

JACKSON TOWNSHIP  
ZONING RESOLUTION

Prepared by

THE JACKSON TOWNSHIP ZONING COMMISSION

in cooperation with

THE RICHLAND COUNTY REGIONAL PLANNING  
COMMISSION

November 17, 1977

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ARTICLE I

PURPOSE OF THE REGULATIONS

SECTION 100      PURPOSE

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

ARTICLE II

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 200        CONSTRUCTION OF LANGUAGE

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

1.     The particular shall control the general.
2.     In case of any difference of meaning or implication between the provisions of this Resolution and any caption or illustration, the provisions shall control.
3.     The word "shall" is always mandatory and not discretionary. The word "may" or "should" is permissive.
4.     Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5.     The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
6.     Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either/or", the conjunction shall be interpreted as follows:
  - a.     "And" indicates that all connected items, conditions, provisions or events shall apply.
  - b.     "Or" indicates that the connected items, conditions, provisions or events may apply singly or in combination.
  - c.     "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
7.     All references to the "Township of Jackson" or "Township" shall mean Jackson Township, Richland County, Ohio.
8.     Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 200.1        DEFINITIONS

1.     Accessory Use: Any activities carried on in a residential district which are incidental, subordinate and customarily carried on in a residence in addition to the primary use of the premises as a dwelling.

This shall include activities which are in the nature of a hobby, recreation or community service and not carried on with the intent to make a profit for the land occupant. It shall also include activities related to the occupants' employment off premises that are occasionally carried on in the premises. Such activities shall not be deemed a home occupation.

Accessory use shall include:

1. Residential accommodations for servants, caretakers, or night watchman.
  2. Swimming pools, tennis courts and other recreational facilities.
  3. Off-street loading and parking facilities and the storage of goods used, produced or offered for sale shall be deemed accessory uses in business or industrial districts only.
  4. Garage or other casual sales of personal property shall be considered an accessory use so long as they are held no more frequently than twice a year and for no longer than three days each time. The advertising restrictions contained in this section shall not apply to such sales.
  5. The storage of motor vehicles, trailers, recreational vehicles or boats owned by residents of the premises only. Storage of any such items for non-residents whether or not a fee is charged, shall be deemed a business use.
  6. Rooftop wind turbines intended to reduce consumption of electrical utility power are permitted uses in any district.
  7. Any activity which is the subject of any advertising including, but not limited to, newspaper, magazine, radio, television, poster, billboard, handbills, direct mailing, year books or other publications shall not be deemed to be an accessory use.
  8. No zoning permit shall be required to engage in an accessory use.
  9. No accessory use shall occupy more than one (1) acre of land.
2. Accessory Buildings: A building located on property under common ownership which is secondary in importance to the main building, including but not limited to detached garages, storage buildings, sheds, barns, and decorative/recreational buildings such as gazebos or summer houses. For the purpose of this definition a non-portable swimming pool shall be considered an accessory building.
  3. Agriculture: Includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care, and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry



products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms, timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to such husbandry or production.

4. Alley: Is a public right-of-way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
5. Alteration: Any change, addition, alteration, or rearrangement in construction or type of occupancy, or change in the structural parts of a building such as walls, windows, partitions, columns, girders, or the moving from one location or position to another.
6. Apartment: Same as a "Multiple Family Dwelling".
7. Basement: Is that portion of a building which is entirely or partially below and partially above ground level, and so located that the vertical distance from the grade to the floor below is more than the vertical distance from the grade to the ceiling above. When a basement floor is less than two (2) feet below the ground level, it will be rated as the first story.
8. Billboard: Is a "sign" which directs attention to a business, commodity, service, or any other activity; conducted, sold, placed, or otherwise offered elsewhere than on the premises on which the billboard is located. Billboards shall be regarded as structures within the meaning of this Resolution.
9. Boarding House or Rooming House: Is a dwelling where meals or lodging and meals are provided for compensation to two (2) or more persons.
10. Building: Is any structure designed, built or occupied as a shelter which is permanently affixed to the land and has one (1) or more floors and a roof. Building includes the area enclosed and unenclosed devoted to porches, stairways, fire escapes and fixed canopies. When a structure is separated by a fire wall, each such separated portion shall be deemed a separate building. A "building" shall not include such structures as billboards, fences, radio towers, water towers, smoke stacks, grain elevators, coal bunkers, or similar structures with interior spaces not normally accessible for human use.
11. Building Height: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of a mansard roof; and to the average height between eaves and the ridge line of a gable, hip, or gambrel roof. Where a building is located on sloping terrain or the side of a hill, the height may be measured from the average elevation of the finished grade at the building wall.

12. Building Line: Is a line defining the minimum front, side and rear yard setback requirements in which no building or structure may be located, except as otherwise provided herein.
13. Building, Principal: Is the building housing the principal activity performed on a lot.
14. Centralized Sewer System: Is where individual lots are connected to a common sewerage collection systems and treatment plant facilities whether publicly or privately owned.
15. Centralized Water System: Is where individual lots are connected to a common water distribution system and plant facilities whether publicly or privately owned.
16. Club: Is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.
17. Decorative Fence: An artificially constructed barrier of wood, metal stone, brick or PVC, constructed along and parallel to a property line, erected for aesthetic purposes only.
18. Density: Is the number of dwelling units that can be developed on a given acre of land.
19. Development: Is the construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use.
20. District: Is a portion of the area of the Township within which certain regulations and requirements or various combinations apply under the provisions of this Resolution.
21. Dwelling: Is a building (except a manufactured home or mobile home as defined in this Resolution) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants and built on a site complying with the local building codes or built completely or partially off site complying with the basic building codes of the State of Ohio for Industrialized Units.
22. Dwelling, One Family: Is a dwelling consisting of one (1) dwelling unit only, separated from other dwelling units by open space.
23. Dwelling, Two Family: Is a dwelling consisting of two (2) dwelling units which may be either attached side by side or one above the other and each unit having a separate or combined entrance or entrances.
24. Dwelling, Multiple Family: Is a dwelling consisting of three (3) or more dwelling units with varying arrangements of entrances and party walls.
25. Dwelling Unit: Space within a dwelling, comprising living, dining, sleeping rooms or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.

26. Essential Services: Essential services shall include the erection, construction, alteration or maintenance by public utilities or governmental agencies, of: underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment which are reasonable necessary for the furnishing of adequate service by such utilities or agencies or for the public health, safety, or general welfare, but not including buildings. (State Model Zoning Code)
27. Family: One or more persons occupying a dwelling unit who are related by blood, adoption or marriage or are children under foster care.
28. Fence: An artificially constructed barrier of wood, metal, stone, brick or PVC, generally uniform in composition, constructed along and parallel to a property line.
29. Garage, Private: Is an accessory building or portion of a main building, enclosed on all sides and designed or used for the storage of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building.
30. Garage, Public or Storage: A place where the following services may be carried out: general repair, engine rebuilding, sale of engine fuels, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.
31. Gasoline, Service Station: Is any area of land, including any structure or structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles. For the purpose of this Resolution, there shall be deemed to be included within this term any area or structure used or designed to be used for greasing, polishing, washing, spraying or otherwise cleaning or servicing such motor vehicles.
32. Greenbelt: An open landscaped area free of buildings and structures and maintained with permanent plant materials to provide a year around obscuring screen to abutting properties.
33. Group Residential Facility: A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:
  - a. Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six (6) or more

residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

- b. Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and a residential rehabilitation center for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

- 34. Home Occupation: Any activity carried on within a residential district with the purpose and intent to make a profit through the sale of goods or services, whether or not a profit is, in fact, made. Such occupation must be incidental to and subordinate in importance to the use of the premises for residential purposes.

An activity which meets the definition of a Home Occupation shall be allowed as a conditionally permitted use in any residential district within this township provided each of the following criteria are present.

- a. The activity is carried on completely within a dwelling unit or within an accessory building;
- b. It is incidental and subordinate to the primary use of the premises as a dwelling;
- c. It does not involve the employment of non-residents of the dwelling;
- d. No materials or stock-in-trade are stored outside of the dwelling or accessory buildings;
- e. No modification of the external building shall be permitted;
- f. A single, unlit sign of not greater than six (6) square feet shall be permitted; and
- g. Any garage on the premises may be used provided such use does not preclude the storage therein of the number of motor vehicles for which it was designed.
- h. The board of Zoning Appeals shall have the right to require or restrict the number, size and location of off-street parking spaces so as to insure the continued residential nature of the area.
- i. The Board of Zoning Appeals shall have the right to establish the number, width and location of driveways so as to insure safety for the traveling public.

35. Industrialized Unit: For the purpose of this Resolution an industrialized unit shall be considered to be a family residential dwelling provided it meets all of the following criteria:
- a. Is designed only for erection or installation on a site-built permanent foundation and which the manufacturer thereof acknowledges is not intended to be used other than on a site-built permanent foundation.
  - b. Is designed not to be moved once erected or installed on the site-built permanent foundation and can be moved to such site by only temporary towing gear, axles, etc. which operate only during transportation and are removed prior to erection or installation on a site-built permanent foundation.
  - c. It complies with the Ohio and/or local building codes as evidenced by an appropriate Industrialized Unit Insignia Number on each unit.
36. Junkyard: A parcel of land where junk is bought, sold, stored or handled.
37. Junk: Scrap metals, oil, ashes, bones, rags, cans, bottles, glass, paper packaging, cartons, rubber products, machinery, tools, equipment, appliances, junk motor vehicles or parts thereof, batteries, used construction materials, furniture ( other than furniture designed for outdoor use in good repair), and any other manufactured goods which are so worn, deteriorated or obsolete as to make them unusable in their present condition, but which may be subject to salvage or re-manufacture and deteriorated wood beyond any use. Firewood is the exception.

In accordance with Ohio Revised Code, Section 505.173(E), a “Junk Motor Vehicle” is defined as a motor vehicle meeting all the following criteria:

- (a) Three model years old, or older;
- (b) Apparently inoperable;
- (c) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission

In addition, the “junk motor vehicle” shall be determined to have remained in the same or similar location for a period of fourteen (14) days or more as documented by a camera capable of recording date of the violation, unless the vehicle is situated on public property, which shall be immediately classified as a “junk motor vehicle”

38. Landscaped: Aesthetically improved with seeding, planting and shrubs to the extent that the resulting area is dustless and not prone to soil erosion.
39. Lot: Is a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incidental provisions of this Resolution. A lot may or may not be specifically designated as such on public records.

40. Lot Area: The total horizontal area within the lot lines of the lot.
41. Lot, Corner: Is a lot at the point of intersection of and abutting on two (2) or more intersecting streets, the angle of intersection not being more than one hundred and thirty-five (135) degrees.
42. Lot Depth: Is the horizontal distance between the street right-of-way line and rear lot line measured along the median between the side lot lines. Where the right-of-way is not established, it shall be assumed to be sixty (60) feet.
43. Lot, Interior: Is a lot other than a corner lot.
44. Lot Lines: Are the lines defining the limits of a lot as described below:
- a. Front Lot Line: In the case of an interior lot, it is the lot line separating said lot from the street.  
  
In the case of a corner lot, or double frontage lot, it is that line separating said lot from either street.
  - b. Side Lot Line: Is any lot line other than the front or rear lot line.
  - c. Rear Lot Line: Is that lot line opposite the front lot line.  
  
In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than thirty (30) feet long lying farthest from the front lot line and wholly within the lot.
45. Lot of Record: Is a lot the dimensions of which are recorded in a document or shown on a map on file in the office of the Recorder of Richland County, or a lot described by metes and bounds, the deed to which has been recorded in a document or on a map in the office of the Recorder of Richland County, Ohio.
46. Lot Width: In determining the width of any lot or parcel of land for the purpose of the minimum lot width requirements, the width shall be measured at the front of the lot where it abuts the public road right-of-way.
47. Manufactured Home: Is a structure that is fabricated in an off-site facility and constructed in compliance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

48. Minimum Building Setback Line: Is a line between the front and rear lot line and parallel to the street right-of-way line as required by the minimum front yard depth in the district in which it is stated.
49. Mobile Home: Is a structure that is fabricated in an off-site facility that is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, that is built on a permanent chassis and transportable in one or more sections, and that does not qualify as a manufactured home as defined in Division (C) (4) of Section 3781.06 of the Revised Code or as an industrialized unit as defined in Division (C) (3) of Section 3781.06 of the Revised Code.
50. Mobile Home Park: Is any parcel of land, ten (10) acres or greater, when ten (10) or more Mobile Homes and/or Manufactured Homes are parked for dwelling or sleeping purposes.
51. Motel: Is a series of attached, semi-attached or detached rental units containing a bedroom, bathroom and closet space. The units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.
52. Nonconforming Structure: Is a structure or portion thereof lawfully existing at the effective date of this Resolution, or amendments thereto that does not conform to the area and height regulations of the district in which it is located.
43. Nonconforming Use: Is a use lawfully existing at the time of the enactment of this Resolution and which does not conform to the use provisions of the district in which it is located.
54. Occupied Structure: Is, for the purposes of regulating Wind Turbine/Electrical Generation Towers (Wind Turbine Towers), any dwelling, public building, school, church, community or institutional building that is maintained for permanent or temporary human occupancy, even if it is temporarily unoccupied.
55. Open Space: Is an area of land which is in its natural state, or is developed only for raising of agricultural crops, or for public outdoor recreation.
56. Participating Property: Is, for the purposes of regulating Wind Turbine/Electrical Generation Towers (Wind Turbine Towers), the property under single ownership on which a Wind Turbine Tower is located and adjacent property owners participating through legal and/or financial instruments in the project.
57. Privacy Fence: An artificially constructed privacy barrier of wood, metal, stone, brick or PVC, constructed along and parallel to a property line.
58. Public Utilities: Is any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing under governmental regulations to the public, electricity, gas, steam, telephone, telegraph, transportation, sewer, water, T.V. cable or utility services.

59. Recreational Use (Facility): A place or use designed and equipped for the conduct of sports and leisure time activities. This includes active recreational activities that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment, as well as areas for passive recreational activities that do not require the use of organized play areas including, but not limited to, fishing, picnicking, walking and running.

This does not include uses that involve the use of firearms, air powered weapons, or other weapons, or motor vehicle racing or competition.

- a. Recreational Use (Facility), Public: A recreational use (facility) open to the general public and is owned and/or operated by a governmental agency.
  - b. Recreational Use (Facility), Private: A recreational use (facility) operated by a profit or nonprofit organization and open only to bona fide members and guests of such profit or nonprofit organization.
60. Recreational Vehicle: A portable, self-propelled or non-self-propelled, self-contained vehicle designed or intended to be used as temporary sleeping or living quarters. Recreational vehicles shall include travel trailers, tent campers, truck campers and motor homes.
61. Residential Swimming Pools
1. “Portable swimming pool” means any vessel or container which is designed for or used for holding water for wading purposes; which will not permit filling with water to a depth greater than two and one-half feet; and which may be dismantled and moved from one spot to another with the use of basic hand tools.
  2. “Non-portable swimming pool” means any artificial body of water, whether in-ground or aboveground that is supplied with water from a controlled source; is not completely enclosed within a building; is capable of holding water of two and one-half feet or more in depth at any point.
62. School: Is a place where general education, learning and mental training is imparted to the young.
- a. School, Public: Is a school which meets state requirements for elementary, secondary or higher education and is supported by taxation and by money raised by the state.



- b. School, Private: Is a school which meets state requirements for elementary, secondary or higher education and is organized and maintained by private individuals or a private corporation or organization.
63. Sign: Is any card, cloth, paper, metal, painted glass, wood, plaster, stone, or other sign of any kind or character whatsoever which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business. The term "place" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, stacking, carrying, or fastening or making visible in any manner whatsoever. For the purpose of this Resolution, the word "sign" shall not include the flag, pennant, lodge, or insignia of any government, religious, educational or similar organization.
64. Sign, Business: Is a sign which directs attention to a business or profession conducted upon the same premises.
65. Story, Height: Is the vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.
66. Street, Public: Is a public thoroughfare which has been dedicated or deeded to the public for public use and accepted by the Trustees and which affords principal means of access to abutting property.
67. Street, Private: Is a thoroughfare which affords principal means of access to abutting property;, but which has not been deeded to the public.
68. Structure: Is anything constructed or erected which requires location on or below the ground, or attachment to something having a location on or below the ground.
69. Structure Alteration: Is any change in the supporting members of a building such as bearing walls, columns, beams, girders or any substantial changes in the roof and exterior walls.
70. Telecommunication Tower: Is any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:
- a. The free-standing or attached structure is proposed to be constructed on or after the effective date of the Ohio Revised Code amendment to Section 519.211 (10/31/96),
  - b. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
  - c. The free-standing or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.

- d. The free-standing structure is proposed to top at a height that is greater than 40 feet.
  - e. The attached structure is proposed to top at a height that is greater than the height of the building or other structure to which it is to be attached.
  - f. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.
71. Temporary Structure or Use: Is a structure or use permitted by the Board of Zoning Appeals to exist during periods of construction of the principal building or use, or for special events. Maximum length of stay be limited to one (1) year.
72. Thoroughfare, Major Arterial: Is a street or road which is intended to carry the major portion of traffic entering or leaving an urban area and also significant interurban travel, such as between communities or between major urban centers. Major arterials should form the boundaries of residential neighborhoods, but should not penetrate those neighborhoods. Access or service to abutting properties is a secondary function to the provision of travel service. For the purpose of this Resolution, S.R. 39 shall be considered the only major arterial in Jackson Township in conformance with the Richland County Functional Classification system.
73. Thoroughfare, Minor Arterial: Is a street or road which is intended to connect with and augment the Major Arterial System. The function of the Minor Arterial System is to provide travel service to trips of moderate length and provide intra-community continuity. For the purpose of this Resolution, Minor Arterials in Jackson Township shall be S.R. 39, Plymouth-Springmill Road and Bowman Street.
74. Thoroughfare, Collector: A street or road which is intended to collect traffic from local streets within a neighborhood and channel it into the arterial system, or to distribute traffic from the arterial system to local streets. Access to abutting properties is equal in importance to the movement of through traffic.
75. Tourist Home: Is a dwelling in which over night accommodations are provided or offered for transient guests for compensation.
76. Utility Scale Wind Turbine Tower: Is a Wind Turbine/Electrical Generation Tower (Wind Turbine Tower) of with a tower height over 175 feet. Installations with a total generating capacity over 5 megawatts are subject to certification by the Ohio Power Siting Board.
77. Verticle Axis Wind Turbine: IS a system referred to herein as a “VAWT Wind Turbine Tower” consisting of a wind turbine, tower and associated control or conversion electronics where the main rotor shaft runs vertically

78. Wind Farm: Is the property under a single ownership entity on which a utility scale Wind Turbine/Electrical Generation Tower (Wind Turbine Tower) is located.
79. Wind Turbine/Electrical Generation Towers: Is a system referred to herein as a “Wind Turbine Tower” consisting of a wind turbine, tower and associated control or conversion electronics.
80. Wind Turbine/electrical Generation Tower Height: Referred to herein as the “Tower Height” is the height above grade of the fixed portion of the tower and the maximum extent of the turbine blades.
81. Yards: The open spaces on the same lot as the principal building and further defined as follows:
- a. Front Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the street right-of-way line and the nearest point of the principal building.
  - b. Side Yard: Is an open space between the side lot line and the principal building, extending from the front yard to the rear yard, the width of which is the minimum horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.
  - c. Rear Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.
82. Zoning, Exception and Variance:
- a. Exception: An exception is a use permitted only after review of an application by the Zoning Board of Appeals, such review being necessary because the provisions of this Resolution covering conditions, precedent or subsequent, are not precise enough to cover all applications without interpretation, and such review is required by the Resolution.
  - b. Variance: Is defined as a modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Resolution would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

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

The Exception differs from the Variance in several respects. An exception does not require "undue hardship" in order to be allowed. The exceptions, as stated

within applicable provisions of the Resolution, are a form of "special approval" of review by the Zoning Board of Appeals.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

SECTION 300      ESTABLISHMENT OF DISTRICTS

1.      Standard Zoning Districts

The intended use of standard zoning districts is to delineate areas of existing land use and development character so as to afford such areas the regulations necessary to maintain their essential qualities and to assure that any additional development will be in keeping with that which has already been established. For the purpose of this Resolution, the Township of Jackson is hereby divided into the following Standard Zoning Districts:

- R-1 Rural Residential
- R-2 Residential
- R-3 Residential
- B-1 Neighborhood Business
- I-1 Industrial

2.      Special Zoning Districts

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

SECTION 300.1      OFFICIAL ZONING DISTRICTS MAP

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

SECTION 300.2      INTERPRETATION OF ZONING DISTRICT BOUNDARIES

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

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

Boundaries of Business or Industrial Districts which do not follow lot lines and are parallel to roads shall be construed to be five hundred (500) feet from the right-of-way lines of such roads.

7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 6 above shall be so construed.

Distances not specifically indicated in this section or on the official Zoning District Map shall be determined by the use of a scale shown on the Map.

ARTICLE IV

STANDARD DISTRICT REGULATIONS

SECTION 400      REGULATION OF USE AND DEVELOPMENT

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

SECTION 400.1      PERMITTED USES

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

SECTION 400.2      CONDITIONALLY PERMITTED USES

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

SECTION 400.3      DEVELOPMENT STANDARDS

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

SECTION 401

This Section is Reserved For Future Use.



SECTION 402            R-1 RURAL RESIDENTIAL DISTRICT

SECTION 402.1        PURPOSE

The R-1 Rural Residential Districts are established in recognition that sections of the Township include low density residential developments that are rural in nature. These Districts provide for residential uses with large lot sizes.

SECTION 402.2        PERMITTED USES

1.     One-Family Dwellings
2.     Cemeteries which lawfully occupied the land at the time of adoption of this Resolution.
3.     Accessory buildings and uses as regulated in Article V, GENERAL PROVISIONS of this resolution.
4.     Temporary buildings and structures as regulated in Article V, GENERAL PROVISIONS of this Resolution.
5.     Manufactured Homes & Industrialized Homes subject to the following:
  - a.     The Manufactured Homes and Industrialized Homes shall be affixed to a permanent foundation and be connected to appropriate facilities.
  - b.     The Manufactured Homes & Industrialized Homes, excluding any addition, shall at no point be less than twenty-two (22) feet wide, shall at no point be less than twenty-two (22) feet in length, and shall have a total living area, excluding garages, porches or attachments, of at least one thousand (1000) square feet.
  - c.     The Manufactured Home and Industrialized Home shall have a minimum 3:12 residential roof pitch, conventional residential siding, and six (6) inch minimum eave overhang, including appropriate guttering.
  - d.     The Manufactured Home and Industrialized Home must be manufactured after January 1, 1995.
  - e.     Upon final approval by the Mansfield-Richland County Building Department, the property owner shall request the Richland County Auditor to appraise said property for valuation of said structure.

SECTION 402.3        CONDITIONALLY PERMITTED USES

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

1. Churches and other buildings for the purpose of religious worship subject to the following conditions:
  - a. Buildings of greater than the maximum height allowed in Section 402, SCHEDULE OF REGULATIONS, may be allowed provided front, rear and side yards are increased above the minimum required yard setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
  - b. Wherever the off-street parking area is adjacent to land developed for one (1) and two (2) family residential purposes, a continuous and obscuring year-round greenbelt or obscuring fence six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development.
2. Cemeteries subject to statutory limitations and further subject to the following conditions:
  - a. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
  - b. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares and no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
3. Recreational uses other than those governmental owned and/or operated, consistent with the rural character of the area.
4. Water conservation uses including water supply works, flood control and water protection works, fish and game hatcheries and preserves, and other uses similar in character with the above specified uses.
5. Public schools and related parks and recreational facilities.
6. Parochial and other private elementary or intermediate schools offering courses in general education.
7. Public service buildings and uses (excluding storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
8. Gravel extraction and open pit mining subject to the following conditions:
  - a. The site shall be completely enclosed by a continuous and obscuring fence at least six (6) feet in height.

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

9. Home Occupations

SECTION 402.4 AREA AND BULK REQUIREMENTS

See Section 407, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted, and establishing minimum yard setback requirements.

SECTION 403 R-2 RESIDENTIAL DISTRICT

SECTION 403.1 PURPOSE

The R-2 Residential Districts are established in recognition that sections of the Township include low to medium density residential developments that are suburban in nature.

SECTION 403.2 PERMITTED USES

- 1. One family dwellings
- 2. Two family dwellings
- 3. Cemeteries which lawfully occupied the land at the time of adoption of this Resolution.
- 4. Accessory buildings and uses as regulated in Article V, of this Resolution.
- 5. All uses permitted in R-1
- 6. Temporary buildings
- 7. Manufactured Homes & Industrialized Homes subject to the following:
  - a. The Manufactured Homes and Industrialized Homes shall be affixed to a permanent foundation and be connected to appropriate facilities.
  - b. The Manufactured Homes & Industrialized Homes, excluding any addition, shall at no point be less than twenty-two (22) feet wide, shall at no point be less than twenty-two (22) feet in length, and shall have a total living area, excluding garages, porches or attachments, of at least one thousand (1000) square feet.
  - c. The Manufactured Home and Industrialized Home shall have a minimum 3:12 residential roof pitch, conventional residential siding, and six (6) inch minimum eave overhang, including appropriate guttering.

- d. The Manufactured Home and Industrialized Home must be manufactured after January 1, 1995.
- e. Upon final approval by the Mansfield-Richland County Building Department, the property owner shall request the Richland County Auditor to appraise said property for valuation of said structure.

SECTION 403.3      CONDITIONALLY PERMITTED USES

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

- 1. Public schools, parks, and recreational facilities.
- 2. Parochial and private schools.
- 3. Churches and other buildings for the purpose of religious worship subject to the following conditions:
  - a. Buildings of greater than the maximum height allowed in Section 407, SCHEDULE OF REGULATIONS, may be allowed provided front, side, and rear yards are increased above the minimum required yard setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
  - b. Whenever the off-street parking area is adjacent to land developed for one (1) and two (2) family residential purposes, a continuous and obscuring year-round greenbelt or obscuring fence six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development.
- 4. Private recreational areas, swimming pools, golf courses, tennis clubs, and institutional or community recreation centers.
- 5. Public service buildings.
- 6. Home occupations.

SECTION 403.4      AREA AND BULK REQUIREMENTS

See Section 407, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 404      R-3 RESIDENTIAL DISTRICT

SECTION 404.1      PURPOSE

The R-3 Residential Districts are established in recognition that sections of the Township include medium density residential developments that are suburban or urban in character, and may contain a substantial proportion of one, two, and multiple-family dwellings.

SECTION 404.2      PERMITTED USES

1.     One family dwellings
2.     Two family dwellings and boarding houses
3.     Townhouse dwellings provided that there will be no more than twelve (12) townhouse dwellings in any contiguous group
4.     Multiple family dwellings, two (2) stories or less subject to review and approval of a site plan by the Township Zoning Commission and subject further to the following:
  - a.     A fifteen (15) foot wide greenbelt shall be provided wherever a parking lot abuts onto lot lines of a one (1) or two (2) family residential development. Such fence or screening devices shall not have any opening except such openings as may be required for emergency vehicle access.
5.     Public schools, parks and recreational facilities.
6.     Accessory buildings and uses as regulated in Article V, of this Resolution.
7.     Automobile parking spaces as regulated in Article V, of this Resolution.
8.     All uses permitted in R-2.
9.     Manufactured Homes & Industrialized Homes subject to the following:
  - a.     The Manufactured Homes and Industrialized Homes shall be affixed to a permanent foundation and be connected to appropriate facilities.
  - b.     The Manufactured Homes & Industrialized Homes, excluding any addition, shall at no point be less than twenty-two (22) feet wide, shall at no point be less than twenty-two (22) feet in length, and shall have a total living area, excluding garages, porches or attachments, of at least one thousand (1000) square feet.
  - c.     The Manufactured Home and Industrialized Home shall have a minimum 3:12 residential roof pitch, conventional residential siding, and six (6) inch minimum eave overhang, including appropriate guttering.

- d. The Manufactured Home and Industrialized Home must be manufactured after January 1, 1995.
- e. Upon final approval by the Mansfield-Richland County Building Department, the property owner shall request the Richland County Auditor to appraise said property for valuation of said structure.

SECTION 404.3      CONDITIONALLY PERMITTED USES

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

- 1. Parochial and private schools
- 2. Churches and other buildings for the purpose of religious worship subject to the following conditions:
  - a. Buildings of greater than the maximum height allowed in Section 407, SCHEDULE OF REGULATIONS, may be allowed provided front, side and rear yards are increased above the minimum required yard setback by one (1) foot for each one (1) foot the building exceeds the maximum height allowed.
  - b. Whenever the off-street parking area is adjacent to land developed for one (1) and two (2) family residential purposes, a continuous and obscuring year-round greenbelt or obscuring fence six (6) feet in height shall be provided along the sides of the parking area adjacent to the residential development.
- 3. Private recreational areas, swimming pools, golf courses, tennis clubs, and institutional or community recreation centers.
- 4. Public service buildings.
- 5. Nursery schools, day nurseries and child care centers subject to the following:
  - a. A minimum of one hundred (100) square feet of outdoor play area for each child shall be provided and maintained on the lot. Such play space shall have a minimum area of not less than five thousand (5000) square feet which shall be screened from any abutting lot in a R-Residential District.
- 6. Institutions for medical care, hospitals, clinics, sanitariums, convalescent homes, nursing homes for the aged, philanthropic institutions and Group Residential Facilities, Class I subject to the following:

- a. The proposed site shall have at least one (1) property line abutting a major thoroughfare and all ingress and egress from the site shall be provided by said thoroughfare.
- b. The minimum distance of any main or accessory building from lot lines or street right-of-way lines shall be at least one hundred (100) feet for front, side and rear yards for all two (2) story structures. For every story above two (2), the minimum yard requirements shall be increased by ten (10) feet.
- c. Ambulance and delivery areas shall be obscured from view by a continuous and obscuring fence or greenbelt six (6) feet in height.

7. Home occupations

SECTION 404.4 AREA AND BULK REQUIREMENTS

See Section 407, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 405 B-1 NEIGHBORHOOD BUSINESS DISTRICT

SECTION 405.1 PURPOSE

The B-1 Neighborhood Business District is intended to encourage the grouping of small individual retail establishments to promote convenience in serving the daily needs of persons living in adjoining areas.

These groups of establishments generally occupy sites that are in proximity to the residential population to be served.

SECTION 405.2 PERMITTED USES

- 1. All uses permitted in an R-3 Residential District.
- 2. The following retail, personal service and business and professional office uses providing a six (6) foot high obscuring fence and a greenbelt at least twenty-five (25) feet in width is provided on those side and rear yards abutting an R-Residential District:
  - a. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods:
    - Hardware stores
    - Grocery stores
    - Meat and Fish markets
    - Candy, Nut and Confectionery stores

Dairy Products stores  
Retail Bakeries  
Drug and Proprietary stores  
Florists  
Toy and Gift stores  
Clothing stores  
Dry Goods stores  
Furniture stores  
Appliance stores  
Auto sales

b. Personal Service Establishments:

Self-service laundries  
Beauty shops  
Barber shops  
Shoe repair shops, shoe shine shops  
Radio and Television repair shops  
Pressing, Alteration and Garment repair  
Motels

c. Business and Professional Offices:

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

3. Accessory buildings and uses as regulated in Article V, GENERAL PROVISIONS of this Resolution.
4. Parking and loading as regulated in Article V, GENERAL PROVISIONS of this Resolution.
5. Other uses similar in character to those listed shall be deemed to be permitted uses in this district where the zoning inspector finds that the proposed use is consistent with the general nature of the district. The decision of the zoning inspector on allowing or refusing a zoning permit may be appealed to the Board of Zoning Appeals by any interested party under SECTION 800.5.



SECTION 405.3      CONDITIONALLY PERMITTED USES

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

1. Eating places
2. Drive-in Restaurants, subject to the following conditions:
  - a. All lighting shall be shielded from adjacent R-Residential Districts
  - b. Whenever the side is adjacent to land developed for one (1) or two (2) family residential purposes, a continuous and obscuring year-around greenbelt or obscuring fence six (6) feet in height shall be provided along the sides of the site adjacent to the residential development. The greenbelt shall be further subject to the provisions of Article V, GENERAL PROVISIONS, of this Resolution.
3. Gasoline service stations subject to the following conditions:
  - a. Such stations shall be used for the sale of gasoline, oil, minor accessories and minor repair work only. No repair work will be done including vehicle body repair, painting, tire recapping, engine rebuilding, upholstering, auto glass work and such other activities where the external effects of the activity could adversely extend beyond the property line.
  - b. Curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than seventy-five (75) feet from a street intersection (measured from the intersection of the curb lines) or from adjacent residential district.
  - c. The minimum lot area shall be twenty-two thousand (22,000) square feet, with access drives so arranged that ample space is available for motor vehicles which are required to wait.
  - d. The minimum lot width shall be at least one hundred (100) feet and pump islands shall be set back at least fifteen (15) feet (measured from the street right-of-way line). All buildings and other structures shall have a front yard setback of fifty (50) feet back from the street right-of-way line.
  - e. Underground storage gasoline tanks shall be located not less than fifty (50) feet from any R-Residential District.

- f. Construction shall begin within one (1) year from the date of approval by the Township Zoning Board of Appeals.
- g. All lighting shall be shielded from all adjacent properties.
- h. Gasoline service stations shall provide a fence at least six (6) feet in height and a greenbelt at least ten (10) feet in width on those sides and rear lot lines abutting a R-Residential District.
- i. Abandoned Service Stations

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

Whenever the Zoning Inspector shall find any service station to be abandoned within the meaning of this Section, he shall give notice in the same manner as service of summons in civil cases, or by certified mail addressed to the owner of record of the premises at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within one hundred eighty (180) days either by placing the station in operation accordance with this Resolution, adapting and using the building for another permitted business use, or by razing the service station structure, removing the pumps and signs, abandoning underground storage tanks in accordance accepted safe practice as prescribed by the National Fire Protection Association in Appendix "C" to N.F.P.A. No. 30; under the supervision of the Bureau of Fire Prevention of Jackson Township and filling depressions to the grade level of the lot; provided, however, that if the station is in operation at the time notice is given and remains in operation for ninety (90) consecutive days thereafter, the provisions of this Section shall not apply; and provide further that if there should be declared a national emergency which would curtail the operation of motor vehicles or if the Trustees should determine that there exists a state of general economic depression, the provisions of this Section shall not apply.

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

Inoperative service stations which do not come within the definition of abandoned service stations shall be maintained in accordance with the provisions of this Resolution and the owner shall cut all grass and remove all rubbish and weeds from the premises. The parking of motor vehicles upon said premises shall be prohibited and the owner shall place in the window of such service station a sign

of this fact. Notwithstanding any other provisions of this Resolution if the Zoning Inspector shall find that such notice is not complied with by the public, he may order the owner of the premises on which any station is inoperative for more than six (6) months to install fencing or barricade which will be sufficient to block motor vehicle access to said property.

4. All conditionally Permitted Uses in a R-3 District.
5. Adult Entertainment Businesses subject to the requirements of Section 500.22.
6. Communications towers subject to the following conditions:
  - a. The tower shall be sited so that all reasonable alternatives for tower placement have been clearly and convincingly demonstrated so that the installation will minimize the visual intrusion of the tower.
  - b. The tower shall be shared with other users to minimize the proliferation of towers within Jackson Township, including the presentation of evidence demonstrating that consideration was given to co-locating the communication devices and related equipment on nearby pre-existing towers and that such co-location was rejected due to one of the following reasons:
    - (1) Adequate space was not available on any nearby tower.
    - (2) No nearby tower could be structurally reinforced to accept such co-location at a reasonable cost.
    - (3) Interference with existing signal devices was unacceptable and could not be shielded at a reasonable cost.
    - (4) Good faith negotiations with the owner(s) of existing towers could not produce a satisfactory agreement.
    - (5) Any other justifiable reason acceptable to the Jackson Township Board of Zoning Appeals.
  - c. A comprehensive landscape plan designed to minimize the visual impact at base elevation of the proposed structure.
  - d. Minimum setback from all property lines to the tower and all necessary buildings shall be a distance equal to the height of the tower. Setback shall be defined as the distance from the property line to the nearest portion of the structure(s).
  - e. Underground wiring to the site shall be required.
  - f. Equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall not be stored or parked on the site except in connection with a repair or maintenance being made to the installation.

- g. The plans shall provide for a six (6) foot high obscuring fence around the structure and located as close to the structure as possible while still allowing adequate room for maintenance, temporary parking, etc.
  - h. A building and electrical permit must be applied for at the appropriate offices prior to erecting the tower.
  - i. The following are exempt from the special provisions of this section:
    - (1) Amateur radio installations operating in accordance with Federal Communications Commission Rules and Regulations part 97.
    - (2) Telephone poles which are part of a communication distribution system for telephone wires.
7. Garage, public or storage facilities subject to the following conditions:
- a. Off street parking shall be used for vehicles currently being serviced, but not for long-term storage of inoperable vehicles.
  - b. Minimum lot width one hundred (100) feet.
  - c. Minimum lot size twenty-two (22,000) square feet.
  - d. All lighting shall be shielded from adjoining properties.
  - e. A six (6) foot high year-around obscuring greenbelt or obscuring fence shall be provided on those side and rear lot lines abutting a residential development or R-Residential District.

SECTION 405.4      AREA AND BULK REQUIREMENTS

See Section 407 SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing yard setback requirements.

SECTION 406      I-1 INDUSTRIAL DISTRICT

SECTION 406.1      PURPOSE

The I-1 Industrial Districts are intended to accommodate uses which provide for the repair, storage, compounding, processing, manufacturing, or assembling of materials or parts, provided that the emission of smoke, dust fumes, vibration, odor and noise is restricted to the premises or held to minimum levels such that they will not have adverse or detrimental effect on surrounding residential and business districts.

SECTION 406.2      PERMITTED USES

1. All uses permitted in a B-1 District.
2. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
3. Warehouse, storage and distribution facilities, buildings, railroads or truck transfer or terminal facilities and parking areas.
4. The manufacturing, compounding, processing, assembly or repair of products when conducted wholly within a completely enclosed building or within an area enclosed on all sides by a six (6) foot high obscuring fence or wall.
5. Contractors offices, repair and storage yards, lumber and building material sales yards provided all materials are located within an area enclosed on all sides by a six (6) foot high obscuring fence or wall.

SECTION 406.3      GENERAL CONDITIONS

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

1. A greenbelt thirty (30) feet in width shall be provided on all sides of the industrial property.
2. Where an industrial district abuts a residential district:

- a. Those sides abutting residential property must have a one hundred (100) foot greenbelt.
  - b. The area of use and all parking areas shall be screened by a six (6) foot high obscuring fence and appropriately landscaped to be harmonious with surrounding properties.
3. All outdoor storage areas shall be completely enclosed by a six (6) foot obscuring device being a fence, wall, or dense planting, etc.
  4. Truck parking areas, maneuvering lanes, and points of ingress and egress shall be designed to cause no interference with the safe and convenient movement of vehicles on adjacent thoroughfares. Points of ingress and egress shall not be located closer than one hundred fifty (150) feet from the intersection of two (2) major thoroughfares or the intersection of a major thoroughfare and collector thoroughfare.
  5. All industrial uses shall be located along major thoroughfares, railroads, and/or in an industrial park.

#### SECTION 406.4      CONDITIONALLY PERMITTED USES

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

1. Restaurants or other places serving food or beverages except those having the nature of a "drive-in" subject to the following restriction:
  - a. The entire activity shall be conducted within a totally enclosed main building.
2. Strip mining and gravel extraction operations subject to the following restrictions:
  - a. A completely enclosed fence six (6) feet in height shall be provided around the entire periphery of the development.
  - b. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

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

- c. Established routes for truck movements into and out of the development shall be indicated in such a way that it will minimize the wear on public streets and damage to any adjoining property.
  - d. Top soil may be stripped from the roadway, construction and excavation areas, piled separately but not removed from the site or used as spoil. As many trees as can be reasonably utilized in the final development plan should be retained, and the grading should be adjusted to the grade at the existing line of trees.
3. Junk yards subject to the following restrictions:
- a. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
  - b. All points of ingress and egress should be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares and no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
  - c. Points of ingress and egress shall be available only from abutting major thoroughfares or collector streets and shall not be available from any local residential street.
  - d. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual or to the Township as a whole.
  - e. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or thoroughfare. No lighting shall shine directly onto adjacent properties.
  - f. Such structures should be located on collector streets.
  - g. Site locations should be preferred that offer natural or man-made barriers that would  
  
lessen the effects of intrusion into a residential, business or industrial area.
  - h. Loud speakers which cause a hazard or annoyance shall not be permitted.
  - i. Such uses should not require the uneconomical extension of utility systems at the expense of the Township.
4. Gasoline service stations subject to the following conditions:

- a. Such stations may be used for the sale of gasoline, oil, minor accessories and general repair work.
- b. Curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than seventy-five (75) feet from a street intersection (measured from the intersection of the curb lines) or from adjacent residential districts.
- c. The minimum lot area shall be twenty-two thousand (22,000) square feet, with access drives so arranged that ample space is available for motor vehicles which are required to wait.
- d. The minimum lot width shall be at least one hundred (100) feet and pump islands shall be set back at least fifteen (15) feet (measured from the street right-of-way line). All buildings and other structures shall have a front yard setback of fifty (50) feet back from the street right-of-way line.
- e. Underground storage gasoline tanks shall be located not less than fifty (50) feet from any residential district.
- f. Construction shall begin within one (1) year from the date of approval by the Township Zoning Commission.
- g. All lighting shall be shielded from all adjacent residential districts.
- h. Gasoline service stations shall provide a fence at least six (6) feet in height and a greenbelt at least twelve (12) feet in width on those side and rear lot lines abutting a residential district.
- i. Abandoned Service Stations

If any service station shall be abandoned, such service station shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated. Abandoned is defined as a failure to operate said service station for at least three (3) consecutive months in any eighteen (18) month period.

Whenever the Zoning Inspector shall find any service station to be abandoned within the meaning of this Section, he shall give notice in the same manner as service of summons in civil cases or by certified mail addressed to the owner of record of the premises at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within one hundred eighty (180) days either by placing the



station in operation in accordance with this Resolution, adapting and using the building for another permitted business use, or by razing the service station structure, removing the pumps and signs, abandoning underground storage tanks in accordance with accepted safe practice as prescribed by the National Fire Protection Association in Appendix "C" to N.F.P.A. No. 30; under the supervision of the Bureau of Fire Prevention of Jackson Township and filling depressions to the grade level of the lot; provided, however, that if the station is in operation at the time notice is given and remains in operation for ninety (90) consecutive days thereafter, the provisions of this Section shall not apply; and provided further that if there should be declared a national emergency which would curtail the operation of motor vehicles or if the Trustees should be declared a national emergency which would curtail the operation of motor vehicles or if the Trustees should determine that there exists a state of general economic depression, the provisions of this Section shall not apply.

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

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

#### 5. All conditionally Permitted Uses in a B-1 District.

#### SECTION 406.5 AREA AND BULK REQUIREMENTS

See Section 407 SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum lot size, the maximum density permitted and establishing minimum yard setback requirements.

SECTION 407

SCHEDULE OF REGULATIONS

Use Districts	Max. D.U. Per Acre	Minimum Lot Area Requirements		Maximum Height of Building		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per (Sq. Ft.)
		Area in Acres or Sq. Ft.	Width In Ft.	In Feet	In Stories	Front Yard	One Side Yard	Sum of the Widths	Rear Yard	
R-1 Rural Residential One Family	1.0	1 acre	125	40	2	40	10	30	40	1,000
R-2 Residential One & Two Family	2.64	1 acre(a)	125	40	2	40	10	30	40	900
R-3 Residential One & Two Family Townhouse Dwelling Multiple Family	4.3	10,000(b)	75	40	2	25	5	10	25	800
	18.00	1 acre	125	40	3	25	25(c)	--	25(c)	800
	18.00	1 acre	125	40	3	25	25(c)	--	25(c)	(d)
B-1 Neighborhood Business One & Two Family Townhouse Dwelling Multiple Family	Same Same Same	--	--			30(e)	(f)	--	25(g)	--
		as R-3		40	2					
I-1 Industrial Business One & Two Family Multiple Family	Same Same Same	2 acres as B-1 as R-3 as R-3	--		--		(h, i, j)	--	(h, i, j)	--
				50		50				

NOTES TO SECTION

- a. Where a centralized sewer system is furnished, the minimum lot area may be reduced to 20,000 square feet.
- b. Where centralized sewer and water facilities are not provided, the minimum lot area shall be at least one (1) acre per dwelling unit with a minimum width of 125 feet.
- c. In an R-3 Residential District, front, side or rear yards do not refer directly to the spacing between buildings for a multiple family development for two (2) or more buildings on the same parcel. In such cases, the minimum distance between any two buildings shall be based on the height of each building and in no instance shall this distance be less than forty (40) feet. Whenever the side or rear yard of a multiple family development abuts a one (1) family residential development, the minimum side yard width and rear yard depth shall be at least thirty-five (35) feet.
- d. Minimum floor areas per dwelling unit in a multiple family dwelling shall be based on the following formula:
  - 1. Efficiency 400 square feet
  - 2. One bedroom 500 square feet
  - 3. Two bedrooms 625 square feet
  - 4. Three bedrooms 750 square feet
  - 5. Four bedrooms 900 square feet
- e. Off-street parking shall be permitted to occupy part of the required front yard after approval of the parking plan layout and points of ingress and egress by the Township Zoning Commission.
- f. No side yards are required along the interior side lot lines of the District. On an exterior side yard abutting a residential district, there shall be provided a minimum side yard setback of thirty (30) feet.
- g. Off-street loading space shall be provided in the rear yard in accordance with the provisions of Section 500.4 of this Resolution and shall be provided in addition to any required off-street parking facilities.
- h. Where there is a front-to-front industrial relationship, or a front-to-side industrial relationship, the minimum front yard setback may be reduced to twenty-five (25) feet. All front yards shall be landscaped in accordance with the provisions of Article V.

- i. Side and rear yards shall be equal to at least the height of the average of the various heights of the building masses, excluding towers and other appurtenances. All side and rear yards abutting a Residential District shall provide open space equal to at least one hundred (100) feet in width.
- j. A six (6) foot obscuring fence or screen, or a twenty (20) foot wide greenbelt measured from the lot line shall be provided along those side and rear lot lines abutting a residential development.

SECTION 408            MH MOBILE HOME PARK DISTRICT

SECTION 408.1        PURPOSE

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

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

SECTION 408.2        PERMITTED USES

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

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

SECTION 408.3

SCHEDULE OF REGULATIONS

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

Use Districts	Max D. U. Per Acre.	Minimum Lot		Maximum Height of Building		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Sq. Ft.)
		Area in Acres or Sq. Ft.	Width In Ft.	In Feet	In Stories	Front Yard	One Side Yard	Sum of the Widths	Rear Yard	
MHP Mobile Home Park *	7.0	6,000 sq. ft./lot	60	25	1	20	15	30	20	720

## ARTICLE V

### GENERAL PROVISIONS

#### SECTION 500      SCOPE OF THE ZONING RESOLUTION

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

#### SECTION 500.1      NON-CONFORMING USES

Intent: Within the districts established by this Resolution or amendments that may later be adopted, there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or its present amendments adopted, but which would be prohibited, regulated, or restricted under the terms of this Resolution or amendments. It is the intent of this resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival.

Incompatibility of Non-Conformities: Non-conformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of land or a non-conforming use of a structure and land in combination shall not be extended or enlarged more than ten (10) percent. However, a non-conforming use which is more consistent with the current zoning may be substituted for an existing use.

Avoidance of Undue Hardship: To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing that work shall be carried out diligently.

Single Non-conforming Lots of Record: In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption of an amendment of this Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable within the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Article VII. No



portion of any lot shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution.

Non-Conforming Uses of Land: Where, at the time of adoption of this Resolution, lawful uses of land exists which would not be permitted by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended, to occupy more than (10) percent more of the area of land than was occupied at the effective date of the adoption or amendment of this Resolution.
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of the adoption or amendment of this Resolution.
3. If any non-conforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
4. No additional structures not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

Non-conforming Structures: Where a lawful structure exists at the effective date of the adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means, it may be reconstructed.
3. Should any structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Non-conforming Uses of Structures and Land in Combination: If a lawful use involving individual structures, or a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged or extended by more than ten (10) percent, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such a use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
3. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use for a period of two (2) years, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
4. When a non-conforming use of structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
5. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Repairs and Maintenance: On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased except as here above provided. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## SECTION 500.2      ACCESSORY BUILDINGS AND USES

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

1. An accessory building attached to the principal building shall comply with the requirements of this Resolution applicable to the main building.
2. Portable swimming pools shall be considered an accessory use within any residential district and no zoning permit shall be required.
3. Detached accessory buildings (this includes non-portable swimming pools) shall be permitted in any required side or rear yard provided that:

- a. A detached accessory building shall be located no closer than ten (10) feet from any required side or rear lot line. For every foot of building height over ten (10) feet, the required setback shall be increased by one (1) foot.
- b. Within an R-Residential District, no accessory building shall exceed two (2) stories in height.
- c. Accessory buildings located on a corner or double frontage lot shall not be permitted to project beyond the minimum front yard setback requirement on any adjacent streets.
- d. Accessory buildings or uses shall be considered in computing the maximum percent of land area covered by the structure.
- e. Non-portable swimming pools shall also be required to meet the following requirements:
  - 1) The pool must be intended for and used solely for the use of the occupants and guests of the owners of the property on which it is located.
  - 2) The pool shall be completely enclosed by a fence or wall six (6) feet in height with a lockable gate or gates. Above ground non-portable pools with a sidewall height of at least four feet and a ladder or other entry system that can be removed or secured in a manner that prohibits unauthorized access may not require the above fence if plans are approved by the zoning inspector.

SECTION 500.3 OFF-STREET PARKING REGULATIONS

In all districts, in conjunction with the erection or enlargement of every building or structure, off-street parking space shall be provided with adequate access to each space. In connection with all permitted uses, off-street parking spaces shall be provided before a certificate of occupancy shall be issued.

1. General Regulations:

- a. Any area once designated as required off-street parking shall never be converted or changed until equal facilities are provided elsewhere.
- b. Land area designated for off-street parking facilities shall be used solely for the parking of vehicles and no commercial repair work, storage or service of any kind shall be conducted on all or any part of such parking lot.
- c. Any use not specifically mentioned shall provide minimum off-street parking facilities in accordance with the requirements established for a use which is similar in type and nature.

- d. The Board of Appeals may grant an exception to the requirements of this Section where joint use is made of parking facilities, providing the operating hours of such uses do not overlap.
  - e. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required of several uses served.
  - f. Public uses; such as, churches, schools and parks, may establish with business or industrial establishments joint parking facilities for fifty (50) percent or less of their required spaces, provided that a written agreement is forwarded, reviewed and approved by the Township Zoning Commission and further, provided that all parking areas so designated be within three hundred (300) feet of the public use.
2. Minimum Number of Off-Street Parking Spaces Required - Use Designation/Minimum Number of Spaces Required
- a. Residential Uses:
    - (1) One and Two Family Dwellings: Two (2) per dwelling
    - (2) Multiple Family Dwellings: One and one-half (1½) per dwelling unit
    - (3) Townhouse Dwellings: One and one-half (1½) per dwelling unit
    - (4) Home Occupations Involving In-coming Vehicles: Three (3) per dwelling
  - b. Mobile Home Parks:
 

Two (2) for each mobile home site and one (1) for each employee of the mobile home park.
  - c. Business Uses:
    - (1) Beauty Parlor or Barber Shop:
 

Three (3) spaces for each beauty or barber chair.
    - (2) Establishments for sale and consumption of beverages, food or refreshments on the premises:

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

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

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

- (4) Gasoline Service Stations:

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

- (5) Laundromats and Coin Operated Dry Cleaners:

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

- (6) Miniature or Par-3 Golf Course:

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

- (7) Planned Shopping Centers:

Three and one-half (3½) spaces per every one thousand (1000) square feet of gross building area.

- (8) Retail Establishment:

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

d. Office Uses:

- (1) Banks, Savings and Loan Companies:

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

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

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

- (3) Doctors, Dentists Offices:

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

e. Industrial Uses:

(1) Industrial, Research and Storage Establishments:

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

(2) Wholesale Establishments:

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

f. Institutional and Recreational Uses:

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

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

(2) Business and Technical Schools:

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

(3) Churches and Temples:

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

(4) Convalescent Homes, Children's Homes:

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

(5) Elementary and Junior High Schools:

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

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

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

(7) Hospitals and Nurses Training Schools:

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

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

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

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

a. R-Residential Districts:

(1) In one (1) and two (2) family residential developments the required number of off-street parking spaces shall be provided on the same lot as the building which they are intended to serve.

(2) Multiple-Family Dwelling units shall be required to meet the following off-street parking regulations:

(a) No more than thirty-five (35) percent of the area of any required yard or any required minimum distance between buildings shall be devoted to off-street parking drives, aisles and maneuvering lanes.

(b) Ingress and egress to a parking lot within a multiple family development shall not be across land developed for one family residential purposes.

(c) Each entrance and exit to and from any off-street parking lot shall be located at least forty (40) feet away from adjacent property lines located in a one family residential development.

b. Business Districts:

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

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

(2) Off-street parking facilities shall be located on the same lot or within two hundred (200) feet of the building it is intended to serve. The maximum distance of two hundred (200) feet shall be measured from the nearest point of the building to the nearest point of the off-street parking lot.

- (3) Ingress and egress to parking lots or loading areas within a B-Business District shall not intersect with local residential streets serving abutting residential properties.

c. Industrial Districts:

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

4. Off-Street Parking Space Layout and Standards

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

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

<u>Parking Angle at Base Line</u>	<u>Parking Space Width</u>	<u>Length</u>	<u>Maneuvering Lane Width</u>
45 degrees	8'4"	20'	16'
60 degrees	8'6"	20'	20'
90 degrees	9'0"	20'	24'

- b. Access into all parking spaces shall be through means of maneuvering lanes. Backing directly from a parking space onto a street is prohibited.
- c. Parking areas shall be of usable shape improved with bituminous, concrete or equivalent surfacing material, and graded and drained as to dispose of all surface water accumulation.
- d. All lighting used to illuminate such parking areas shall be arranged as to direct the lighting away from adjoining properties or streets and no open light sources, such as flood lights or the stringing of light bulbs, shall be permitted.
- e. Parking lots in an R-3 District, which abut an R-1 or R-2 District, shall be provided with a continuous and obscuring fence six (6) feet in height, measured from the surface of the parking lot.

5. General interpretation



- a. Parking spaces for other permitted uses not listed in this section shall be determined initially by the Zoning Inspector by application of the use contained in this section as most nearly resembles the proposed use. Appeals of the Zoning Inspector's decision may be made to the Board of Zoning Appeals under Article VIII.
  - b. Fractional numbers shall be increased to the next whole number.
    - 1. Where for any reason parking demand is unusually low, the Board of Zoning Appeals may grant a variance to reduce the same under Article VIII.
6. Rooftop solar power collection systems are permitted uses in any district.
7. Rooftop wind turbines intended to reduce consumption of electrical utility power are permitted uses in any district.

(Add the following definitions in the proper alphabetical sequence. Occupied structure will go in at 46. This will mean that the rest of them should re-number automatically (hopefully)).

SECTION 500.4      OFF-STREET LOADING AND UNLOADING

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

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

SECTION 500.5      TEMPORARY BUILDINGS AND STRUCTURES

- 1. Temporary buildings for uses incidental to construction work shall be permitted for a period not to exceed one (1) year period.
- 2. Not more than one (1) recreational vehicle may be used as a temporary residence by a visitor on a lot with a permanent residence, provided that:

- a. Such temporary residence shall not exceed thirty (30) consecutive days in any twelve (12) month period.
- b. Application for a "Temporary Visitor's Zoning Certificate" is filed with the Zoning Inspector within seven (7) days after arrival on the property.

SECTION 500.6 PLANT MATERIALS

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

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

SECTION 500.7 SIGN REGULATIONS

1. The following signs are permitted in any R district:
  - a. One non-illuminated sign advertising the sale or lease of the lot or building not exceeding twelve (12) square feet in area on any lot.
  - b. Signs appropriate to a public or semi-public building for the purpose of displaying the name and activities or services therein, provided, not larger than a total of thirty-two (32) square feet and restricted to the premises.
  - c. Signs incidental to legal process and necessary to the public welfare.
  - d. No sign shall extend into any highway or street right-of-way.
  - e. Home occupation - for the purpose of advertising there shall be not more than one (1) sign or identification to exceed six (6) square feet in area when the use of the sign is in relation to the use of the property.
2. Signs in B-Business and I-Industrial Districts to be regulated by actions of the Board of Trustees.

SECTION 500.8 LANDFILL AND DUMPING OPERATIONS

1. The use of land for filling or dumping of earth, sand, gravel and decayed or decomposed or waste materials, not in connection with general farming, agriculture, horticulture or landscape

activities shall comply with the provisions of all other Resolutions of the Township of Jackson relevant thereto.

2. No person, except as set forth in Section 500.8, 1, shall place or deposit or cause to be placed or deposited on any land owned or leased or controlled by him, which is within the natural watershed of any reservoir, or any watercourse tributary thereto, or on or under the surface of the ground at any point from which contamination may reach any such reservoir or any watercourse or potable groundwater source, contrary to the provisions of Ohio Revised Code Section 643.25, any human excreta, offal, urine, the contents of any chemical commode, kitchen waste, laundry waste, slop sink waste, contents or drainage of sewage or septic tanks, dead animals, garbage or refuse or offensive, putrid or polluting materials of any kind, including industrial and chemical wastes, (excepting there from any roof and foundation drainage into the surface of the ground) or into any excavation, land drain or watercourse draining into any reservoir or any watercourse or potable groundwater source.
3. No person, on any land owned, leased or controlled by him, as hereinafter described, shall construct, erect, install, improve, maintain, utilize, use or otherwise improvise, or permit any other person to do so, any household sewage disposal system or method other than on site disposal facilities which utilize absorption and/or percolation methods and which does not permit any surface discharge of wastes or effluent from such disposal facility or method or cause or allow flow across property of any other owner.
4. Odor or noxious fumes shall be so controlled as not to be offensive nor to create a hazard. Dust or particulate matter shall be so controlled as not to produce a hazard, or any obnoxious situation beyond the property lines of the property on which such dust or particulate matter is produced.
5. No landfill or dumping operation shall be conducted in such a manner that the active area of the operation is visible beyond the property lines of the property on which it is being conducted.

SECTION 500.9      FENCES AND WALLS

1. Fences and walls are permitted within any R-Residential District subject to the following conditions:
  - a. Fences shall not exceed six (6) feet in height, measured from the surface of the ground except in the case of swimming pools which shall be completely enclosed by a fence or wall not less than six (6) feet in height. Fences and walls shall be within the side and rear lot lines and outside the legal limits of the right-of-way of the bordering roads. (See Section 500.10 Corner Clearance).
  - b. Fences and walls shall in no instance contain barbed wire or electric current or charge of electricity.
  - c. Fences or walls on recorded lots having a total area in excess of two (2) acres and a minimum lot width of at least one hundred (100) feet, and acreage or parcels not included within the boundaries of a recorded plat are excluded from paragraphs 1 a., 1 b., and 1 d., of this section.
  - d. Fences and walls or a decorative fence at the front of a property shall not exceed four (4) feet in height, measured from the ground, and should be placed outside the legal limits of the right-of-way of the bordering roads. (See Section 500.10 Corner Clearance.)
  - e. A privacy fence shall not exceed six (6) feet in height as measured from the ground and shall be within the side and rear lot lines with the minimum front setback allowed for the principal building and three (3) feet from the surveyed lot lines for the purpose of maintenance to the outside surface (painting, weeding, staining and repair.)
2. Masonry walls and fences shall be provided and maintained for multiple family developments or uses within any "B" or "I" District and on those sides abutting an R-1 Residential District. Walls and fences shall be provided in conformance with the following regulations:
  - a. An obscuring fence or wall which meets the following minimum height requirements shall be required for those uses permitted in the districts listed below where the side and/or rear yard of such uses abut onto any R-Residential District:

<u>Minimum Height</u> <u>District</u>	<u>Requirement (In Feet)*</u>
B Business	5
I Industrial	6

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

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

#### SECTION 500.10 CORNER CLEARANCE

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

#### SECTION 500.12 PRINCIPLE BUILDING

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

#### SECTION 500.13 CORNER LOTS

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

#### SECTION 500.14 LOTS, YARDS, AND OPEN SPACES

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

SECTION 500.15 BUILDING AND ZONING CERTIFICATES

This is unenforceable. If the applicant complies with the township resolution, you can't deny a permit because he does not have a permit from another agency.

SECTION 500.16 INCONSISTENCIES

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

SECTION 500.17 CONDITIONS AND SAFEGUARDS

In hearing appeals, granting variances or approving conditional zoning permits, the Board of Zoning Appeals may impose such additional reasonable conditions related to land use as the Board finds are necessary to carry out the purposes of this Resolution.

SECTION 500.18 CONDITIONAL ZONING CERTIFICATES

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

An application for a Conditional Zoning Certificate shall be submitted to the Board of Zoning Appeals on a special form provided for that purpose. The Board of Zoning Appeals, where appropriate, may refer an application to qualified consultants for a report, if it deems the proposed use may cause undue traffic generation, population concentrations, or extra size sewer and/or water utility systems. The cost of such report shall be at the expense of the applicant, and said report shall be furnished to the Board of Zoning Appeals within thirty (30) days from the date upon which it was requested.

b. Data Required with Application

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

c. Review by Board of Zoning Appeals

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

d. Issuance and Revocation of Conditional Zoning Certificates

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

SECTION 500.19 SITE PLAN REVIEW

1. A site plan shall be submitted to the Board of Zoning Appeals for approval of:
  - a. Any use or development for which the submission of a development plan is required by any provision of this Resolution.
  - b. Any conditionally permitted use within any District in this Resolution.
  - c. Special District development as provided for in the provisions of Article III of this Resolutions.
2. Every site plan submitted to the Board of Zoning Appeals shall contain such information and be submitted in such form as the Board of Zoning Appeals may prescribe in its rules. Supporting evidence in the form of a map, chart, table or drawing shall be declared as an exact or accurate representation of the development proposal shown on the site plan.

3. Approval of the site plan by the Board of Zoning Appeals shall constitute approval of the development. The breach of any requirement or the misrepresentation of facts, figures or other supporting evidence by the applicant shall constitute a violation of this Resolution. Such violations shall be declared as a penalty as prescribed in Article XII of this Resolution, and shall automatically invalidate the zoning certificate granted.

#### SECTION 500.20 DRAINAGE CHANNELS

Drainage channels that exist within Jackson Township are essential for the maintenance of the health and general welfare of the people. Any encroachment upon filling or the destruction of channels is a violation of this Resolution. In order to provide for the development of property for its best use, such as new subdivisions, the County Engineer shall decide what facilities are adequate to maintain the primary purpose of the drainage channel.

#### SECTION 500.21 PUBLIC AND PRIVATE ACCESS REQUIREMENTS

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

#### SECTION 500.22 REGULATION OF ADULT ENTERTAINMENT BUSINESSES

The following regulations shall apply to adult entertainment business as herein defined:

1. Purpose: The purpose of Section 500.22 inclusive of this resolution is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these sections to regulate entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, parks and playgrounds within the township.
2. Definitions
  - a. Adult Entertainment Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, escort agency, nude model studio, or sexual encounter center.
  - b. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are



maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities or specified anatomical areas.”

- c. Adult Bookstore or Adult Video Store: A commercial establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of sale or rental for any form of consideration any one or more of the following:
  - (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe “specific sexual activities” or “specific anatomical areas” or
  - (2) Instruments, devices, or paraphernalia which are designed for use in connection with “specific sexual activities.”
- d. Adult Cabaret: A nightclub, bar, restaurant or similar commercial establishment which regularly features:
  - (1) Persons who appear in a state of nudity; or
  - (2) Live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities” or
  - (3) Film, 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.”
- e. Adult Motion Picture Theatre: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- f. Adult Motel: A hotel, motel or similar commercial establishment which:
  - (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, 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 has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

- (2) Offers a sleeping room for rent for a period of time that is less than 10 hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
- g. Adult Theatre: A theatre, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas.”
- h. Escort Agency: A person or business association who furnishes, offer to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
- i. Nude Model Studio: Any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.
- j. Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- k. Specified Anatomical Areas: Human genitals in a state of sexual arousal.
- l. Specified Sexual Activities: Includes any of the following:
- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
  - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
  - (3) Masturbation, actual or simulated; or
  - (4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3).
- m. Adult Material: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic

record or tape, video cassettes, other tangible thing, or any service, capable of arousing interest through sight, sound, instruments, devices or touch and:

- (1) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions of elimination; or
  - (2) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions of elimination.
- n. Bottomless: Less than full opaque covering of male or female genitals, pubic area or buttocks.
- o. Nude or Nudity: The showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than full, opaque covering of any portion thereof or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernible turgid state.
- p. Topless: The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
- q. Sexual Contact: Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- r. Sexual Excitement: The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

### 3. Conditional Use Permit Required

No building shall be erected, constructed or developed and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the Conditionally Permitted Use guidelines of this resolution. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

- a. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located.
- b. No adult entertainment business shall be permitted in a location which is within 5,280 feet of another adult entertainment business;

- c. No adult entertainment business shall be permitted in a location which is within 2,600 feet of any church, any public or private school, any park, any playground or any social services facility or neighborhood center;
- d. No adult entertainment business shall be permitted in a location which is within 2,600 feet of any boundary of any residence or boundary of any residential district;
- e. No adult entertainment business shall be permitted in a location which is within 2,600 feet of any residential district in a local unit of government abutting the Township.

4. Zoning of Adult Entertainment Businesses

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

<u>Conditionally Permitted Use</u>	<u>Districts Wherein Permitted</u>
Adult Book Store	B-1
Adult Arcade	B-1
Adult Video Store	B-1
Adult Cabaret	B-1
Adult Motel	B-1
Adult Theatre	B-1
Escort Agency	B-1
Nude Model Studio	B-1
Sexual Encounter Center	B-1

SECTION 500.23 WIND TURBINE/ELECTRICAL GENERATION TOWERS

Wind Turbine Towers shall be permitted in any zoning district in Jackson Township and shall be subject to the following.

- 1. Site Plan: Site plan shall be provided showing the design and painted color of the Wind Turbine Tower and its location on the property and shall include documentation demonstrating compliance with the requirements set forth in this section.
- 2. Setbacks
  - a. For a Tower Height of 175 feet or less, the center of the tower base shall meet the following requirements.

- (1) It shall be set back from any non-participating property line, above ground utility line or road right-of-way a minimum distance of 1.5 times the tower.
  - (2) It shall be set back from any occupied structure on a non-participating property a minimum distance of 500 (five-hundred) feet.
- b. For tower Height of 175 feet or less, VAWT Wind Turbine Tower, the center of the tower base shall be set back from any non-participating property line, above ground utility line or road right-of-way a minimum distance of 1.5 times the tower height.
- c. Tower Height of More than 175 feet
  - (1) The distance from a wind turbine tower base to the property line of the wind farm property shall be at least 1.1 (one and one-tenth) the tower height as measured from its based to the tip of its highest blade.
  - (2) The wind turbine tower base shall be at least 750 (seven hundred fifty) feet in horizontal distance from the tip of the turbine's nearest blade at ninety degrees to the exterior of the nearest occupied structure, if any, located on a non-participating property at the time of the application for the zoning permit.
  - (3) Minimum setbacks may be waived in the event that all owners of property adjacent to the turbine agree to such waiver, pursuant to rule 4906-1-03 of the Ohio Administrative Code.
3. Noise: Wind Turbine Tower systems shall not exceed 60 dBA, as measured at the property boundary of parcels owned by individuals or entities other than the system owner. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms. Measurements can be supplied by the system manufacturer.
4. Minimum Blade Height: The minimum distance between the ground and any part of the rotor or blade assembly shall be thirty (30) feet.
5. Compliance With FAA Regulation
  - a. Wind Turbine Tower systems must comply with applicable Federal Aviation Administration (FAA) regulations, including any necessary approvals for installations close to airports.
  - b. No Wind Turbine Tower system shall be constructed with lights or be painted in a red and white combination or other bright colors except when specifically

required by a Federal law or regulation. When lights are specifically required, strobe lights shall not be used unless specifically required by Federal law or regulation.

6. Visual Impact

- a. Wind Turbine Tower systems shall be of a design and color(s) that would incorporate the characteristics of the immediate surrounding area so as to provide a natural blending of the tower into its surrounding environment and aesthetically soften its intrusion into a residential area. Further, no advertising shall be permitted on the tower.
- b. No Wind Turbine Tower system shall be installed in any location that would substantially detract from or block view of a portion of a recognized nature preserve designated by the Ohio Dept. of Natural Resources or the Richland County Parks District.

7. Utility Notification: No Wind Turbine Tower system shall be installed until evidence has been supplied that the utility company servicing the site has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

8. Interface With Microwave Communication Systems: No Wind Turbine Tower system shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

9. Interference With Antenna-Based Communication: No Wind Turbine Tower system shall be installed in any location where its proximity with existing fixed broadcast, retransmission or reception antenna (including residential reception antenna) is likely to produce electromagnetic interference with its operation.

10. Tower Access: Wind Turbine Towers should have either:

- a. Tower-climbing apparatus located no closer than twelve (12) feet from the ground, or
- b. A locked anti-climb device installed, or
- c. The tower shall be completely enclosed by a locked, protective fence at least 6 feet high. For multiple system installations, a fence enclosing the entire site may be considered.

11. Decommissioning

- a. Decommissioning of Utility Scale Wind Turbine Towers: The applicant, or successors, shall continuously maintain a fund or bond payable to the township for the removal of non-functional towers in an amount to be determined by the township for the life of the facility. This fund shall consist of a letter of credit from a State of Ohio-licensed financial institution or other secure instrument as approved by the township. All costs of the financial security shall be borne by the applicant.
- b. Decommissioning of Wind Turbine Towers: A Wind Turbine Tower which is not used for (12) twelve successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any zoning permit shall constitute grounds for the revocation of the permit by the township.

12. Transport of Utility Scale Wind Turbine Towers

- a. Any person or firm proposing to transport any portion of a Utility Scale Wind Turbine Tower shall submit a proposed route to the Richland County Engineer and attend a conference with that office to ascertain if legal loading and size limitations for county and township roads will be exceeded.
- b. If it is determined in consultation with the Richland County Engineer that the transport of any portion of a Utility Scale Wind Turbine Tower will exceed legal loading or size according to law, the person or firm proposing the transport shall submit detailed plans, specifications and estimates for upgrading highways and/or bridges to the Richland County Engineer for approval at least 60 days prior to any such use.
- c. After the plans, specifications and estimates for the required improvements have been approved by the Richland County Engineer, the person or firm shall provide a surety bond naming the Richland County Commissioners for (100) one-hundred percent of the value of the improvement to be constructed on county and township highways and bridges.
- d. The person or firm constructing required improvements to county or township highways or bridges shall pay to the Richland County Engineer (2) two percent of the approved estimate to be used for the inspection of the work to be performed.
- e. The work to be performed shall be completed according to a schedule to be approved by the Richland County Engineer. Failure to complete the work according to the approved schedule will result in a payment of liquidated damages by the person or firm to the Richland County Engineer in the amount of (0.10) one tenth of one percent of the approved estimate per calendar day for each day the work remains uncompleted according to the previously approved schedule.

SECTION 500.24 SMALL SOLAR FACILITIES

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

1. Definitions

- a. “Ground Mounted Solar Energy Systems” means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.
- b. “Integrated Solar Energy Systems” means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.
- c. “Rooftop Solar Energy Systems” means a solar energy system that is mounted to a structure or building’s roof on racks.
- d. “Small Solar Facility” means a Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.
- e. “Solar Energy” means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
- f. “Solar Energy System” means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

2. Permitted Uses

- a. Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein any construction, erection, or siting of an Integrated Solar Energy System shall be permitted to use in the following zoning districts: All districts except MH Mobile Home Park District.
- b. Rooftop Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or siting of a Rooftop Solar Energy System shall be a permitted use in the following zoning districts: All districts except MH Mobile Home Park District.
- c. Ground Mounted Solar Energy Systems: Subject to the restrictions contained herein any construction, erection, or siting of a Ground Mounted Solar Energy



System shall be a permitted use in the following zoning districts: All districts except MH Mobile Home Park District.

3. General Requirements

a. Integrated Solar Energy Solar Systems:

- 1) Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district were located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.
- 2) Coverage: An Integrated or Rooftop Solar Energy System shall cover no more than 70% of a structure's walls and/or roof, as applicable.

b. Ground Mounted Solar Energy Systems:

- 1) Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed ten (10) feet.
- 2) Coverage: Ground Mounted Solar Energy System(s) shall not exceed in the aggregate 15% of the total area of the lot or tract.
- 3) Visual Buffer: A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides a year-round obscuring screen of the Small Solar Facilities on adjacent lots and from any public right-of-way.
- 4) Shall meet the isolation distance of underground utilities such as septic systems (in service or planned), sewers, etc. Any modifications to existing underground utilities will be the responsibility of the solar energy system owner upon receiving appropriate approvals.
- 5) Components: All exterior electrical lines must be located entirely underground and placed in conduit.

c. Lighting: Any lighting for a Small Solar Facility shall narrowly focus light inward toward the solar equipment, be downlight and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

d. Noise: No Small Solar Facility shall emit sound to an adjacent lot.

- e. Setbacks: Any Small Solar Facility must comply with the setback requirements for accessory buildings applicable to the zoning district where located.
- f. Maintenance/Removal: Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and/or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation. Compliance with zoning regulations shall be the responsibility of the property owner, including, but not limited to, equipment installation, maintenance, abandonment, dismantling and removal.
- g. Building Permits: All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdiction.
- h. Advertising: Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
- i. Other Restrictions: A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.
- j. Electric Usage: Electric Usage shall be determined by the size of panels that are installed for residential and farm use.
- k. Panels: All panels must be mounted at a maximum of 300 feet from electric meters.

#### 4. Certificate of Zoning Compliance

- a. A certificate of zoning compliance shall be required before any construction, reconstruction, alteration, or enlargement is commenced on a Small Solar Facility.

- b. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance.
- 1) An engineering report that shows:
    - (a) The total size and height of the proposed Small Solar Facility.
    - (b) Data specifying the megawatt size and generating capacity in megawatts of the Small Solar Facility.
    - (c) Hazardous materials containment and disposal plan.
  - 2) A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines, the location of proposed fencing, driveways, internal roads, and structures; the location and nature of proposed buffers, including vegetative and constructed buffers and berms.
  - 3) Evidence of compliance with applicable setback and all other applicable zoning restrictions.
  - 4) A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment; disposal method of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; stabilization or re-vegetation of the site as necessary to preinstallation state.
  - 5) Any other information or materials reasonably requested by the Zoning Inspector.

ARTICLE VI

GENERAL EXCEPTIONS

SECTION 600      EXCEPTION FROM REGULATIONS

The provisions of this Zoning Resolution shall apply to all land within the unincorporated portion of Jackson Township and to that land annexed to any municipal corporation until rezoned by the municipal authorities.

SECTION 600.1      AGRICULTURE

Agriculture as defined in this resolution shall be permitted in any district. The use of any land for agriculture purposes or the construction or use of any building or structure incident to the use of agriculture purposes of the land on which such buildings or structures are located shall be permitted and no zoning permit shall be required for any such building or structure except:

1. In any platted subdivision or in any area consisting of fifteen (15) or more lots approved under section 711.131 of ORC (approval without a plat) that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agriculture shall be regulated as follows:

For purpose of this resolution no agriculture use shall be permitted on any tract of land of one acre or less.

Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre, but not greater than five acres, must conform to all setbacks, size, and height requirements that apply in the underlying zoning district.

No animals, except household pets, shall be kept on any parcel greater than one (1) acre and less than five (5) acres unless the building housing said animals is at least fifty (50) feet from any lot line.

2. This section confers no power on the Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture, buildings or structures, or dairying and animal and poultry husbandry on lots greater than five acres.

This section confers no power on the Township to prohibit in any district, the use of any land for:

1. A farm market wherein more than fifty percent (50%) of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, said farm market shall conform with those

zoning requirements applicable to the district in which it is located, insofar as such regulations pertain to such factors as the size of the structure, size of parking areas that may be required, building setback lines and egress or ingress, and where such regulations are necessary to protect the public health and safety, in accordance with ORC 519.21(C)(1).

2. Biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes.
3. Biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both.

A structure used only as a dwelling for a person engaged in agriculture is not considered incidental to an agricultural use of the land so is not exempt from zoning regulations.

#### SECTION 600.2      PUBLIC UTILITIES AND RAILROADS

Railroads shall be exempt from the provisions of this Zoning Resolution as provided in Section 519.211 of the Ohio Revised Code.

The Zoning Resolution shall not apply to Public Utilities except where express authority has been conferred by the Ohio Revised Code on the Board of Township Trustees or Board of Zoning Appeals in which case the entire Zoning Resolution shall be applied where applicable.

1. This Zoning Resolution shall apply where authority is granted by the Ohio Revised Code of Township Trustees or Board of Zoning Appeals with respect to any telecommunications tower defined by O.R.C. 519.211 and is proposed to be located in an area of the Township zoned for residential use. When a telecommunications tower is proposed to be located in any area zoned for residential use, it shall be and is as a conditional use. Telecommunications towers shall be permitted provided the Board of Zoning Appeals determines that each of the following conditions have been met.
  - a. For the purpose of regulating telecommunication towers in areas of the township zoned for residential use, a telecommunication tower shall be considered to exist if the free-standing structure exceeds forty feet in height or if an attached tower exceeds the height of the building or other structure to which it is attached by more than 12 feet.

- b. No tower shall be constructed with lights except those specifically required by a federal law or regulation.
  - c. The site shall be a minimum of five hundred (500) feet from the nearest parcel of land used for residential purposes.
  - d. The minimum set back line between the base of the tower and all adjacent properties shall be the height of the tower.
  - e. The tower shall be sited and be of a design that would incorporate the characteristics of the immediate surrounding area so as to provide a natural blending of the tower into its surrounding environment and aesthetically soften its intrusion into a residential area.
  - f. If the tower is abandoned, it shall be removed within ninety (90) days of its last date of operation.
2. In the event an existing tower is to be reconstructed, changed, altered or enlarged, then it shall be permitted by the Board of Zoning Appeals subject to the conditions of this Section and the provisions of Sections 800.10 and 800.11. In no event shall any changes or alteration be permitted that would substantially increase the tower's height.

SECTION 600.4      DWELLING QUARTERS – NON-RESIDENTIAL DISTRICTS

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

SECTION 600.5      PERMITTED HEIGHT EXCEPTIONS

The height limitations contained in Section 407 Schedule of Regulations of this Resolution do not apply to spires, belfries, cupolas, antennas, rooftop wind turbines, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structure will constitute a hazard to the safe landing and take-off of aircraft at an established airport. Such exceptions shall not be erected at a height greater than twelve (12) feet above the height limit established for the district in which the structure is located.

- a. For the purpose of regulating telecommunications towers in areas of the township zoned for residential use, a telecommunication tower shall be considered to exist if the free-standing structure exceeds forty feet in height or if an attached tower exceeds the height of the building or other structure to which it is attached by more than 12 feet.

SECTION 600.6      VOTING PLACE

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

SECTION 600.7      ACCESSWAYS

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

SECTION 600.8      PROJECTIONS INTO YARDS

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

SECTION 600.9      LOTS ADJOINING ALLEYS

In calculating the area of a lot that adjoins an alley or lane, for the purposes of applying lot area requirements of this Resolution, one-half (½) the width of such alley abutting the lot shall be considered as part of such lot.

SECTION 600.10     CONSTRUCTION

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

SECTION 600.11     YARD REGULATIONS

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

SECTION 600.12     FRONT YARD VARIANCES IN RESIDENTIAL DISTRICTS

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

ARTICLE VII

TOWNSHIP ZONING COMMISSION

SECTION 700      AUTHORITY, COMPOSITION AND APPOINTMENT

There is hereby created a Township Zoning Commission consisting of five (5) members appointed by the Township Trustees. The Commission shall include five (5) citizens of the Township with records of civic, business, or professional leadership, and who shall not be members of the Board of Zoning Appeals. Each member shall be appointed for a period of five (5) years, except that one of the initial members shall be appointed for one (1) year; one of the initial members shall be appointed for two (2) years; one of the initial members shall be appointed for three (3) years; one of the initial members shall be appointed for four (4) years; and, one of the initial members shall be appointed for five (5) years. In the event of the death or resignation of a member, the Township Trustees shall make the appointment for the duration of the unexpired portion of the term of the member.

SECTION 700.1      ORGANIZATION

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

SECTION 700.2      QUORUM

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

SECTION 700.3      MEETINGS

The Zoning Commission shall meet quarterly, or at the call of its Chairman or the Vice Chairman acting in the capacity of the Chairman, or by the call of two (2) other members of the Zoning Commission.

SECTION 700.4      POWERS AND DUTIES

1. The Zoning Commission shall act on all rezone requests to the Official Township Zoning Map submitted to said Zoning Commission by the Secretary of the Zoning Commission in conformance with Article IX of this Resolution. The Zoning Commission shall recommend approval, disapproval or modification of the original request to the Township Trustees following the procedures set forth in Article IX of this Resolution.



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

The following rules and policies shall govern the appointment and the participation of Alternate Members of the Jackson Township Zoning Commission:

Qualifications: Each alternate Member for the Zoning Commission shall meet the same criteria for appointment and service as that of the Regular Members of the Zoning Commission.

Term: The Alternate Members of the Zoning commission shall serve for two (2) terms expiring on December 31 of each applicable year. Alternate members may be removed in the same manner and for the same reasons as Regular Members of the Zoning Commission.

Participation Procedure: An Alternate Member shall take the place of a Regular Member at any Zoning Commission meeting when a Regular Member is absent. If a Regular Member is unable to attend a meeting, such Member should notify the Township Zoning Secretary at least forty-eight (48) hours prior to the meeting that will be missed. The Zoning Commission Secretary shall then notify an Alternate Member that his/her presence and participation at the meeting is requested.

At times when two persons are serving as Alternate Members of the Zoning Commission, their required attendance at meetings, and their participation on the Board as a voting member, shall be rotated by matter to the extent practicable. All Alternate Members shall work to attend all training sessions and all meetings where the Chairperson or the Regular Members request such attendance.

In cases before the Zoning Commission where matters are or have been tabled or continued, Regular Members who have attended all prior meetings regarding the matter and Regular Members who have reviewed all minutes, evidence, reports and recordings of all meetings that he or she did not attend before voting on the continued or tabled matter shall have the voting right with respect to such matter, if present when a vote is taken. Similarly, Alternate Members who have attended all prior meetings regarding the matter, or who have reviewed all minutes, evidence, reports and recordings of all meetings that he or she did not attend before voting on the continued or tabled matter, shall, in the absence or upon the recusal of a voting member, have the voting right with respect to such matter, if present when a vote is taken. The Zoning Commission shall have no obligation to table or defer a decision on any matter solely because a properly Regular or Alternate is participating in a matter, where a Regular Member or Alternate who attended a prior hearing or hearings is absent. The Zoning Commission shall not have any

obligation to table or defer consideration of any matter due to fewer than a total of 5 Regular and/ or Alternate Members being present provided that at least 3 Members, consulting a quorum, are present.

Alternates shall receive the stipend paid to Regular Members for all meetings where an Alternate Member votes upon any matter before the Zoning Commission, and all meetings where the attendance of the Alternate is requested or required. Alternate Members shall be placed on the Zoning Commission mailing list for receipt of the same information normally forwarded to Regular Members. When attending a meeting on behalf of an absent Regular Member, the Alternate Member may vote on any matter on which the absent Regular Member is authorized to vote.

#### SECTION 700.5      ADMINISTRATION AND ENFORCEMENT

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

#### SECTION 700.6      DUTIES OF THE ZONING INSPECTOR

The position of the Township Zoning Inspector is hereby created. The Township Zoning Inspector, and such assistants as may be determined to be necessary, shall be appointed by and serve at the pleasure of the Board of Township Trustees and shall receive such compensation as the Board of Township Trustees may provide. The Zoning Inspector shall keep records of all applications for zoning certificates and the action taken thereon.

The Township Zoning Inspector shall, before entering the duties of his office, give bond signed by a bonding or surety company authorized to do business in this State or two (2) or more freeholders having real estate in value equal to the amount of the required bond. The bond shall be in the sum of not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000), as the Township Trustees shall determine, and shall be conditional upon the Zoning Inspector's faithful performance of his official duties. Said bond shall be deposited with the Township Clerk.

The Zoning Inspector and his assistants, if any, shall have the power to issue zoning certificates for all land uses and buildings which he finds to be permitted under the provisions of this Resolution. The Zoning Inspector shall conduct such inspections, investigations and review of applications and plans as is necessary to carry out his duties. The Zoning Inspector shall also perform such other investigations and inspections as the Board of Trustees direct.

#### SECTION 700.7      APPLICATION PROCEDURE - ZONING CERTIFICATES

1. Before constructing, changing the use of, or altering any building, including accessory buildings (but not including buildings used for agricultural purposes), or changing the use

of any premises, application shall be made to the Zoning Inspector for a zoning certificate. The application shall include the following information:

- a. A plot plan drawn to a scale of not less than ten (10) feet to the inch showing the actual shape, location and exact dimensions of the property to be built upon.
  - b. The shape, size and location of all buildings and other structures to be erected, altered or moved and of any building or other structure already on the property.
  - c. The existing and intended use of the property, including residential areas, the total number of dwelling units to be accommodated in the building.
  - d. Any other pertinent data as may be required to determine whether the provisions of this Resolution are being observed properly.
2. Within twenty (20) days after the receipt of the application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Resolution and the application is accompanied by a proper fee as indicated in Section 700.8 below. If such certificate is refused for cause, the applicant shall be notified of such refusal and cause within the twenty (20) day period.
  3. A Zoning Certificate that has not been used within six (6) months after its date of issue, or a Zoning Certificate which has been issued and construction commenced thereon, but discontinued for a period of six (6) months, shall automatically expire and a new Zoning Certificate shall be required before any use of land for structural alteration or new construction be started.

#### SECTION 700.8      FEES

Fees for zoning permits, conditional zoning permits, variances and appeals shall be in accordance with "Schedule A" attached hereto as has been adopted from time to time by the Trustees.

1. Fees to include: The fees in this section may be modified from time to time, increased or decreased by Resolution of the Township Trustees.
2. When the Township Zoning Commission or the Zoning Board of Appeals find it necessary to maintain the record of public hearing procedures, or when the Township Zoning Commission or the Zoning Board of Appeals will deem it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.
3. In the event of an appeal to the Board of Zoning Appeals the Zoning Inspector shall allow as a credit towards the fee required for the appeal an amount equal to the fee already paid by the applicant for the zoning certificate which was denied.

4. The Board of Trustees may upon request order the refund of all or any part of any of the fees paid under this Resolution where the request for a zoning certificate, conditional zoning certificate, variance or appeal has been withdrawn. In determining how much, if any, of the fee to refund, the Trustees shall consider the expenses incurred by the Township for processing the application prior to the request for withdrawal.

SECTION 700.9      PROCESS FOR APPLICATION FOR TELECOMMUNICATIONS TOWER SHALL CONFORM TO O.R.C. 519.211 AS REFERENCED BELOW

1. Any person who plans to construct a telecommunications tower in an area subject to township zoning regulations shall provide both of the following by certified mail:
  - a. Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
    - 1) The person's intent to construct the tower;
    - 2) A description of the property sufficient to identify the proposed location;
    - 3) That, no later than fifteen days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that sections 519.02 to 519.25 of the Revised Code apply to the proposed location of the tower as provided under division 2.a. of this section.

If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.
  - b. Written notice to the board of township trustees of the information specified in divisions 1.a. 1) and 2) of this section. The notice to the board also shall include verification that the person has complied with division 1.a. of this section.
2. a. If the board of township trustees receives notice from a property owner under division 1.a. 1) of this section within the time specified in that division or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice sent under division 1.b. of this section, the board shall request that the clerk of the township send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with division (B) (2) of Section 519.211 of the Ohio Revised Code. The notice shall be sent no later than five days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member

makes an objection. Upon the date of mailing of the notice to the person, sections 519.02 to 519.25 of the Revised Code shall apply to the tower.

- b. If the board of township trustees receives no notice under division 1.a. 3) of this section within the time prescribed by that division or no board member has an objection as provided under division 2.a. of this section within the time prescribed by that division, division (A) of Section 519.211 of the Ohio Revised Code shall apply to the tower without exception.

ARTICLE VIII

BOARD OF ZONING APPEALS

SECTION 800      AUTHORITY, COMPOSITION, AND APPOINTMENT

There is hereby created a Board of Zoning Appeals consisting of five (5) members appointed by the Township Trustees. The Board shall include five (5) citizens of the Township with records of civic, business, or professional leadership, and who shall not be members of the Zoning Commission. Each member shall be appointed for a period of five (5) years, except that one of the initial members shall be appointed for one (1) year; one of the initial members shall be appointed for two (2) years; one of the initial members shall be appointed for three (3) years; one of the initial members shall be appointed for four (4) years; and, one of the initial members shall be appointed for five (5) years. In the event of death or resignation of a member, the Township Trustees shall make the appointment for the duration of the unexpired portion of the term of the member.

SECTION 800.1      ORGANIZATION

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

SECTION 800.2      QUORUM

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

SECTION 800.3      MEETINGS

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

SECTION 800.4      WITNESSES

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

SECTION 800.5      POWERS AND DUTIES

1.      The Board of Zoning Appeals shall hear and determine all appeals from the refusal of the Zoning Inspector because of anything contained in this Resolution to issue a zoning certificate.
2.      The Board of Zoning Appeals shall hear and determine all appeals from any decision or

action of the Zoning Inspector in the administration or enforcement of this Resolution.

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

#### SECTION 800.6     PROCEDURES

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

SECTION 800.7      NOTICE OF HEARINGS

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal and other parties of interest at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. Further, the secretary shall give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before the dates of such hearing.

SECTION 800.8      APPEALS

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

The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals papers constituting the record upon which the action appealed from was taken.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by a legal representative.

\* Please refer to SECTION 800.9 FEES

SECTION 800.9      FEES



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

#### SECTION 800.10

In addition to the specific conditions imposed by this resolution for the issuance of a conditional zoning permit, the Board of Zoning Appeals may impose any of the following additional conditions upon all permitted & conditional use permits which it grants.

1. Limitations upon the location, width, radius and number of driveways entering into any public road.
2. A requirement that barriers be installed and maintained so as to prevent ingress or egress at any other location except on approved driveway.
3. A limitation upon the access to a particular public road where there are two or more roads abutting the property.
4. Limitations upon the use of required set back areas for the parking of motor vehicles, the storage or display of merchandise, the location of dumpsters, accessory buildings or any other use.
5. Limitations upon the location and intensity of lighting and a requirement that lighting be shielded from adjoining properties.
6. Requirements that surface water be retained, detained, channelized or otherwise controlled so as to avoid damage to adjoining property and overloading of public storm water facilities.
7. A requirement as to the size and location of culverts under points of ingress and egress so as to not interfere with the flow of surface water.
8. The maintaining of or installation and maintenance of trees, shrubs, bushes or other plant material to shield the proposed use from adjoining properties.

#### SECTION 800.11

In its determination of whether or not to grant a conditional zoning permit authorized by this resolution the Board of Zoning Appeals shall consider even in those cases in which the application meets all the other requirements of this Resolution:

- a. The effect upon surrounding properties of noise, smoke, odors, dust or traffic which the proposed project will generate.
- b. The effect upon property values of surrounding properties and the tax base of the township.
- c. The effect upon the peace and good order of the area.
- d. The charge to the overall character of the area which the conditionally permitted use will cause based upon its design, construction, operation or maintenance.

In the event that the evidence presented to the Board of Appeals demonstrates that the conditions listed in this paragraph are not satisfied, it shall have the authority to deny the conditional zoning permit.

## ARTICLE IX

### AMENDMENTS

The Trustees of Jackson Township may, from time to time, amend by resolution the number, shape or area of districts established on the Zoning Districts Map or the regulations set forth in this Resolution; but no such amendment shall become effective unless the resolution preparing same shall first be submitted in writing by the Township Zoning Commission for approval, disapproval or recommended modifications, and public hearing. The procedures to be followed for initiating the above actions shall conform to the procedures as defined in R.C. 519.12.

## ARTICLE X

### REPEALER

The Zoning Resolution previously adopted by Jackson Township, and all amendments, are hereby repealed. The repeal of the above Resolution and its amendments does not affect or impair any act done, offense committed, or right accruing, liability or penalty incurred prior to the enactment of this Resolution.

## ARTICLE XI

### INTERPRETATION

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

## ARTICLE XII

### VIOLATIONS AND PENALTIES

#### SECTION 1200      PUBLIC NUISANCE

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

#### SECTION 1200.1      INSPECTION

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

#### SECTION 1200.2      CORRECTION PERIOD

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

#### SECTION 1200.3      PENALTIES

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

## ARTICLE XIII

### VALIDITY AND SEPARABILITY

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

ARTICLE XIV

EFFECTIVE DATE

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



## APPENDIX

JACKSON TOWNSHIP, RICHLAND COUNTY, OHIO

ZONING CERTIFICATE

NO. \_\_\_\_\_

NAME \_\_\_\_\_

DATE \_\_\_\_\_

FEE \_\_\_\_\_

The undersigned hereby applies for a Zoning Certificate for the following use to be issued on the basis of the representations contained herein, all of which the applicant swears to be true.

1. Name of landowner \_\_\_\_\_

Address \_\_\_\_\_

2. Location \_\_\_\_\_

Zoning \_\_\_\_\_

3. Proposed use of residence \_\_\_\_\_

No. of dwelling units \_\_\_\_\_ No. of stories \_\_\_\_\_

Business \_\_\_\_\_ Kind \_\_\_\_\_

Manufacturing \_\_\_\_\_ Kind \_\_\_\_\_

Garage \_\_\_\_\_ Accessory Bldg \_\_\_\_\_

Purpose \_\_\_\_\_

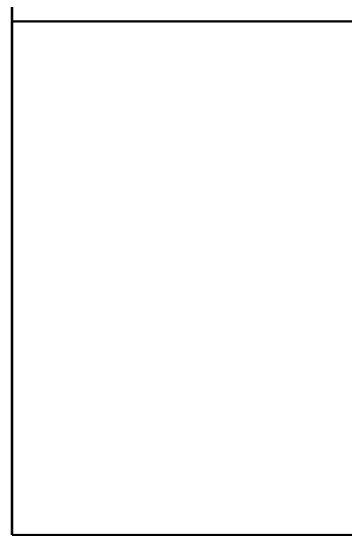
House Trailer or Equal \_\_\_\_\_

Permanent \_\_\_\_\_ Temporary \_\_\_\_\_

Outdoor Advertisement \_\_\_\_\_ Other \_\_\_\_\_

4. Frontage \_\_\_\_\_ Depth from Right-of-Way \_\_\_\_\_

Width at Setback Line \_\_\_\_\_



Sketch or attach Plot Plan

Land Area \_\_\_\_\_

Clearances: Left \_\_\_ Right \_\_\_ Rear \_\_\_

Dimensions of Structure \_\_\_\_\_ x \_\_\_\_\_

Ground Floor Area \_\_\_\_\_ (square feet)

5. Sewage System: Public \_\_\_\_\_ Community \_\_\_\_\_ Private \_\_\_\_\_

Water System: Public \_\_\_\_\_ Community \_\_\_\_\_ Private \_\_\_\_\_

6. Paid: Cash \_\_\_\_\_ Check \_\_\_\_\_ Date \_\_\_\_\_

Unless construction is started within one (1) year from the date of issuance, or substantially completed within two and one-half (2½) years, the Zoning Certificate will be revoked.

**NOTICE:** In consideration of permission given, I do hereby covenant and agree to do said work in compliance with the provisions of this Jackson Township Zoning Resolution pertaining to same. Approval of this application shall not excuse the applicant from complying with all building regulations of the State of Ohio, Richland County, and the Health Department.

\_\_\_\_\_  
Applicant

Upon the basis of the statement in above application, a Zoning

Certificate is: Refused \_\_\_\_\_ Approved \_\_\_\_\_

Reason for Refusal \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Zoning Inspector

Right to Appeal

In the event that your application for a Zoning Certificate is refused, you have the right to appeal to the Board of Zoning Appeals by filing an appeal form with the Zoning Inspector and the Secretary of the Board of Appeals within twenty (20) days of the date of the refusal. Please consult the Jackson Township Zoning Resolution and Chapter 519, Revised Code of Ohio, for complete details.

JACKSON TOWNSHIP, RICHLAND COUNTY

NON-CONFORMING USE CERTIFICATE

1. LOCATIONAL INFORMATION

- a. Section and Quarter\_\_\_\_\_
- b. Subdivision Name (if applicable)\_\_\_\_\_
- c. Lot Number\_\_\_\_\_ Street Address\_\_\_\_\_
- d. Owner(s) Name\_\_\_\_\_

2. ZONING AND USE (If "a" and "b" are not the same, a non-conformity exists)

a. District Classification (Under Zoning Resolution)

- R-1 Rural Residential District
- R-2 Residential District
- R-3 Residential District
- Business District
- Industrial District
- Special District

b. Existing Land Use (Non-Conforming with Zoning Resolution)

- R-1 Rural Residential District
- R-2 Residential District
- R-3 Residential District
- Business Use
- Industrial Use
- Special District Use
- Other (as specified)\_\_\_\_\_

3. FRONT, SIDE, AND REAR YARD NON-CONFORMITY

The front, side, and rear yards with reference to existing structures will be checked as permits for building additions are requested.

The following yards existed at the time of request for expansion:

- a. Front Yard \_\_\_\_\_ feet
- b. Rear Yard \_\_\_\_\_ feet
- c. Side Yard least = \_\_\_\_\_ feet  
greatest = \_\_\_\_\_ feet

As Zoning Inspector for Jackson Township, Richland County, Ohio,

I vouch that amendments thereto, existed on \_\_\_\_\_  
Date Inspected

\_\_\_\_\_  
Zoning Inspector

JACKSON TOWNSHIP, RICHLAND COUNTY, OHIO

CONDITIONAL ZONING CERTIFICATE

Application Number \_\_\_\_\_ Fee \$ \_\_\_\_\_

Name of Property Owner \_\_\_\_\_

Name of Applicant, if different \_\_\_\_\_

Address of Applicant \_\_\_\_\_

Phone Number \_\_\_\_\_

Application for property located at \_\_\_\_\_

\_\_\_\_\_  
Address of Description

Zoning District in which property is located \_\_\_\_\_

\_\_\_\_\_  
Conditionally Permissible Use \_\_\_\_\_

ATTACHED and as part of this application are:

A. Site Plan showing:

1. Boundaries and divisions of property
2. Abutting streets and properties
3. Location of all existing and proposed improvements, including structures, parking, landscaping, etc.
4. Location of existing and proposed water wells, water distribution lines, septic tanks or sewer lines, or other utility features.
5. Topography at ten (10) feet intervals showing the slope characteristics of the property.

B. Complete plan improvement specifications for all proposed development and construction.

- C. Statement supporting evidence that the proposed use has complied with each of the general and specific conditions listed below.

GENERAL CONDITIONS

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

SPECIFIC CONDITIONS

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

Fee \$ \_\_\_\_\_

\_\_\_\_\_  
Date

Owners signature \_\_\_\_\_

This certificate is automatically revoked if any of the conditions specified herein are not met.

Zoning Board of Appeals' Action

Zoning Board of Appeals' Approval \_\_\_\_\_ Disapproval \_\_\_\_\_

Zoning Board of Appeals' Chairman \_\_\_\_\_

Zoning Board of Appeals' Secretary \_\_\_\_\_

Date of Issuance of Conditional Zoning Certificate \_\_\_\_\_

JACKSON TOWNSHIP, RICHLAND COUNTY, OHIO

APPEAL TO THE BOARD OF ZONING APPEALS

The undersigned hereby appeals to the Board of Zoning Appeals

from the decision of the Zoning Inspector dated \_\_\_\_\_

Refusing Zoning Certificate  
Number \_\_\_\_\_

A copy of the Application for a Zoning Certificate which was denied is attached.

The basis of this appeal is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

THIS FORM MUST BE FILED WITH THE ZONING INSPECTOR AND THE SECRETARY OF THE BOARD OF ZONING APPEALS WITHIN TWENTY (20) DAYS OF THE ZONING INSPECTOR'S REFUSAL TO GRANT A ZONING CERTIFICATE. THE FEE FOR AN APPEAL AS SET BY THE BOARD OF TRUSTEES MUST ACCOMPANY THIS APPEAL FORM.