otherwise specified shall be increased as follows:

19.311 Where both public sewerage and public water supply are not accessible:

Minimum Lot Area	20,000 sq. ft.
Minimum Lot Frontage	100 ft.

19.312 Where public water supply and sewerage are accessible in any A-1 or R-1 Districts the lot area and frontage requirements specified for these respective districts shall apply as set forth in Articles 7 and 8 of this Resolution.

19.32⁽¹⁾⁽²⁾ *(as a result of an amendment, no narrative remains in this paragraph)*

19.33 In any A-1, R-1 or R-1A District, a one-family detached dwelling may be erected on any parcel located to the rear of an officially recorded residential subdivision, provided that at least one parcel has been designated for a future street or the otherwise required frontage is provided.

19.4 Front Yard Modifications.

19.41 In any R-District or recorded residential subdivision, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Resolution, the required depth of the yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet and need not exceed fifty (50) feet.

19.5 Double Frontage Lots. Buildings on lots having frontage on two non-intersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

19.6 Rear and Side Yards - How Computed. In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half (1/2) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.

19.7 Side Yard Modifications.

- 19.71** Each side yard shall be increased in width by two (2) inches in any R-District or recorded residential subdivision for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet.
- 19.72** Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required least width, or narrower than three (3) feet in any case.
- 19.73** Width of one side yard may be reduced when authorized by the Board, in the case of a one-family dwelling, to a width, not less than three (3) feet; provided the sum of the widths of the two side yards is not less than the required minimum, and provided the distance between the proposed dwellings and another dwelling, existing or proposed on an adjacent lot is not less than the required minimum sum of the widths of two side yards. Such reduction may be authorized only when the Board finds it to be warranted by the location of existing buildings or conducive to the desirable development of two or more lots.
- 19.74** A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another lot in an R-District or recorded residential subdivision, shall have a width of not less than one-half (1/2) the required depth of the front yard on such other lot fronting the side street.
- 19.8** **Projection Into Required Yards**
- 19.81** Certain architectural features may project into required yards or courts as follows:
- 19.811** Into any required front yard, or required side yard adjoining a side street lot line:
- a. Cornices, canopies, eaves or other architectural features, may project a distance not exceeding two (2) feet, six (6) inches.
 - b. Fire escapes may project a distance not exceeding four (4) feet, six (6) inches.
 - c. An uncovered stair and necessary landing may project a distance not to exceed six (6) feet, provided such stair and landings shall not extend above the entrance floor of the building except for a railing not exceeding three (3) feet in height.

- d. Bay windows, balconies and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

19.812 Subject to the limitations in subsection 19.811 the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.

19.813 Subject to the limitations in subsection 19.811 the features named therein may project into any required rear yards or into any required outer court the same distances they are permitted to project into a front yard.

19.82⁽¹²⁾ See Articles 6.19, 6.20 and 6.21 for requirements and restrictions of fences and walls.

ARTICLE 20 - ENFORCEMENT

20.1 **Enforcement by Zoning Administrator.** There is hereby established the office of Zoning Administrator. It shall be the duty of the Zoning Administrator to enforce this Resolution in accordance with the administrative provisions of this Resolution.

Any permit or license, issued in conflict with the provisions of this Resolution shall be null and void.

20.2 **Filing Plans.** Every application for a Zoning Certificate shall be accompanied by plans in duplicate, drawn to scale in black line or blueprint, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered, the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to enforcement of this Resolution. One (1) copy of such plan shall be returned to the owner when such plans have been approved by the Zoning Inspector, together with such Zoning Certificate, as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon, shall be based on actual survey conducted by a licensed surveyor or engineer. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

In every case where the lot is not provided and is not proposed to be provided with public water supply and/or 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 Butler County of the proposed method of water supply and/or disposal of sanitary wastes.

20.3 Zoning Certificate.

20.31 It shall be unlawful for an owner to use or to permit the use of any structure, building or land, part thereof, hereinafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate shall have been issued by the Zoning Inspector. Such Zoning Certificate shall show that such building or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Resolution. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary wastes, conform with all the requirements of this Resolution.

No permit for excavation or construction shall be issued by the Zoning Inspector, unless the plan specifications and the intended use conform to the provisions of this Resolution.

The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this Resolution within thirty (30) days after these are filed in full compliance with all the applicable requirements as specified under subsection 20.2. He shall either issue a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his refusal of such Certificate unless the applicant consents to an extension of time.

20.32 Under such rules as may be adopted by the Board, the Zoning Inspector may issue a Temporary Zoning Certificate for a part of a building.

20.33 Under written request from the owner, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of enactment of this Resolution, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.

20.34(3) Fees. A Zoning Certificate fee to be charged at a rate to be determined by resolution of the Board of Trustees, and to be reviewed by the Board of Trustees and changed by resolution as the conditions dictate.

- 20.35(1)** The zoning inspector shall issue a special zoning certificate for the replacement of one mobile home with another mobile home when all of the following conditions are met:
- 20.351(1)** That the replacement mobile home be of equal or greater value.
- 20.352(1)** That the replacement mobile home be of no less overall dimensions and/or square footage, with the following exceptions:
- 20.3521(1)** If a replacement mobile home is of smaller overall dimensions and/or square footage than the existing mobile home a variance shall be required.
- 20.353(1)** The replacement mobile home may be placed in the same location as the existing mobile home even though the existing mobile home is non-conforming in the set back requirements.
- 20.354(1)** The replacement mobile home can in no case be placed in any position which would further reduce the non-conforming set backs.
- 20.355(1)** If the existing mobile home is conforming to all set back requirements, then the replacement mobile home must also be conforming to all set back requirements.
- 20.36(4)** The Zoning Inspector shall issue a special zoning certificate for the replacement of an existing mobile home with a permanent dwelling. The new permanent dwelling shall be completed within one year of issuance of the building permit and the mobile home shall be removed within six (6) months after occupancy of the new dwelling, or the issuance of a Certificate of Occupancy, whichever occurs first.
- 20.37(4)** The Zoning Inspector shall issue a special zoning certificate for the replacement of an existing permanent dwelling with a new permanent dwelling. The new permanent dwelling shall be completed within one year of issuance of the building permit and the existing dwelling shall be completely removed from the lot within six (6) months after occupancy of the new dwelling, or the issuance of a Certificate of Occupancy, whichever occurs first.
- 20.38(7)** Under certain circumstances, the Zoning Administrator shall have the authority to issue an Emergency Zoning Certificate. Should a primary dwelling, not to include a mobile home, be rendered uninhabitable by fire, calamity, or natural disaster, being the primary residence of the property owner or of the property caretaker, and should the continuing physical occupancy of that owner or caretaker be necessary to preserve the safety and/or security of personal property and/or livestock located on the premises, a temporary dwelling unit, i.e., mobile home, may be placed on

the property. The Emergency Zoning Certificate shall be issued immediately upon application by the property owner or caretaker and confirmation of uninhabitability of the premises through a physical inspection by the Zoning Administrator. The Zoning Administrator may, at his/her discretion, request written confirmation of uninhabitability by a knowledgeable source such as the fire chief or an official of the county board of health. The Emergency Zoning Certificate shall specify the following conditions:

- a. The temporary living structure shall be permitted for a period of one year from the date of the Emergency Zoning Certificate and must meet Board of Health requirements.
- b. The uninhabitable dwelling shall be replaced or restored to habitability within one year from the date of the Emergency Zoning Certificate.
- c. The temporary living structure shall be removed in entirety from the premises within 30 days of completion or occupancy of the replaced or restored residence, whichever occurs first.

20.4 **Violations and Penalties.** It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any of the provisions of this Resolution, or any amendment or supplement thereto adopted by the Board of Township Trustees of Morgan Township. Any person, firm, or corporation, violating any of the provisions of this Resolution, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred dollars (\$100). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance of use continues, may be deemed a separate offense.

20.5 **Violations - 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 this Resolution or any amendment or supplement thereto, the Board of Township Trustees, the Prosecuting Attorney of Butler County, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violations, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

ARTICLE 21 - BOARD OF ZONING APPEALS

21.1 **Appointment.** A Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members, who shall be residents of the unincorporated territory of Morgan Township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for non-performance of duty, misconduct in office or other causes, by the Township Trustees upon written charges having been filed with the Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by having the same 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 Township Trustees, and shall be for the unexpired term.

21.2 **Procedure.** The Board shall organize and adopt rules for its own government in accordance with this Resolution. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 Office of the Township Trustees and shall be a public record.

Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning Inspector, or to decide in favor on an applicant in any matter of which the Board has original jurisdiction under this Resolution, or to grant any variance from the requirements stipulated in this Resolution.

The Board may call upon the County departments for assistance in the performance of its duties, as may be reasonably be required.

21.3 **Applications, Appeals, Hearings and Stay of Proceedings.**

21.31 **Applications - When and by Whom Taken.** An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be filed by any property owner, or by a governmental

officer, department, board or bureau. Such application shall be filed with the Zoning Inspector who shall transmit same to the Board.

21.32 Appeals - When and by Whom Taken. An appeal to the Board may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeals shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

21.33(3) Hearings. The Board shall fix a reasonable time for the hearing of the application or appeal, giving ten (10) days notice in writing to the parties in interest and giving notice of such public hearing by one publication in one or more newspapers in general circulation in the Township at least ten (10) days before the date of such hearing, and decide the same within a reasonable time after it is submitted. Each application or appeal shall be accompanied by a check, payable to the Morgan Township Board of Trustees, in an amount to be determined by the Board of Appeals, to cover the cost of publishing and/or posting and mailing the notice of the hearing or hearings and other expenses in conjunction therewith. At the hearing, any party may appear in person or by attorney. Any person adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Butler County, on the ground that the decision was unreasonable or unlawful. A notice of appeal shall be accompanied with a check made payable to the Board of Zoning Appeals in an amount to be determined by the Board of Zoning Appeals to cover the cost of preparing a transcript of the proceedings. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.

21.34 Decision of the Board. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon.

A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

A decision of the Board shall not become final until the expiration of ten (10) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

21.35 Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board, after notice of appeals shall have been filed with him, that the reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the Board on application after notice to the Zoning Inspector, or by judicial proceedings.

21.4 Power of the Board of Zoning Appeals.

21.41 Conditional Uses, Specified Exception and Interpretation of Zoning Map. The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, application, filed as herein before provided, for conditional uses, special exceptions or for interpretation of the Zoning Map, or for decisions upon other special questions on which the Board is authorized by this Resolution to pass. In consideration of an application for a conditional use, a special exception or interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures and in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation - in addition to those expressly stipulated in this Resolution for the particular conditional use or special exception - as the Board may deem necessary for the protection of adjacent properties and the public interest.

21.411 Conditional Uses and Special Exceptions. In addition to permitting the conditional uses and special exceptions herein before specified, the Board shall have the power to permit the following conditional uses and special exceptions:

21.4111⁽¹⁰⁾ Non-Conforming Uses.

- a. The Board shall have the power to permit substitution of a non-conforming use existing at the time of enactment of this Resolution, by another non-conforming use, if no structural alterations, except those required by law or resolution, are made. Provided, however, that in an R-District or recorded residential subdivision no change shall be authorized by the Board to any use which is not a permitted or conditional use in any R-District or recorded residential subdivision, and in a B-District no change shall be authorized to any use which is not a permitted or conditional use in any B-District.
- b. The Board shall have the power to permit extension or expansion of a building being used for a non-conforming use, provided the owner of

such non-conforming use can show evidence that the extension or expansion is necessary and incidental to the continued existence and prosperity of his business, and that such extension or expansion would not be detrimental to the surrounding neighborhood. The Board shall have the power to apply conditions to permission for extension or expansion of such building and to the maintenance of the entire premises such as deemed necessary to protect the character and property values of the surrounding neighborhood.

21.4112 Extension of Use on Border of District. The extension of a use or building into a more restricted District immediately adjacent thereto, but not more than twenty-five (25) feet beyond the dividing line of the two Districts, under such conditions as will safeguard development in the more restricted district.

21.4113(1) Conditional Industrial Uses. Permitting in such parts of any M-2 District, as are more than six hundred (600) feet distant from any R-District or recorded residential subdivision, and more than two hundred (200) feet from every other District except an M-1 or F-1 District, any of the industries or uses listed in Section 16.03 and permitting in any M-1 District as an accessory use, any use permitted in an M-2 District as a principal use, as specified in subsection 15.047. In doing so, the Board may require the installation, operation and maintenance in connection with the proposed use of such devices or such methods of operation as may, in the opinion of the Board, be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water-carried waste, noise, vibration, or similar objectionable features, and may impose such conditions regarding the extent of open spaces between such industries or uses and surrounding properties as will tend to prevent or reduce the harm which might otherwise result from the proposed use of surrounding properties and neighborhoods.

21.4114 Temporary Structures and Uses. The temporary use of a structure or premises in any District for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution for the District in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

21.4115(9)(20) Telecommunications Facilities.

21.4115(20)(24) Radio, Television Towers or Masts of a Similar Nature. In any district other than A-1, application for a Zoning Certificate for radio towers,

television towers or masts of a similar nature in accordance with Section 6.04 shall require authorization by the Zoning Administrator . The Zoning Administrator shall authorize approval only after height and location have been approved by all governmental agencies charged with the responsibility for maintaining air safety and providing there is a yard area with a radius of one hundred percent (100%) of the height of the tower or mast. The applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals, pursuant to Section 21.32 in the zoning resolution.

21.41151(9) Application Requirements. A preliminary development plan must be submitted to the Board at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:

- a. The location of all of the applicants' existing facilities within the Township and all adjacent townships.
- b. The general location of planned future facilities within the Township and all adjacent townships.
- c. For each location shown on the plan, there shall be listed:
 1. The type and size of tower at each location.
 2. The type of equipment located or proposed on each tower.
 3. The space available on the tower for additional equipment.
 4. The ground network, if any, served by the tower.
 5. A site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
- d. A site plan for the facility being applied for shall also be submitted containing:
 1. The location, type and size of existing and proposed towers, antenna and equipment located at the site.
 2. The location of access easements and parking areas.
 3. Detailed drawings of the screening plan and related design standard.

- e. A fee in an amount determined by the Board of Trustees should be due and payable at the time of the application submittal.

21.41152(9)(20) General Requirements for all Telecommunication Facilities.

- a.(20) The applicant must co-locate except where it can be demonstrated by clear and convincing evidence that its telecommunication antenna or equipment cannot be located on any other telecommunication facility in the geographic area to be served, and that all reasonable means have been undertaken to avoid any undue impact caused by the clustering of more than two facilities within two hundred (200) feet of each other. In determining whether a tower antenna can or cannot be located on another communication tower, building or structure, the Board shall consider the space available on the existing structure, the technological practicality and other factors deemed appropriate by the Board.
- b.(20) Telecommunication facilities shall be designed so as to also accommodate public telecommunication needs. Appropriate shared parking and access must be provided for co-located facilities on one tower.
- c.(20) Applicants wishing to construct telecommunication facilities which have satisfactorily demonstrated to the Board that they are unable to co-locate are encouraged to locate new towers, antenna or equipment on public property, subject to the restrictions of this Section.
- d. The applicant will hold the Township harmless against all claims, demands, suits, causes of action and judgments due to any damage caused by the operation or construction of the facility.

21.41153(9)(20) Design Standards for Free-Standing Towers.

- a.(20) All such uses shall be conditional for locating in any R or RE District.
- b. All such uses shall be located not less than two hundred fifty (250) feet from the right of way of any public street.
- c.(20) *(as a result of an amendment no narrative remains in this*

paragraph)

- d.** All such uses shall be located no closer to any lot line than one hundred (100) percent of the height of the proposed tower.
- e.(20)(23)** The telecommunication facility shall be screened both by a security fence at least six (6) foot high, constructed of chain link, wrought iron, wood, masonry or pre-cast panels, and a continuous row of evergreen hedge or evergreen trees of a size deemed appropriate by the Board. The screening shall be maintained in good condition. Any security fence shall contain no advertising, but shall contain one small identification sign one square foot in size, with the name, address and telephone number of the entity to contact in event of emergency. The applicant is responsible for ensuring that the telecommunication facility is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained inside the screened area.
- f.** The telecommunication facility must be aesthetically and architecturally compatible with the surrounding environment. The Board shall give special attention to areas of architectural and historic significance.
- g.** Any telecommunication facility shall be removed within one (1) year of ceasing operation. The transfer of ownership of the telecommunication facility shall require a new zoning certificate.
- h.** The applicant shall provide written documentation that they have obtained approval from all governing agencies charged with the responsibility of maintaining air safety, including the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), the Ohio Department of Transportation (ODOT), or their respective successors.
- i.** The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain or be illuminated by artificial lights, beacons or strobes, unless otherwise required by the FAA, FCC, ODOT or their respective successors. All surfaces shall be maintained in good condition, absent of flaking or peeling paint and rust.
- j.** No advertising is permitted anywhere on the telecommunication facility with the exception of identification signage not to exceed one square foot in size.

- k. The lot on which a telecommunication facility is located shall meet the minimum lot size, frontage and yard requirement of the District in which it is located, and shall be large enough to accommodate standards required in b., d., and e., above.
- l. Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.

21.41154(9)(20) Telecommunication Equipment on Existing Structures.

- a.(20) All such uses shall be conditional for locating in any R or RE District.
- b. All such uses shall be located not less than two-hundred-fifty (250) feet from the right of way of any public street.
- c.(20) *(as a result of an amendment, no narrative remains in this paragraph)*
- d. All such uses shall be located no closer to any lot line than one-hundred (100) percent of the height of the proposed tower.
- e.(20)(23) The telecommunication facility shall be screened both by a security fence at least six (6) foot high, constructed of chain link, wrought iron, wood, masonry or pre-cast panels, and a continuous row of evergreen hedge or evergreen trees of a size deemed appropriate by the Board. The screening shall be maintained in good condition. Any security fence shall contain no advertising, but shall contain one small identification sign one square foot in size, with the name, address and telephone number of the entity to contact in event of emergency. The applicant is responsible for ensuring that the telecommunication facility is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained inside the screened area.
- f. The telecommunication facility must be aesthetically and architecturally compatible with the surrounding environment. The Board shall give special attention to areas of architectural and historic significance.
- g. Any telecommunication facility shall be removed within one (1) year of ceasing operation. The transfer of ownership of the telecommunication facility shall require a new zoning certificate.

- h.** The applicant shall provide written documentation that they have obtained approval from all governing agencies charged with the responsibility of maintaining air safety, including the FAA, FCC, ODOT, or their respective successors.
- i.** The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the FAA, FCC, ODOT, or their respective successors. All surfaces shall be maintained in good condition, absent of flaking or peeling paint and rust.
- j.** No advertising is permitted anywhere on the telecommunication facility with the exception of identification signage not to exceed one (1) square foot in size.
- k.** The lot on which a telecommunication facility is located, shall meet the minimum lot size, frontage and yard requirement of the District in which it is located, and shall be large enough to accommodate standards required in b., d. and e. above.

21.4116⁽¹¹⁾ Adult Entertainment Facility.

21.41161⁽¹¹⁾ Application Requirements. An Application for Conditional Use Permit shall be submitted through the Zoning Administrator to the Board of Zoning Appeals. Such submission shall result in scheduling of a public hearing in accordance with section 21.3 of this Resolution. Applicant or his/her representative must be present at such hearing. Subject application shall contain the following information:

- a.** A clear and accurate description of the proposed conditional use;
- b.** The location of the property;
- c.** The current zoning district;
- d.** An official plat of the property showing all of the abutting properties, including those across the road or street, and showing the names and addresses of these property owners;
- e.** Plans, drawn to scale, showing the exact shape and dimensions of the lot, buildings and accessory buildings existing, and lines within which any proposed buildings are to be erected or altered; existing and intended use of each building or part of a building, including number of families or housekeeping units the building

is designed to accommodate; parking spaces, exterior lighting plan, landscape plan and signage plan;

- f. Health Department approval, in writing;
- g. Copy of deed and subdivision restrictions, if any;
- h. Application fee;
- i. Name, address and telephone number of applicant; name, address and telephone number of property owner.

**21.41162⁽¹¹⁾
(16)** **General Requirements.**

- a. Any adult entertainment facility shall have direct access to a principal or minor arterial, or major or minor collector street.
- b. One parking space per one-hundred-fifty (150) square feet of floor area shall be provided as specified in Article 18.
- c. Parking areas and general lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- d. All building openings, entries, windows, etc., for adult uses shall be located, covered or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- e. Displays or promotional items shall not be visible from public view. This prohibition shall not extend to advertising of the existence or location of such adult entertainment facility.
- f.⁽¹⁶⁾ Signage shall conform to requirements as stated in Section 18.3 of this Resolution.
- g. A landscaped buffer, approved by the Board, of not less than ten (10) feet in width and six (6) feet in height shall be provided along all side and rear lot lines. Adult drive-in theaters shall provide a solid fence eight (8) feet in height absent of advertising and in good condition along all lot lines.
- h. All such uses shall have a minimum lot area of twenty-thousand (20,000) square feet.
- i. All such uses shall be located not less than one-thousand (1,000) feet from any: lot in any R-District, recorded subdivision, or

dwelling; church or similar place of worship; public building; school; day care center; public park, playground, or other recreation facility attended by person(s) under the age of eighteen; hotel, motel, pawn shop, pool hall, video game or pinball arcade, dance hall or business selling alcohol for consumption on the premises, whether within this or any other political subdivision. The measurement of distance for the purpose of these regulations shall be from lot line to lot line along the shortest possible course.

- j. All such uses shall be located not less than one-thousand (1,000) feet from any lot of any other adult entertainment facility.
- k. No employee/independent contractor of the subject establishment shall conduct themselves outside the confines of the structure in such attire and/or by actions, in such a manner distracting, distasteful, and/or detrimental to the adjacent business interest, residents or passerby.
- l. Adult entertainment facilities shall only be open for public access between 12:00 p.m. (noon) and 1:00 a.m.

21.412 Interpretation of Zoning Map. Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of this Resolution. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by said Board.

21.42 Administrative Review and Variances.

21.421 Administrative Review. The Board shall have the power to hear and decide appeals, filed as herein before provided, where it is alleged by the appellant that there is error in any order, requirements, decision, grant or refusal made by the Zoning Inspector or administrative official in the interpretation of the provisions of this Resolution.

21.422(7)(19) Variances. The Board shall have the power to authorize upon appeal in specific cases, filed as herein before provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest; but only in such cases where, owing to special conditions pertaining to a specific parcel of property, the literal enforcement of the

provisions or requirements of this Resolution would cause unnecessary hardship.

- 21.4221(7)(19)** Where by reason of the exceptional narrowness, shallowness or unusual shape of a specific parcel of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such parcel, or of the use or development of property immediately adjoining the parcel in question, the literal enforcement of the requirements of this Resolution would cause unnecessary hardship in carrying out the spirit and purpose of this Resolution, the Board shall have the power to authorize a variance from the terms of this Resolution, so as to relieve such hardship, so that the spirit and purpose of this Resolution shall be observed and substantial justice done.
- 21.4222(7)** In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the Board may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary, that the conditions attached are being and will be complied with.
- 21.42221(7)** No grant of a variance shall be authorized unless the Board finds proof by a preponderance of the evidence that the conditions or situation of the specific parcel is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
- 21.423** **General.** In exercising its power, the Board may in conformity with the provisions of statute and of this Resolution, 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 shall have all powers of the officer from whom the appeal is taken.

ARTICLE 22 - DISTRICT CHANGES AND RESOLUTION AMENDMENTS.

- 22.1** **General.** For the purpose of promoting the public health, safety and morals the Board of Township Trustees may in accordance with a comprehensive plan, by resolution, after recommendation thereon by the Township Zoning Commission and subject to the procedure provided in this Article, amend, supplement or change the regulations, district, boundaries or classification of property now or hereafter established by

this Resolution or amendment thereof. Such amendments may be made without the vote of the electors. It shall be the duty of said Zoning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Board of Township Trustees. An amendment, supplement, reclassification or change may be initiated by passing a resolution therefore by the Board of Township Trustees or by the Zoning Commission on its own motion, or by a verified application of one (1) or more of the owners and lessees of property within the area proposed to be changed or affected by this Resolution.

- 22.21** **Amendments - Procedure to Initiate.** Amendments or supplements to the zoning resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution therefore by the Board of Township Trustees or by the filing of an application therefore by one or more of the owners and lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.
- 22.211** **Hearing Notice.** Upon the adoption of such motion, or the certification of such resolution or the filing of such application the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion or the date of the certification of such resolution or the date of filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation at least fifteen (15) days before the date of such hearing.
- 22.212** **Hearing Notice - 10 Parcels or Fewer.** If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the County Planning Commission and to the Board of

Township Trustees as the case may be. Hearings shall be held in the township.

- 22.22 County Planning Commission - Review.** Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.
- 22.23 Zoning Commission - Recommendations.** The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and shall submit such a recommendation together with such application or resolution, the text and map pertaining thereto and the recommendations of the County Planning Commission thereon to the Board of Township Trustees.
- 22.24 Township Trustees - Hearing.** The Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall be not more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication in one or more newspapers of general circulation, at least fifteen (15) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.
- 22.25 (25) Township Trustees - Final Action.** Within twenty (20) days after such public hearing the Board shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification of them. If the Board denies or modifies the recommendation of the Township Zoning Commission a majority vote of the Board shall be required.
- 22.251 Effective Date - Referendum.** Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the

Board to submit the amendment or supplement to the electors of such area, for approval or rejection, at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment or supplement resolution, motion, or application, furnishing the name by which the amendment or supplement proposal is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Ohio Revised Code.

22.252 Referendum Vote - Effects. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Election that the amendment has been approved by the voters it shall take immediate effect.

22.26(3) Fees. Each application for zoning amendment, except those initiated by the Zoning Commission, shall be accompanied by a check payable to the Morgan Township Board of Trustees, or a cash payment in an amount to be determined by the Zoning Commission to cover the cost of the publishing, posting and/or mailing the notices of the hearing or hearings required by the foregoing provisions and/or other expenses in conjunction therewith.

ARTICLE 23 - VALIDITY

23.1 Validity. If any article, section, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not effect the validity of the remaining portion of this Resolution.

ARTICLE 24 - WHEN EFFECTIVE.

24.1 When effective. As provided under Section 303 of the Ohio Revised Code "Upon Certification by the Board of Elections the Resolution shall take immediate effect."

AMENDMENTS TO MORGAN TOWNSHIP ZONING RESOLUTION

- (1) Amendment by Township Trustee Resolution #38-93, adopted March 22, 1993
- (2) Amendment by Township Trustee Resolution #51-95, adopted May 15, 1995
- (3) Amendment by Township Trustee Resolution #52-95, adopted May 15, 1995
- (4) Amendment by Township Trustee Resolution #53-95, adopted May 15, 1995

- (5) Amendment by Township Trustee Resolution #84-96, adopted October 28, 1996
- (6) Amendment by Township Trustee Resolution #85-96, adopted October 28, 1996
- (7) Amendment by Township Trustee Resolution #56-97, adopted August 18, 1997
- (8) Amendment by Township Trustee Resolution #58-97, adopted August 18, 1997
- (9) Amendment by Township Trustee Resolution #62-97, adopted September 29, 1997
- (10) Amendment by Township Trustee Resolution #2-98, adopted January 5, 1998
- (11) Amendment by Township Trustee Resolution #3-98, adopted January 5, 1998
- (12) Amendment by Township Trustee Resolution #32-00, adopted May 18, 2000
- (13) Amendment by Township Trustee Resolution #27-00, adopted May 1, 2000
- (14) Amendment by Township Trustee Resolution #54-01, adopted July 3, 2001
- (15) Amendment by Township Trustee Resolution # 55-01, adopted July 3, 2001
- (16) Amendment by Township Trustee Resolution #13-02, adopted January 17, 2002
- (17) Amendment by Township Trustee Resolution #35-03, adopted June 3, 2003
- (18) Amendment by Township Trustee Resolution #57-03, adopted November 5, 2003
- (19) Amendment by Township Trustee Resolution #56-03, adopted November 5, 2003
- (20) Amendment by Township Trustee Resolution #58-03, adopted November 5, 2003
- (21) Amendment by Township Trustee Resolution #59-03, adopted November 5, 2003
- (22) Amendment by Township Trustee Resolution #64-A-05, adopted August 23, 2005
- (23) Amendment by Township Trustee Resolution #52-06, adopted July 25, 2006
- (24) Amendment by Township Trustee Resolution # 19-08, adopted March 20, 2008
- (25) Amendment by Township Trustee Resolution #44-09, adopted June 9, 2009
- (26) Amendment by Township Trustee Resolution #53-09, adopted July 14, 2009

**MORGAN TOWNSHIP
ZONING CERTIFICATES NEEDED**

Please contact the Morgan Township Zoning Administrator at 513-738-8279 for Zoning Certificates for the following listed conditions. The fees are set by the Morgan Township Trustees and are subject to change.

**IF ZONING CERTIFICATE IS APPLIED FOR AFTER
CONSTRUCTION HAS STARTED THE FEE WILL DOUBLE!**

1. Residential – new construction.
2. Residential – additions including porches and decks.
3. Business, Commercial and Industrial.
(new construction and/or additions)
4. Commercial Signs.
5. Private Drive Development.
6. Planned Conservation Development
7. Mobile Homes and Mobile Home Replacement.
8. Accessory Uses: out-building, barn, shed, garage, carports, pools (in-ground and above ground), decks, fences, yard walls, towers (wind generator, etc) and permanent signs.
9. Conditional Uses.

Fees will also be charged for the following:

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 Zoning Maps
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 Filing: Board Commission Hearing

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