

ZONING RESOLUTION FOR THE TOWNSHIP OF PERRY

RICHLAND COUNTY, OHIO

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Prepared by
The Perry Township Zoning Commission
in cooperation with
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ARTICLE I

TITLE, AUTHORIZATION, PURPOSE

SECTION 100 TITLE

This Resolution shall be known as the "Zoning Resolution of Perry Township, Richland County, Ohio"

SECTION 100.1 AUTHORIZATION

A resolution enacted pursuant to Chapter 519, Revised Code of Ohio, and governing the use of land within the unincorporated areas of Perry Township, Richland County, and in accordance with a comprehensive plan to regulate the location, height, bulk, number of stories and size of buildings, and other structures, including tents, cabins and trailer coaches, percentages of lot areas which may be occupied, setback lines, size of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins and trailer coaches and the uses of land for trade, industry, residences, recreation or other purposes.

SECTION 100.2 STATEMENT OF LEGISLATIVE PURPOSE

Perry Township serves primarily as a rural and agriculture community in Richland County. Additional population increases and the addition of further commercial and industrial development will significantly increase the development problems in this area. It is essential to the well-being of Perry Township that such development shall take place in an orderly and coordinated manner so as to place no undue burden upon residents, developers, industrialists or businessmen.

To effectively cope with the existing conditions and problems, and those that will arise in the future, it is necessary to employ regulatory measures that are geared to the situation of today and can be effectively used to guide future decisions.

For the above stated reasons and in the interests of public health, safety and morals, this Zoning Resolution was developed.

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 single but not in combination.
7. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 200.1 DEFINITIONS

1. Accessory Building: A building located on property under common ownership with the principal building, which is secondary in importance to the main building, including but not limited to detached garages, storage buildings, sheds and barns. Accessory buildings shall comply with the requirements of Section 405 and Section 600.2.
2. Accessory Use: A use which is customarily considered incidental and subordinate to, and located on the same lot as the principal use or building.

An "accessory use" includes but is not limited to the following:

- a. Swimming pools, tennis courts and other recreational facilities.
- b. 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.
- c. Garage or other casual sales of personal property shall be considered an accessory use so long as they are held no more frequently than three times a year and for no longer than three days each time. The sign restrictions contained in this resolution shall not apply to such sales.
- d. 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. All such storage shall be no closer to the road than the minimum front yard setback requirements of Section 405.
- e. Dish antennas or similar satellite receiving stations used for reception of communication signals provided these shall be located on the principal building or in the rear or side yards and shall meet the minimum rear and side yard setback requirements for the district in which they are located.
- f. Ornamental Ponds
- g. Rooftop solar power collection systems are permitted uses in any district.
- h. Rooftop wind turbines intended to reduce consumption of electrical utility power are permitted uses in any district.

No zoning permit shall be required to engage in an accessory use.

3. Agriculture: includes farming; ranching; algaculture meaning the farming of algae; 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; canines; 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; and 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 below 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. Building: Is any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels or property. 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.
9. 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.

10. 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.
11. Building, Principal: Is the building housing the principal activity performed on a lot.
12. Centralized Sewer System: Is where individual lots or developments are connected to a common sewerage collection systems and treatment plant facilities whether publicly or privately owned and have been approved by the Richland County Health Department and the E.P.A.
13. Centralized Water System: Is where individual lots or developments are connected to a common water distribution system and plant facilities whether publicly or privately owned.
14. Clinic: Is an establishment where human patients who are not lodged overnight are admitted for examination or treatment by a group of physicians, dentists or similar professions.
15. Club: Is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.
16. Convalescent or Nursing Home: Is a structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.
17. Density: Is the number of dwelling units that can be developed on a given acre of land.
18. 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.
19. District: Is a portion of the Township within which certain regulations and requirements or various combinations apply under the provisions of this Resolution.
20. Dwelling: Is a building (except a manufactured 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.

21. Dwelling Unit: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.
- a. Dwelling, One Family: Is a dwelling consisting of one (1) dwelling unit only, separated from other dwelling units by open space.
 - b. 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.
 - c. Dwelling, Multiple Family: Is a dwelling consisting of three (3) or more dwelling units with varying arrangements of entrances and party walls.

The dwelling units in a multiple family dwelling are defined as follows:

- 1. Efficiency Unit: Is a dwelling unit consisting of one principal room along with a kitchen and a bathroom.
 - 2. One Bedroom Unit: Is a dwelling unit consisting of two principal rooms along with a kitchen and a bathroom.
 - 3. Two Bedroom Unit: Is a dwelling unit consisting of three principal rooms along with a kitchen and a bathroom.
 - 4. Three Bedroom Unit: Is a dwelling unit consisting of four or more principal rooms along with a kitchen and a bathroom.
22. Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill drainage, and the like, shall be considered a part of erection.
23. Excavation: Includes any breaking of ground, except common household gardening and ground care.
24. Family: One or more persons living together as a single housekeeping unit in a dwelling unit, sharing living, cooking and sleeping facilities, as distinguished from a group occupying a rooming house, boarding house, motel or hotel.
25. Floor Area, Gross: Is the sum of the gross horizontal areas of the several

floors of a building or buildings measured from the exterior of walls or the center line of walls separating two buildings. In particular, the floor area includes: basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, attic floor space providing structural head room of seven feet six inches (7' 6"), open porches, terraces and breezeways, where more than fifty (50) percent of the perimeter of such terrace, breezeway or open porch is enclosed.

26. Floor Area, Minimum: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area measurement is exclusive of areas devoted to basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
27. Floor Area, Usable: For the purposes of computing parking the "Usable Floor Area" is defined as that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, patients or customers. Such floor area which is used or intended to be used principally for the storage of processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from the computation of "Usable Floor Area". Measurement of "Usable Floor Area" shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior walls.
28. 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.
29. Garage, Service Repair: 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.
30. 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.

31. Grade: Is the ground elevation established for the purpose of regulating the number of stories and height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building, and taking the median of said total averages.
32. Greenbelt: An open landscaped area free of buildings and structures and maintained with permanent plant materials.
33. Home Occupation: Is an activity, occupation, profession, service, craft or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or in an accessory building by a conditional use permit, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall involve not more than three receivers of such services at any one time.
34. Immediate family members: Someone's spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother in law and father in law, brothers in law and sisters in law, daughters in law and sons in law. Adopted, half, and step members are also included in immediate family.
35. Junk: Scrap metals and wood of all kinds, (except firewood), bones, rags, used bottles or cans or paper packaging, old or used machinery, tools, equipment, appliances, motor vehicles or parts thereof, used construction materials and any and all other manufactured goods which are so worn, deteriorated or obsolete so as to make them unusable in their present condition, but which may be subject to salvage or remanufacture. The definition of salvage motor vehicle as provided by R.C. 4738.01 shall apply herein.
36. Junkyard: A parcel of land where junk is bought, sold, exchanged, baled, packed, disassembled, stored or handled.
37. Loading Space: An off-street space outside the street right-of-way and on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise, materials and goods.

38. Lot: Is a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incidental to it, together with such yards, and open spaces as are required under the provisions of this Resolution. A lot may or may not be specifically designated as such on public records.
39. Lot Area: The total horizontal area within the lot lines of the lot.
40. Lot, Corner: Is a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection not being more than one hundred and thirty five (135) degrees.
41. Lot Coverage: Is the part or percent of the lot occupied by buildings including accessory buildings.
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 width 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 that lot line separating said lot from the street. In the case of a corner lot, or double frontage lot, it is that line separating said lot from either street.
 - b. Side Lot Line: Is 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: Is the horizontal distance between the side lot lines, measured between two points where the minimum building setback line intersects the

side lot lines.

47. Manufactured Home: A structure built completely or partially off site, which may not comply with either the local or State building code, but bears a label certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Act established and administered by the U.S. Department of Housing and Urban Development (HUD), for manufactured homes. The removal of wheels, frame, and/or other equipment used in transporting said manufactured home, and/or placement on a permanent foundation such as blocks, poured concrete or other materials used in permanent foundations, shall not be cause for reclassification to that of a permanent or immobile home or dwelling.
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. 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.
50. Nonconforming Lot: Is a lot lawfully existing at the effective date of this Resolution, or amendments thereto that does not conform to the lot area or width regulations of the district in which it is located.
51. 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.
52. 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.
53. Nursery: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Resolution does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.
54. Nursery, Day: Is a building, structure, place, or location, or any combination thereof, and other physical property therewith included, that shall be used for the purpose of housing and caring for children unaccompanied by parents

during daylight hours.

55. 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.
56. Off-Street Parking Lot: Is a facility providing vehicular parking spaces along with adequate drives and aisles, off the street and outside the right-of-way line, for maneuvering and providing entrances and exits so as to provide parking for more than two (2) vehicles.
57. One: Being or amounting to a single unit or individual or entire thing, item, or object rather than two or more; a single.
58. Open Space: Is any part of a lot, including courts and yards, which is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the lot.
59. Parking Space: Is an area of definite length and width, exclusive of aisles and drives or entrances giving access thereto, and fully accessible for the storage of permitted motor vehicles.
60. 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.
61. Pond: Is a water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout, and have an area of at least three-hundred (300) square feet and less than five (5) acres or is over twenty-four (24) inches in depth. "Pond" does not include a stormwater retention structure as defined in this Resolution.
62. Pond, Ornamental: Is a water impoundment having an area less than three hundred (300) square feet and is twenty-four (24) inches or less in depth.
63. Public Utilities: The activities of any person, firm or corporation within the scope of the exemption from township zoning as provided in Section 519.21, Revised Code.

64. 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.
65. Right-of-way: An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of pedestrians or vehicles or both. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.
66. Road Frontage: Road frontage shall be construed to be the portion of the lot adjacent to a "street or road" of "street or road, private" as defined in this resolution
67. Room: Is for the purpose of determining lot area requirements and density in a multiple family district, a living room, dining room and bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in the kitchen, sanitary facilities, utility rooms, corridors, hallways and storage areas.
68. Rural Enterprise: Is a use conducted as customary, incidental, and accessory to either a single family dwelling or an agricultural use. Rural Enterprises are intended to support rural life and provide supplemental income source with reasonable operational characteristics, scale, and intensity so that they function as accessory to the principle use on the property without negatively impacting the enjoyment of life, investments and rural living expectations on neighboring properties. A Rural Enterprises may include business uses such as the repair of small scale agricultural equipment or the building of products, etc. Uses specifically prohibited as rural enterprise include: accommodation uses, adult uses, heavy equipment repair, event halls, general industrial uses, hazardous material storage and/or processing, flea markets, general retail, junkyards, shooting ranges, solid waste disposal or transfer centers.
69. 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.

70. Stormwater Retention Structure: Is a permanent stormwater management facility that provides for the storage of runoff by means of a temporary or permanent pool of water.
71. Story: Is that part of a building included between the surface of one floor and the surface of the next floor above, or if there is not floor above, then the ceiling next above. A basement is not considered to be a story if the basement floor is at least two feet below ground level.
72. Street or Road: Is a right-of-way which affords the principal means of vehicular access to abutting property and which has been properly dedicated or deeded for public use.
73. Street or Road, Private: Is an approved right-of-way owned and maintained by the abutting property owners, or by an association of property owners, excluding off-street parking areas.
74. 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.
75. Swimming Pools (Private Residential): Is a receptacle for water, or an artificial pool of water having a depth at any point of more than two feet (2') for the purpose of immersion or partial immersion therein of human beings and having a minimum size of 200 sq. ft.; and maintained primarily for the use of household or limited to household members and guests' and not intended for the use of members and guests' of non-profit clubs or organizations or limited to household residents of multiple dwelling units on a block, sub-division, neighborhood, community or other specified area of residents.
76. Temporary Building or Use: Is a building or use permitted to exist during periods of construction of the principal building or use, or for special events.
77. Thoroughfare, Arterial: A street or road which moves or is intended to move large volumes of traffic from one part of the township to another part or beyond the township. For the purpose of this Resolution, "Arterial Thoroughfares" are designated on the Thoroughfare Plan of Perry Township.
78. Thoroughfare, Collector: A street or road which moves or is intended to move large volumes of traffic from local thoroughfares to arterial thoroughfares. For the purpose of this Resolution "Collector Thoroughfares" are designated on the Thoroughfare Plan of Perry Township.

79. Thoroughfare, Local: A street or road which provides access to abutting property. For the purpose of this Resolution, "Local Thoroughfares" are designated on the Thoroughfare Plan of Perry Township.
80. Thoroughfare Plan: A plan adopted by Perry Township as part of this resolution indicating the location of arterial, collector, and local thoroughfares within Perry Township. See Appendix.
81. Travel Trailer: See "Recreational Vehicle."
82. Use: Is the principal purpose for which land, or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.
83. Utility Scale Wind Turbine Tower: Is a Wind Turbine/Electrical Generation Tower (Wind Turbine Tower) 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.
84. 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.
85. 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.
86. 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.
87. Yards: The open spaces on the same lot as the principal building, unoccupied and unobstructed from the ground upward 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.

88. Zoning Variance: 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.

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 Perry is hereby divided into the following Standard Zoning Districts:

- RA - Residential Agriculture
- R - Residential
- B - Business
- I - 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 Perry is hereby divided into the following Special Districts:

- MH - Manufactured Home Park

SECTION 300.1 OFFICIAL ZONING DISTRICTS MAP

All land in the Township of Perry within the scope of this Zoning Resolution is placed into Zoning Districts as is shown on the Zoning Districts Map of the Township of Perry, 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. The Zoning Districts Map shall be identified by the signatures of the Township Trustees, attested by the Township Clerk, under the following words:

"This is to certify that this is the official Zoning Districts Map referred to in Section 300.1 of the Zoning Resolution of the Township of Perry, County of Richland,

Ohio." (include date of adoption)

Wherever changes are made in the district boundaries or other matter portrayed on the official Zoning Districts Map, such changes shall be made on the official Zoning Districts Map after the amendment has been approved by Township Trustees together with an entry on the official Zoning Districts Map as follows:

"On (date), by official action of Township Trustees, the following changes were made (reference number to Township Trustees Proceedings)."

Three (3) copies of the official Zoning District Map are to be maintained and kept up-to-date: One (1) in the Township Trustees office, one (1) in the office of the Regional Planning Commission and one (1) by the Zoning Inspector accessible to the public and shall be final authority as to the current zoning status of lands, buildings and other structures in the Township of Perry.

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 Districts 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 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 indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the use of a scale shown on the Map.

SECTION 300.3 ZONING OF VACATED AREAS

Wherever any street, alley or other public way is vacated by action of the appropriate

legislative body and in a manner authorized by law, the Zoning District adjoining each side of such street, alley or public way shall be automatically extended to the center line of such vacation and all areas included in the vacation shall then be subject to the same use, areas and height regulations of the extended district.

SECTION 300.4 DISTRICT REQUIREMENTS

All buildings and uses in any district shall be subject to the provisions of Article VI, GENERAL PROVISIONS, and Article VII, GENERAL EXCEPTIONS.

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.

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. The Board of Zoning Appeals shall grant Conditional Zoning Permits when it finds, based upon the evidence presented to it, that each condition contained in the Resolution as to the proposed use as well as the provisions of ARTICLE IX of this Resolution has been met.

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 RA-RESIDENTIAL AGRICULTURE DISTRICT

SECTION 401.1 PURPOSE

The RA-Residential Agriculture District is established to promote the cooperative existence of rural residential living and agriculture in close proximity. The creation of this district recognizes the importance of low-density residential development as well as the need to preserve and protect the decreasing supply of agricultural land.

SECTION 401.2 PERMITTED USES

1. One Family Dwellings
2. Agriculture uses
3. Government or nonprofit 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.
4. Home occupations subject to the following:
 - a. The home occupation shall be carried on entirely within the dwelling and not in an accessory building. The garage may be used providing the occupation does not preclude the storage of the number of vehicles for which the garage was designed.
 - b. The external appearance of the structure in which the use is conducted shall not be altered.
 - c. One non-illuminated sign not exceeding six (6) square feet shall be permitted. No sign permit shall be required.
 - d. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
 - e. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
 - f. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.

- g. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
 - h. No additional parking demand shall be created.
 - i. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.
5. Accessory buildings and uses, off-street parking and temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS of this Resolution.

SECTION 401.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VI and subject further to the review and approval of the Township Zoning Board of Appeals in accordance with Article IX of this Resolution.

1. 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 one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.
2. Recreational uses other than those governmentally owned and/or operated for archery, boating, fishing, golfing, swimming and hunting, including public and private country clubs, riding stables, gun clubs and similar uses consistent with the rural character of the area subject to the following conditions:
 - a. The proposed site shall have at least one (1) property line abutting an arterial or collector thoroughfare, and all points of access to and from the site shall be from said thoroughfares.
 - b. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.
 - c. Front, side and rear yard setback shall be at least thirty (30) feet wide and

shall be landscaped in trees, shrubs and grass.

d. Lighting used to illuminate the intended uses of the property shall be shielded and arranged as to reflect light away from adjoining properties and public streets.

e. Off-street parking shall be provided as regulated in Article VI, GENERAL PROVISIONS.

3. Churches and other buildings for the purpose of religious worship, subject to the following conditions:

a. Building of greater than the maximum height allowed in Section 405, 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. An obscuring fence or obscuring greenbelt six (6) feet in height shall be provided wherever a parking lot is adjacent to land developed for one and two family residential purposes.

c. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.

4. Public, parochial and other private schools offering courses in general education, public parks or other non-profit recreational facilities, subject to the following conditions:

a. Building of greater than the maximum height allowed in Section 405, 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. An obscuring fence or obscuring greenbelt six (6) feet in height shall be provided wherever a parking lot is adjacent to land developed for one and two family residential purposes.

c. The proposed site shall have at least one (1) property line abutting an arterial or collector thoroughfare, and all points of access to and from the site shall be from said thoroughfares.

d. All points of ingress and egress shall be located no closer than one hundred

and fifty (150) feet from an intersection, measured from the street right-of-way lines.

5. Rural Enterprises subject to the following conditions;

- a. All Rural Enterprises must file an application for a Rural Enterprise Certificate;
- b. The applicant must reside in a dwelling unit on the lot used for the Rural Enterprise;
- c. Not more than twenty-five (25) percent of the gross floor area of the dwelling unit shall be devoted to the Rural Enterprise use;
- d. The Rural Enterprise may be conducted in an existing or new accessory building located on the same lot as the dwelling unit, and shall not exceed 2,000 square feet;
- e. Multiple Rural Enterprise(s) or home occupations, or a combination of the two, are allowed on any lot provided that for all totaled together, the requirements for a single Rural Enterprise are not exceeded;
- f. In addition to the owner of the rural enterprise and his immediate family members, there must not be more than two (2) non-residential on-site employees or volunteers to be engaged in the proposed Rural Enterprise;
- g. Retail sales of products including on site sales of products produced on the premises, may occur provided they are clearly incidental, secondary and relative to the Rural Enterprise and specifically listed in the Application for a Rural Enterprise Certificate;
- h. No equipment, process, materials or chemicals shall be used which create offensive noise, fumes, smoke, dust, odors, vibration, heat, glare, x-rays, radiation, electrical disturbances or light generated as a result of the Rural Enterprise and must, at the property line, be such that they do not unreasonably interfere with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits.
- i. Outdoor storage areas for a Rural Enterprise must:
 - (1) not significantly change the character of the lot;
 - (2) not be visible from the road or any other surrounding property;
 - (3) not exceed 2,500 square feet in total storage area;
 - (4) meet the minimum yard setback requirements in Section 405 under RA-

Residential Agricultural use districts

- (5) A screening plan indicating all existing and proposed screening devices, must be submitted with the Application for a Rural Enterprise certificate at the time of application;
- (6) All screening required to comply with this requirement must be of suitable fencing materials.

j. Signage must:

- (1) be limited to one (1) sign of 6 square feet in area per lot;
- (2) be at least 30 lineal feet from the centerline of any road to the edge of the sign contiguous to the lot;
- (3) not be illuminated;
- (4) acquire a sign permit

k. Rural Enterprise business hours shall be between 8:00 AM and 6:00 PM, Monday thru Saturday;

l. Outside of business hours, commercial vehicles shall be enclosed within a building or moved off-site;

m. Any need for parking generated by the conduct of the Rural Enterprise shall be met off the street in an area other than in the required front yard

n. All applicable Richland County Health, Richland County Building Codes, Richland County Soil and Water and any requirements of the Fire Department with local jurisdiction must be met

o. Minor or moderate alterations to an existing building to be used in the Rural Enterprise may be permitted to accommodate the proposed use and must be in accordance with the Richland County Building Codes Department;

p. Waste materials generated must be properly contained;

6. Gas and oil wells subject to the following conditions:

- a. All permitted installations shall meet or exceed the requirements of the Ohio Department of Natural Resources Division of Oil and Gas and shall be maintained in a neat orderly condition so as to prevent injury to any single property, individual or part of the community as a whole.

7. Telecommunication Towers subject to the following:

a. Such particular elements of public utilities are controllable under township zoning per Ohio Revised Code Section 519.211. See Section 700.2 of this Resolution for statements on CONDITIONAL USE requirements.

SECTION 401.4 AREA AND BULK REQUIREMENTS

See Section 405, "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 402 R RESIDENTIAL DISTRICT

SECTION 402.1 PURPOSE

The R Residential District is established in recognition that sections of the township include low to moderate density residential developments and tracts of agricultural land.

SECTION 402.2 PERMITTED USES

1. One Family Dwellings
2. Two Family Dwellings
3. Agriculture
4. Home occupations subject to the following:
 - a. The home occupation shall be carried on entirely within the dwelling and not in an accessory building. The garage may be used providing the occupation does not preclude the storage of the number of vehicles for which the garage was designed.
 - b. The external appearance of the structure in which the use is conducted shall not be altered.
 - c. One non-illuminated sign not exceeding four (4) square feet shall be permitted. No sign permit shall be required.
 - d. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
 - e. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
 - f. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.
 - g. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.

- h. No additional parking demand shall be created.
 - i. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.
5. Accessory buildings and uses, off-street parking and temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS of this Resolution.

SECTION 402.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VI, and subject further to the review and approval of the Zoning Board of Appeals in accordance with Article IX of this Resolution.

1. Multiple Family Dwelling units, not to exceed two (2) stories in height, subject to the following conditions:
 - a. The proposed site shall have at least one (1) property line abutting an arterial or collector thoroughfare, and all points of access to and from the site shall be from said thoroughfares.
 - b. An obscuring fence or obscuring greenbelt six (6) feet in height shall be provided wherever a parking lot is adjacent to land developed for one and two family residential purposes.
 - c. The multiple family unit shall be serviced by a centralized sewer system.
2. Churches and other buildings for the purpose of religious worship, subject to the following conditions:
 - a. Building of greater than the maximum height allowed in Section 405, 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. An obscuring fence or obscuring greenbelt six (6) feet in height shall be provided wherever a parking lot is adjacent to land developed for one and two family residential purposes.
 - c. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.

3. Public, parochial and other private schools offering courses in general education, public parks or other non-profit recreational facilities, subject to the following conditions:
 - a. Building of greater than the maximum height allowed in Section 405, 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. An obscuring fence or obscuring greenbelt six (6) feet in height shall be provided wherever a parking lot is adjacent to land developed for one and two family residential purposes.
 - c. The proposed site shall have at least one (1) property line abutting an arterial or collector thoroughfare, and all points of access to and from the site shall be from said thoroughfares.
 - d. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.
4. Home Occupations subject to the following conditions:
 - a. There shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed use.
 - b. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation.
 - c. Outside storage related to the home occupation may be permitted, if totally screened from adjacent residential lots, provided the application so specifies.
 - d. The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies.
 - e. Not more than thirty (30) percent of the gross floor area of any residence shall be devoted to the proposed home occupation.
 - f. The external appearance of the structure in which the use is to be conducted shall not be altered.
 - g. One non-illuminated sign not exceeding four (4) square feet shall be

permitted. No sign permit shall be required.

- h. Minor or moderate alterations in accordance with the Richland County Building Code may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.
- i. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- j. No more than two (2) additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard.

5. Nursery schools, day nurseries and child care centers subject to the following:

- a. The proposed site shall have at least one (1) property line abutting an arterial or collector thoroughfare, and all points of access to and from the site shall be from said thoroughfares.
- b. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.
- c. A minimum of sixty (60) square feet of outdoor play area for each child shall be provided and maintained on the lot. Such play space shall be obscured from view of any abutting lot in a R-Residential District by a obscuring fence or greenbelt six (6) feet in height.

6. Institutions for medical care, hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions, subject to the following:

- a. The proposed site shall have at least one (1) property line abutting an arterial thoroughfare and all points of access to and from the site shall be provided by said thoroughfare.
- b. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.
- c. 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 feet.

- d. Ambulance and delivery areas shall be obscured from view by a obscuring fence or greenbelt six (6) feet in height.
- e. An obscuring fence or obscuring greenbelt six (6) feet in height shall be provided wherever a parking lot is adjacent to land developed for one and two family residential purposes.

7. Telecommunication Towers subject to the following:

- a. Such particular elements of public utilities are controllable under township zoning per Ohio Revised Code Section 519.211. See Section 700.2 of this Resolution for statements on CONDITIONAL USE requirements.

SECTION 402.4 AREA AND BULK REQUIREMENTS

See Section 405, 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 **B BUSINESS DISTRICT**

SECTION 403.1 **PURPOSE**

The B 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 403.2 **PERMITTED USES**

The following uses shall be permitted provided an obscuring fence or obscuring greenbelt six (6) feet in height is provided on those side and rear yards abutting an R-Residential District and all points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.

1. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods including but not limited to:
 - 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
 - Other retail stores selling merchandise to the public

2. Personal Service Establishments including but not limited to:
 - Self-service laundries
 - Beauty shops
 - Barber shops
 - Shoe repair shops, shoe shine shops
 - Radio and Television repair shops
 - Pressing, Alteration and Garment repair
 - Nursery schools, day nurseries and child care centers
 - Other similar personal service establishments

3. Business and Professional Offices including but not limited to:

- Savings and Loan Associations
- Commercial Banks
- Credit Agencies
- Credit Unions
- Insurance Agents, Brokers and Service
- Real Estate Agents and Brokers
- Offices of Physicians and Surgeons
- Offices of Chiropractors
- Legal Services
- Other similar professional service offices

4. Restaurants

5. Hotels and motels.

6. Institutions for medical care, hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions.

7. Accessory buildings and uses, off-street parking and temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS of this Resolution.

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 VI, and subject further to the review and approval of the Zoning Board of Appeals in accordance with Article IX of this Resolution.

1. Auto sales lot (new and/or used) subject to the following conditions:

- a. Lighting shall in no way impair safe movement of traffic on any street or thoroughfare. Lighting shall not shine directly onto adjacent properties.
- b. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.
- c. No repair or refinishing shall be done outside of enclosed buildings.
- d. An obscuring fence or obscuring greenbelt six (6) feet in height shall be provided on those side and rear yards abutting an R-Residential District.

2. Gasoline service & repair stations subject to the following conditions:

- a. Such stations shall be used for the sale of gasoline, oil, minor accessories and repairs. No repair work will be done where the external effect such as smoke, dust, fumes or loud noises of the activity could extend beyond the property line.
- b. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.
- c. The minimum lot area shall be twenty thousand (20,000) 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 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. All lighting shall be shielded from all adjacent properties.
- g. Gasoline service stations shall provide an obscuring fence or obscuring greenbelt six (6) feet in height on those side and rear lot lines abutting a R-Residential district.
- h. If rental trucks and trailers are stored on the premises, a minimum lot area of twenty thousand (20,000) square feet shall be devoted exclusively to service station use. The storage of rental trailers on such premises shall be provided in addition to the minimum lot area devoted to the gasoline service station and such storage space shall be provided behind the setback line of the main building.

SECTION 403.4 AREA AND BULK REQUIREMENTS

See Section 405, 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 **INDUSTRIAL DISTRICT**

SECTION 404.1 **PURPOSE**

The Industrial Districts are designed to accommodate uses which provide repair, storage, manufacturing, processing, wholesaling and distribution facilities and whose external, physical effects are restricted to the area of the district. The uses permitted are such that they will not have an undesirable or detrimental effect on adjacent residential and business districts. This district is restricted to light industrial products manufacture such as finished products or parts of products but does not allow the processing of raw materials such as steel, aluminum or petro chemicals.

SECTION 404.2 **PERMITTED USES**

The following uses shall be permitted provided an obscuring fence or obscuring greenbelt six (6) feet in height is provided on those side and rear yards abutting an R-Residential District and all points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.

1. The following basic research, design, and experimental firms when conducted within a completely enclosed building such as but not limited to:
 - a. Pharmaceuticals, electrical instruments and devices.
 - b. Processing of experimental film or testing, providing no operations shall be conducted or equipment used which would create hazards, noxious or offensive conditions beyond the premises.
2. The manufacturing, compounding, processing and assembly of the following products when conducted wholly within a completely enclosed building.
 - a. Bakery goods, candy, domestics, toiletries, and other food products, but excluding the refining or rendering of fats and oils.
 - b. Products from the following previously prepared materials: bone, canvas, cloth, cellophane, cork, feathers, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, silicon, sheet metal, shell, textiles, tobacco, wood and yarns.
 - c. Musical instruments, toys, novelties, rubber or metal stamps and other small rubber or plastic molded products.

- d. Electrical appliances, television sets, radios, phonographs, household appliances.
 - e. Tool, die, garage and machine shops.
3. Wholesaling establishments, warehouse, storage and transfer facilities.
 4. Building materials, sales yards, lumber yards provided all materials are located within a building or within an area enclosed on all sides by an obscuring fence or wall six (6) feet in height.
 5. Accessory buildings and uses, off-street parking and temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS of this Resolution.

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 VI, and subject further to the review and approval of the Zoning Board of Appeals in accordance with Article IX of this Resolution.

1. 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.

2. Gasoline service & repair stations subject to the following conditions:

- a. Such stations shall be used for the sale of gasoline, oil, minor accessories and repairs. No repair work will be done where the external effect such as smoke, dust, fumes or loud noises of the activity could extend beyond the property line.
- b. All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.
- c. The minimum lot area shall be twenty thousand (20,000) 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 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. All lighting shall be shielded from all adjacent properties.
- g. Gasoline service stations shall provide an obscuring fence or obscuring greenbelt six (6) feet in height on those side and rear lot lines abutting a R-Residential district.
- h. If rental trucks and trailers are stored on the premises, a minimum lot area of twenty thousand (20,000) square feet shall be devoted exclusively to service station use. The storage of rental trailers on such premises shall be provided in addition to the minimum lot area devoted to the gasoline service station and such storage space shall be provided behind the setback line of the main building.

SECTION 404.4 AREA AND BULK REQUIREMENTS

See Section 405, 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 SCHEDULE OF REGULATIONS SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT

Use Districts	Max. D.U. Per Acre	Minimum Lot Area Requirements(a)		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 feet	In Feet	In Stories	Front Yard	Each Side Yard	Sum of Side Yards	Rear Yard	
RA Residential Agricultural	0.33	3 acres(a)	150	40	2	70	25	50	25	1000
R Residential		See note (a)								See note (b)
W/ Central Sewer One & Two Family	1.0	1 acre	110	40	2	70	25	50	25	1000
Multiple Family	3.0	1 acre	110	40	2	70	25(c)	50	25(c)	500
W/O Central Sewer One & Two Family	1.0	1 acre	110	40	2	70	25	50	25	1000
B Business	-	-	-	40	3	30(d)	(e,i)		(f,i)	-
I Industrial	-	-	-	40	3	50 (d,g)	(h,i)		(f,h,i)	-

NOTES TO SECTION

- a. Minimum lot area requirements are always subject to current Richland County Health Department and E.P.A. regulations and could require more area for on site sewage disposal.
- b. In a multiple family dwelling each dwelling unit shall contain the following minimum floor area:
 1. Efficiency unit 500 sq. ft.
 2. One bedroom unit 650 sq. ft.
 3. Two bedroom unit 800 sq. ft.
 4. Three or more bedroom unit 1000 sq. ft.
- c. In a multiple family development, front, side, or rear yards do not refer directly to the spacing between buildings for a multiple family development of two or more buildings on the same parcel. In such cases, the minimum distance between any two buildings shall not be less than forty (40) feet. Wherever the side or rear yard of a multiple family development abuts a one family residential development, the minimum side yard width and rear yard depth shall be at least thirty-five (35) feet.
- d. 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 and the issuing of a variance by the Board of Zoning Appeals.
- e. No side yards are required along the interior side lot lines of the District. On an exterior side yard abutting an R-Residential District, there shall be provided a minimum yard setback of thirty (30) feet.
- f. Off-street loading space shall be provided in the rear yard in accordance with the provisions of Section 600.3 of this Resolution and shall be provided in addition to any required off-street parking facilities.
- g. Where there is a front-to-front industrial relationship, or a front-to-side industrial relationship, the minimum front yard setback shall be reduced to twenty-five (25) feet.
- h. 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 R-Residential District shall provide open space equal to at least one hundred (100) feet in width.

- i. An obscuring fence or obscuring greenbelt six (6) feet in height shall be provided on those side and rear yards abutting an R-Residential District in accordance with provisions of Sections 600.5 and 600.8.

ARTICLE V

SPECIAL DISTRICTS

SECTION 500 SPECIAL DISTRICTS ESTABLISHED

Districts providing for the use of development of land for certain purposes or under certain conditions, as hereinafter specified, are hereby established and adopted.

SECTION 500.1 RELATION TO STANDARD ZONING DISTRICTS AND MAP

Special Districts and regulations shall be in addition to the Standard Zoning Districts, as established on the Zoning Districts Map and nothing herein is intended to amend, modify or otherwise change the Standard Zoning District Regulations except as specifically set forth in the Special District Regulations. The inclusion of land in a Special District shall be in addition to the Standard Zoning Districts as established on the Zoning Districts Map, and nothing herein is intended to amend, modify or otherwise change the Standard Zoning District boundaries as shown on the Zoning District Map.

SECTION 501 MH MANUFACTURED HOME PARK DISTRICT

SECTION 501.1 PURPOSE

The Manufactured Home Park (MH) District is established in recognition of manufactured 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 manufactured 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 501.2 PERMITTED USES

1. Manufactured Home Park developments shall comply with the requirements of the Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code and subject further to the review and approval of a site plan by the Township Zoning Commission and the Township Trustees:

- a. The Manufactured Home Park shall include at least ten (10) acres of land and at least ten (10) mobile home stands.
- b. The Manufactured Home Park shall provide an obscuring fence or obscuring greenbelt six (6) feet in height on those side or rear yards of the Manufactured Home Park which abut onto an R-Residential District.
- c. All points of ingress and egress shall be located no closer than four hundred (400) feet from any intersection, measured from the street right-of-way lines.
- d. All structures and activity areas shall be located at least forty (40) feet from the front property line.
- e. Proposed Manufactured Home Park shall have one (1) property line abutting an arterial or collector thoroughfare. Access to and from the site shall be provided by such thoroughfare.
- f. The Manufactured Home Park shall further comply with any other county and state health department regulations, and any other resolution of Perry Township.

2. Home occupations subject to the following:

- a. The home occupation shall be carried on entirely within the manufactured home and not in an accessory building. The garage may be used providing the occupation does not preclude the storage of the number of vehicles for which the garage was designed.
- b. The external appearance of the structure in which the use is conducted shall not be altered.
- c. One non-illuminated sign not exceeding four (4) square feet shall be permitted. No sign permit shall be required.
- d. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
- e. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
- f. Not more than twenty-five (25) percent of the gross floor area of the

- manufactured home shall be devoted to the use.
- g. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
 - h. No additional parking demand shall be created.
 - i. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.
3. Accessory buildings and uses, off-street parking as regulated in Article VI, GENERAL PROVISIONS of this Resolution.

ARTICLE VI

GENERAL PROVISIONS

SECTION 600 SCOPE OF THE ZONING RESOLUTION

The provisions of this Zoning Resolution shall apply to all land in the unincorporated part of Perry Township, 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. Only uses specifically authorized by this Resolution shall be permitted. Any use not so authorized shall not be allowed except as hereinafter expressly provided.

SECTION 600.1 NON-CONFORMING LOTS, USES OF LAND AND STRUCTURES

1. Purpose: The purpose of this Section is to provide for the eventual and equitable elimination of non-conforming lots, non-conforming uses of land and non-conforming structures which do not conform to the provisions of this Resolution, but which were in operation prior to the enactment of this Resolution. Nonconforming lots, uses, and structures are declared to be incompatible with the permitted uses in the district involved.
2. 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.
3. Uses Under Conditional Use Provisions Not Non-Conforming Uses: Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.
4. 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 a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or

premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

5. 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.
6. Certificates For Non-Conforming Uses: The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid non-conforming use. The certificate shall specify the reason why the use is a non-conforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the non-conforming use, and the extent that dimensional requirements are non-conforming. The purpose of this section is to protect the owners of land or structures that are or become non-conforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.
7. Substitutions of Non-Conforming Uses: So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any non-conforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another non-conforming use of a less intensive classification, or the Board shall find that the use proposed for substitution is more appropriate to the district than the existing non-conforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a non-conforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.
8. 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 any single lot of record at the effective date of adoption or amendment of this Resolution, regardless of limitations imposed by other provisions 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 IX. 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.

9. Non-Conforming Uses of Land: Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed 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 a greater 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 structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.
 5. In the event that a non-conforming use is destroyed or damaged by any means to the extent of more than fifty (50) percent of its replacement cost, exclusive of the foundation, it shall not be rebuilt, restored or reoccupied for any use unless it conforms to all regulations of this Resolution. When such a non-conforming use is destroyed or damaged to the extent of fifty (50) percent or less of its replacement cost, exclusive of the foundation at the time of destruction, it may be rebuilt, restored or reoccupied, subject to the following conditions:
 - a. A Zoning Permit pertaining to such restoration shall be applied for

and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.

b. Such restoration shall not cause a new non-conformity, nor shall it increase the degree of non-conformance or non-compliance existing prior to such destruction or damage.

10 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 as long as its non-conformity is not increased.
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.

11 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, extended, constructed, reconstructed, 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.
- 12 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 hereabove 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.
- 13 To the extent that this Resolution as amended has made any preexisting use of land which was lawful at the time it was established a non-conforming use, the Board of Zoning Appeals is hereby authorized to grant a variance as to the use of adjoining land insofar as they determine it necessary to carry out the long range development plans of the non-conforming use owner and the failure to grant such a variance will result in unusual hardship and in accordance with the requirements of Article IX of this Resolution.

SECTION 600.2 ACCESSORY BUILDINGS AND ACCESSORY USES

Accessory buildings and accessory 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. Detached accessory buildings shall be permitted in any required side or rear yard provided that:
 - a. Accessory buildings two hundred (200) square feet or less in size and not on a

permanent foundation shall be located no closer than six (6) feet from any required side or rear lot line and does not require a zoning permit. Accessory buildings over two hundred (200) square feet or more in size and not on a permanent foundation shall be located no closer than ten (10) feet from any required side or rear lot line, requires a zoning permit and a building permit from Richland County Building Department.

- b. Within an "R" District no accessory building shall exceed one (1) story in height.
 - c. Accessory buildings located on a corner or double frontage lot shall not be permitted to project beyond the minimum front yard depth facing adjacent streets.
 - d. Any accessory building, 120 square feet or less in size and not on a permanent foundation will not require a zoning permit.
 - e. Truck trailers, box cars, manufactured homes and other vehicles shall not be permitted as an accessory use.
 - f. Accessory buildings in an R-Residential District shall not exceed 720 square feet.
3. Ornamental ponds shall be located no closer than six (6) feet to any side or rear lot line or street right-of-way line.
4. Swimming pools shall be permitted in any required side or rear yard provided that:
- a. Swimming pools two hundred (200) square feet or less in size and two (2) feet or less in depth shall be located no closer than six (6) feet from any required side or rear lot line and does not require a zoning permit. Swimming pools over two hundred (200) square feet in size and greater than two (2) feet in depth shall be located no closer than ten (10) feet from any required side or rear lot line, does not require a zoning permit but it does require a building permit from Richland County Building Department.

SECTION 600.3 OFF-STREET PARKING REGULATIONS

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. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required of several uses may be provided contiguous and in common to the several structures and uses served.
 - e. 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.
 - 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 Board of Appeals and further, provided that all parking areas so designated be within three hundred (300) feet of the public use.
2. All residential dwellings shall be provided with parking space off the road or street and outside of the public right-of-way, together with a means of ingress and egress thereto, for not less than one and one-half (1½) vehicles per dwelling unit. Each such vehicle shall be provided with at least two hundred (200) square feet of space for parking.
 3. All B-Business uses shall provide parking space off the road or street, outside of the public right-of-way and within three hundred (300) feet of the entrance to said establishment. At least two hundred (200) square feet of parking area shall be provided for every one hundred (100) square feet of area of the first floor of said establishment which it serves.
 4. Every church, theater, auditorium, stadium, arena, building or ground used for the assembling of persons to attend performances, shows, exhibitions, contests, concerts, lectures, entertainment and similar activities shall provide parking space off the street or road, and outside of the public right-of-way, of at least two hundred (200) square feet for every four (4) persons to be accommodated. Such parking area shall be within four hundred (400) feet of the main entrance to such use, and adequate means of ingress and egress shall be provided.

5. All I-Industrial uses shall provide at least two hundred (200) square feet of parking area per employee on the largest working shift. Wholesale establishments shall provide five (5) parking spaces in addition to the above requirement.
6. All B-Business and I-Industrial uses shall provide adequate space off the street or road, and outside of the public right-of-way for vehicles delivering to, unloading, loading or taking away from said user goods, materials, supplies, or waste in connection with said use.
7. The Board of Zoning Appeals shall have the authority to grant variances from these parking requirements in accordance with Section 900.5.

SECTION 600.4 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 provided the occupant obtains a temporary zoning permit.
2. A manufactured home may be temporarily used as a residence on a lot while a dwelling thereon is being reconstructed due to destruction by natural disaster or other act of God that makes the dwelling uninhabitable, for a period of six (6) months provided a temporary zoning permit is obtained from the Zoning Inspector and the owner agrees to remove the manufactured home upon expiration of the permit. The temporary permit may be renewed for one (1) additional six (6) month period for good cause shown.
3. 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 one hundred twenty (120) days in any twelve (12) month period.
 - b. Application for a "Temporary Visitor's Zoning Permit" is filed with Zoning Inspector within seven (7) days after arrival on the property.

SECTION 600.5 PLANT MATERIALS

Whenever, in this Resolution, a greenbelt or planting strip is required, it shall be planted within six (6) months from the date of issuance of the Zoning or Conditional Zoning Permit and shall thereafter be reasonably maintained with permanent plant material to provide a screen to abutting properties.

SECTION 600.6 SIGN REGULATIONS

Outdoor advertising shall be classified as a business use and shall be permitted in all "B" and "I" districts and on all lands used for agricultural purposes, subject to the regulations contained herein:

1. A sign not larger than six (6) square feet in area is permitted in any district.
2. A sign larger than six (6) square feet shall be permitted in B & I Districts.
3. No sign shall be located closer to the street or road than the street or road right-of-way.
4. Signs shall not be placed in such a way as to impede traffic by blocking the view of oncoming traffic or in any other way that constitutes a safety hazard.
5. No sign, temporary or permanent, shall be placed without the permission of the land owner. Signs placed without permission shall be deemed "unauthorized" and may be immediately removed by the landowner.
6. A sign larger than forty (40) square feet shall be considered a structure and mounted on a permanent foundation.
7. An outdoor advertising sign or billboard, other than those mentioned in Paragraph 1 of this section, shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced.
8. No outdoor advertising sign, except those mentioned in Paragraph 1 of this section shall be placed nearer any street or road than the minimum building setback line.
9. No outdoor advertising sign more than twelve (12) square feet in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than three (3) feet.
10. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.
11. No flashing lights or signs with moving parts shall be allowed.
12. The provisions of these regulations apply to those signs intended to convey a commercial message relating to the sale or lease of real or personal property, or of services.

13. Signs intended to convey a non-commercial message of a political, religious or philosophical nature shall not be deemed to be prohibited or regulated by these provisions.

SECTION 600.7 LANDFILL AND DUMPING OPERATIONS

The use of land for filling or dumping of earth, sand, gravel 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 Perry relevant thereto.

SECTION 600.8 SCREENING DEVICES

1. Fences are permitted within any R-Residential District subject to the following conditions:
 - a. All fences shall comply with the requirements of the Richland County Building Department as it applies to fence installation and materials, but in no instance shall a fence contain barbed wire or electric current except as provided in the Ohio Revised Code. Fences over 6ft. in height measured from the surface of the ground shall require a permit from Richland County Building Department. Fences 6 ft. and under do not require any type of permits.
 - c. No fence shall extend towards the front lot line beyond the required front yard setback.
 - d. Fences on recorded lots having a total area in excess of two (2) acres and a minimum lot width of at least one hundred (100) feet and acreage or parcels not included within the boundaries of a recorded plat are excluded from these regulations.
2. An obscuring fence or obscuring greenbelt six (6) feet height shall be provided and maintained to obscure parking lots of multiple family residential developments from adjacent land developed for one and two family residential purposes.
3. Masonry walls, obscuring fences or obscuring greenbelts shall be provided and maintained to obscure the uses within any "B" or "I" District with side and rear lot lines abutting a R-Residential Districts. Masonry walls, obscuring fences or obscuring greenbelts shall be provided in conformance with the following regulations:
 - a. Required walls, fences or greenbelts shall be six (6) feet in height.

- b. No wall, fence or greenbelt shall be extended toward the front lot line beyond the required minimum front yard setback.

SECTION 600.9 CORNER CLEARANCE

No fence, wall, greenbelt, planting strip, or any other obstruction to vision above a height of two and one-half (2½) 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 other obstruction shall be permitted to exist in such a way as to constitute a safety hazard.

SECTION 600.10 PRINCIPAL BUILDING

Within the RA-Residential Agriculture District and R-Residential District where the principal building is a one family or two family dwelling, only one (1) principal building shall be permitted on any one lot.

SECTION 600.11 CORNER LOTS

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

SECTION 600.12 LOTS, YARDS AND OPEN SPACE

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 600.13 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 600.14 CONDITIONAL ZONING PERMITS

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 or 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 Permit with such conditions and safeguards attached as the Board of Zoning Appeals shall deem necessary to carry out the provisions of Article IX of this Resolution.

2. Procedure: Any application for a Conditional Zoning Permit 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 Permit 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 parking, landscaping, lot dimensions, points of ingress and egress, the location of all existing and proposed structures, and the types of buildings and their intended use. Site plan shall contain such information necessary to demonstrate that all applicable conditions are being complied with.

- 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. Notice of Public Hearing

The Board of Zoning Appeals shall fix a reasonable time for a public hearing of the conditional use permit, give at least ten (10) days notice in writing to all owners of property within, contiguous to and directly across the street from the parcel or parcels involved, give notice of such public hearing by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. Such notice shall indicate the place, time and subject of the hearing.

e. Issuance and Revocation of Conditional Zoning Permits

Only upon conclusion of review procedures, relative to a particular application, may the Commission issue a Conditional Zoning Permit. The breach of any safeguard condition, or requirement shall automatically invalidate the permit 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 600.15 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. All applications for variances.
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 permit granted.

SECTION 600.16 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 designed and improved in accordance with the minimum improvement standards of the Richland County Subdivision Regulations as they apply to various sections of Perry 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 Richland County.

SECTION 600.17 REGULATION OF JUNK AND JUNK YARDS

Junk yards and the storage of junk shall be a prohibited land use in Perry Township.

SECTION 600.18 REGULATION OF HAZARDOUS, TOXIC, MEDICAL AND RADIO ACTIVE WASTE

The use of land for storage or disposal of hazardous, toxic, medical or radio active waste shall be a prohibited land use in Perry Township.

SECTION 600.19 REQUIRED ROAD FRONTAGE

All lots in the Residential Agricultural and Residential Districts shall be required to consist of at least one hundred and fifty (150) feet of continuous road frontage.

SECTION 600.20 PONDS

1. Applicability

a. Ponds shall be permitted in any zoning district in Perry Township. These regulations pertain to ponds that have an area of at least three-hundred (300) square feet and less than five (5) acres or is over twenty-four (24) inches in depth.

b. Design

a. Ponds that have an area of greater than a quarter of an acre (10,890 sq. ft.) must be designed by a registered landscape architect and/or civil engineer.

- b. It is recommended that the landowner obtain the following from the Richland County Soil and Water Conservation District:
 - (1) the Natural Resources Conservation Service Conservation Practice Standard titled POND, Section IV, FOTG Standard 378, Code 378.
 - (2) the Natural Resources Conservation Service Construction Specification titled PONDS, Section IV, FOTG Standard 378, Code 378,
 - (3) the Natural Resources Conservation Service Conservation Practice Standard titled DRY HYDRANT, Section IV, FOTG Standard 432, Code 432

3. Location

- a. Ponds shall be a minimum of fifty (50) feet from septic system lines and leach beds. The toe of the dam or edge of the pond shall be a minimum of twenty-five (25) feet from any rear or side lot lines and fifty (50) feet from any street right-of-way line. This measurement shall be taken from the high water mark of the pond or the toe of the outside of the bank whichever is closest to the street right-of-way line or lot line.

4. Fire Protection

Prior to the construction of any pond, the Zoning Inspector shall consult with the Perry Township Fire Department concerning the need for installation of a dry fire hydrant.

- a. If it is determined that the community would benefit from the installation of a Dry Fire Hydrant and the construction of a pond is approved then the dry fire hydrant will be installed in accordance with the Natural Resources Conservation Service Conservation Practice Standard entitled DRY HYDRANT, Section IV, FOTG Standard 432, Code 432.
- b. For the purpose of protection of public safety, the real property owner(s) within a platted subdivision containing ten (10) or more lots shall construct a pond with a dry fire hydrant in accordance with the Natural Resources Conservation Service Conservation Practice Standard entitled DRY HYDRANT, Section IV, FOTG Standard 432, Code 432.

5. Application for Zoning Certificate & Pre-construction

- a. Before constructing a pond an application shall be made to the Zoning Inspector for a Zoning Certificate. The application shall include the following:

- (1) 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.
 - (2) The shape, size and location of all buildings and other structures already on the property and the location of onsite or public utilities.
 - (3) The dimensions and location of the pond showing the distance of the pond to the rear and side lot lines and street right-of-way line.
 - (4) Any other pertinent data as may be required to determine whether the provisions of this Resolution are being observed properly.
- b. Within twenty (20) days after receipt of the application and before construction may begin, the Zoning Inspector shall inspect the site on which the pond is to be built. The location of the pond shall be laid out on the property prior to the site inspection. The Zoning Inspector shall determine that the proposed construction is in compliance with the Zoning Resolution.
 - c. After the site inspection is completed, the Zoning Inspector shall issue, in writing, permission to proceed with construction of the pond. If such permission is refused for cause, the applicant shall be notified, in writing, of such refusal and cause within the twenty (20) day period.
6. Completion of Construction and Issuance of Zoning Certificate
 - a. Upon completion of the construction and prior to the pond being filled with water, the applicant for the Zoning Certificate shall notify the Zoning Inspector, who shall make a final inspection of the premises. The Zoning Inspector shall issue a Zoning Certificate for use as a pond only after the Zoning Inspector has determined the Zoning Resolution has been complied with. Perry Township has no liability exposure in regard to the pond other than to see that the dry hydrant is properly installed and maintained.

SECTION 600.21 WIND TURBINE/ELECTRICAL GENERATION TOWERS

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

1. Site Plan
 - a. A 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. Tower Height of 175 feet or less

- (1) 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 and 500 (five-hundred) feet from any occupied structure on a non-participating property.

b. 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 base 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

- a. 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

- a. The minimum distance between the ground and any part of the rotor or blade assembly shall be thirty (30) feet.

5. Compliance With FAA Regulations

- 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 red/white 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

- a. 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. Interference With Microwave Communication Systems

- a. 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 Communications Systems

- a. 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

- a. Wind Turbine Towers should have either:
 - (1) Tower-climbing apparatus located no closer than twelve (12) feet from the ground, or
 - (2) A locked anti-climb device installed, or
 - (3) 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.

ARTICLE VII

GENERAL EXCEPTIONS

SECTION 700 EXEMPT FROM REGULATIONS

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

SECTION 700.1 AGRICULTURE

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

SECTION 700.2 PUBLIC UTILITIES

The provisions of this 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. The provisions of this Zoning Resolution shall apply except where express authority has been conferred by the Ohio Revised Code on the Board of Township Trustees or Board of Zoning Appeals with respect to any telecommunications tower defined by ORC 519.211 and is proposed to be located in any 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 conditional use. Telecommunications towers shall be permitted provided the Board of Zoning Appeals determines that each of the following conditions has been met:
 - a. For the purposes of regulating such telecommunication towers in areas of the Township zoned for residential use, a telecommunication tower shall be considered to exist if the free-standing structure including antennas exceed fifty-two (52) 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 twelve (12) feet.

- b. A site plan shall be provided showing the design and painted color of the tower and its location on the property.
- c. No tower shall be constructed with lights and be painted in red/white or in other bright colors or configuration colors except when specifically required by a Federal law or regulation. When lights are required, strobe lights shall not be used unless specifically required by Federal law or regulation.
- d. The site shall be a minimum of 500 feet from the nearest parcel of land used for residential purposes except: (1) where a communications tower already exists on the same parcel that was constructed prior to January 1, 2000, and (2) the proposed tower will not be constructed beyond a radius of one hundred (100) feet from such prior existing tower.
- e. The minimum setback line between the base of the tower and all adjacent property lines shall be one hundred ten (110) percent of the height of the tower.
- f. The minimum setback line between the base of the tower and any and all dwellings on the parcel shall be one hundred ten (110) percent of the height of the tower.
- g. The tower shall be sited and be of a design and color(s) that would incorporate the characteristics of the immediate surroundings 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.
- h. Unless the proposed tower would be located on a parcel where another tower already exists as otherwise provided in Paragraph (1d) above, the applicant shall demonstrate that the need for the proposed tower cannot be accommodated by co-locating systems on an existing tower.
- i. Each tower shall be designed to accommodate the addition and co-location of a minimum of two additional telecommunication systems.
- j. The proposed tower shall not be located within a radius of 1500 feet of any existing telecommunications tower.
- k. If the tower is abandoned, it shall be removed within ninety (90) days of its last operation or there after be removed by the township and the cost of removal billed to the property owner.

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 Section 900.5(5). In no event shall any change or alteration be permitted that would substantially increase the towers height.

SECTION 700.3 RAILROAD RIGHTS-OF-WAY

For the purposes of this Resolution, railroad rights-of-way and other railroad facilities shall be permitted as authorized and regulated by State and Federal Laws, it being the intent of this section to exempt railroads from the application of this Resolution.

SECTION 700.4 PERMITTED HEIGHT EXCEPTIONS

The height limitations contained in Section 405, Schedule of Regulations do not apply to spires, belfried, cupolas, antennas, rooftop wind turbines, solar power generation systems, 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 structures 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.

SECTION 700.5 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 public election.

SECTION 700.6 ACCESSWAYS

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

SECTION 700.7 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 700.8* LOTS ADJOINING ALLEYS**

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

***SECTION 700.9* 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 700.10* YARD REGULATIONS**

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

***SECTION 700.11* FRONT YARD VARIANCES IN RESIDENTIAL DISTRICTS**

In an 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 than the minimum front yard setback prescribed for the district in which such lots are located, the Board of Zoning Appeals may modify the required minimum front yard depth of such lot no more than ten (10) feet.

ARTICLE VIII

TOWNSHIP ZONING COMMISSION

SECTION 800 AUTHORITY, COMPOSITION AND APPOINTMENT

There is hereby created a Township Zoning Commission consisting of five (5) residents of the unincorporated area of the Township with records of civic, business, or professional leadership, and who shall not be members of the Board of Zoning Appeals. Each member shall be appointed for a period of five (5) years, except that one of the initial members shall be appointed for one (1) year and one of the initial members shall be appointed for two (2) years, and one of the initial members shall be appointed for three (3) years, and one of the initial members shall be appointed for 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 800.1 ORGANIZATION

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

SECTION 800.2 QUORUM

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

SECTION 800.3 MEETINGS

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

SECTION 800.4 POWERS AND DUTIES

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

2. The Zoning Commission shall act upon all amendments requested to the Perry Township Resolution submitted to the Zoning Commission by the Township Trustees. The Zoning Commission shall recommend approval, disapproval or modification of the original request to the Township Trustees following the procedures set forth in Article X of this Resolution.
3. The Zoning Commission shall review from time to time any provision or provisions of this Resolution and shall recommend such changes as it deems necessary in order to promote the intent of this Resolution to the Township Trustees following the procedures set forth in Article X of this Resolution.

SECTION 800.5 ADMINISTRATION AND ENFORCEMENT

The provisions of this Resolution shall be administered and enforced by the Zoning Inspector, or his assistants.

SECTION 800.6 DUTIES OF THE ZONING INSPECTOR

A Zoning Inspector shall be employed for the purpose of granting zoning permits and to make inspections of premises or buildings necessary in carrying out his duties in compliance with the provisions of this Resolution. It shall be unlawful for the Zoning Inspector to issue permits or approve any plans until he has inspected such plans in detail and found them to conform with the provisions of this Resolution. The Zoning Inspector shall also be responsible for submitting to the Zoning Board of Appeals all applications and appeals. The Zoning Inspector shall not refuse to issue a zoning permit when the provisions or conditions of this Resolution are complied with by the applicant. The zoning inspector shall post a bond of not less than \$1,000 nor more than \$5,000 as fixed by Township Trustees in accordance with the provisions of Section 519.161 of the Ohio Revised Code.

SECTION 800.7 APPLICATION PROCEDURE - ZONING PERMIT

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 permit. The application shall include the following information:
 - a. A plot plan drawn to a scale of not less than ten (10) feet to the inch showing the actual shape, location and exact dimensions of the property to be built upon.

- b. The shape, size and location of all buildings and other structures to be erected, altered or moved and of any building or other structures already on the property.
 - c. The existing and intended use of the property, including residential areas, the total number of dwelling units to be accommodated in the building.
 - d. Any other pertinent data as may be required to determine whether the provisions of this Resolution are being observed properly.
2. Within twenty (20) days after the receipt of the application, the Zoning Inspector shall issue a zoning permit if the application complies with the requirements of this Resolution. If such permit is refused for cause, the applicant shall be notified of such refusal and cause within the twenty (20) day period.
3. Each application shall clearly state that 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 permit shall be void.

SECTION 800.8 FEES

The Township Trustees may from time to time prescribe and amend by resolution, a schedule of fees to be charged to applicants for all applications and permits as indicated in Article XIII of this Resolution.

ARTICLE IX

BOARD OF ZONING APPEALS

SECTION 900 AUTHORITY, COMPOSITION, AND APPOINTMENT

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

SECTION 900.1 ORGANIZATION

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

SECTION 900.2 QUORUM

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

SECTION 900.3 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 900.4 WITNESSES

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

SECTION 900.5 POWERS AND DUTIES

The board of Zoning Appeals shall have the following powers and duties:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
2. To authorize, upon appeal, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where due to special conditions, literal enforcement of the Resolution will result in unnecessary hardship and so that the spirit of the Resolution shall be observed and substantial justice done.
3. To grant conditional zoning permit for the use of land, buildings, or other structures as specifically provided for elsewhere in this Resolution.
4. The Board of Zoning Appeals shall not have the power to permit a use not normally permitted in a given zoning district except as otherwise permitted herein.
5. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:
 - a. Will be harmonious with and in accordance with the general objectives or with any specific objective of this resolution.
 - b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 - c. Will not be hazardous or disturbing to existing or future neighboring uses.
 - d. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
 - e. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

SECTION 900.6 PROCEDURES

The Board of Zoning Appeals shall act in accordance with the procedure specified

by law including this Resolution. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of 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 one or another of the following headings: Interpretation; Exceptions; Variances, together with all documents pertaining thereto. In the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee shall be raised in order to cover all expenses of such expert testimony. The applicant shall bear all direct and related costs.

SECTION 900.7 APPEALS

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the zoning inspector. Such appeal shall be taken within twenty days after the decision by filing with the zoning inspector from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal in accordance with the procedures in Section 900.6. The zoning inspector from whom the appeal is taken shall transmit to the Board of Appeals all the papers constituting the record upon which the appeal is being taken.

SECTION 900.8 NOTICE OF HEARINGS

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to all owners of property within, contiguous to and directly across the street from the parcel or parcels involved, give notice of such public hearing by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted.

SECTION 900.9 FEES

The Township Trustees may from time to time prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for all conditional permits, variances, and appeals as indicated in Article XIII of this Resolution

ARTICLE X

AMENDMENTS

Amendments to the zoning resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution by the Board of Trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment. The Board of Trustees shall upon passage of such resolution certify it to the Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days hence. Notice of such hearing shall be given by the Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing.

If the proposed amendment intends to rezone ten or less parcels of land, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing, to all owners of property within and contiguous to, and directly across the street from such area proposed to be rezoned. The published notice shall set forth the time and place of the public hearing, the nature of the proposed amendment and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Regional Planning Commission and to the Board of Township Trustees.

Within five (5) days after the adoption of such motion, certification of such resolution, or filing of such application, the Township Zoning Commission shall transmit a copy thereof, together with text and map pertaining thereto, to the Richland County Regional Planning Commission. The Regional Planning Commission shall recommend the approval, denial, or modification of the proposed amendment and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed amendment.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval, denial, or modification of the amendment, and submit such recommendation with the application or resolution, text and map pertaining thereto, and the recommendation of the Regional Planning Commission to the Board of Township Trustees.

The Township Trustees, upon receipt of the recommendation, shall set a time for a public hearing on the amendment, which shall be held not more than thirty (30) days from receipt of the recommendation of the Zoning Commission. Notice of such public hearing shall be given by the board of Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least fifteen (15) days before the date of such hearing. The published notice shall set forth the time and place of the hearing, and a summary of the proposed amendment.

Within twenty (20) days after the hearing, the Board shall either adopt, deny, or modify the Zoning Commission's recommendation. In the event the Board denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board shall be required.

Such amendment adopted by the Board of Trustees shall become effective in thirty (30) days after the date of adoption unless within thirty (30) days of adoption, there is presented to the Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township equal to not less than eight (8%) of the total vote cast for all candidates for governor in the Township in the last preceding general election at which a governor was elected, requesting the Trustees to submit the amendment to the voters in the Township for approval or rejection at the next primary or general election.

No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of those voting favors the amendment. Upon certification by the Board of Elections that the voters have approved the amendment, it shall take immediate effect.

All applications for a zoning amendment shall include:

1. Evidence that the existing Zoning Resolution is unreasonable with respect to the particular property, and it deprives the property owner of his lawful and reasonable use of the land. For the purposes of this Zoning Resolution, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.
2. Evidence that the proposed amendment would materialize in an equal or better Zoning Resolution than that existing.

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

The Township Trustees may from time to time, to defer administrative costs,

prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for an amendment to this Zoning Resolution as indicated in Article XIII of this Resolution. This fee shall not apply to any amendment introduced by the Township Trustees or the Township Zoning Commission.

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 permits previously adopted or issued or which shall be adopted or issued pursuant to the law and regulations governing the use of buildings or premises; provided, however, that where this Resolution imposes greater restriction than is required by existing resolution or by rules, regulations or permits; the provisions of this Resolution shall control.

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 Township Trustees who shall initiate prosecution, injunction or other appropriate proceedings.

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 more than one hundred (100) dollars. Each day such violation or failure to comply shall exist, it shall constitute a separate offense.

ARTICLE XIII

FEES

The Township Trustees shall by resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the Township Hall and the office of the Zoning Inspector, and may be altered or amended only by the Township Trustees. Until all applicable fees, charge and expenses have been paid in full, no action shall be taken on any application or appeal.

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.

All fees shall be paid to the Township Clerk at the time the application or other permit is requested.

ARTICLE XIV

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 XV

EFFECTIVE DATE

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

Adopted as amended by the
Perry Township (Richland County)
Trustees

_____ (Date)

Attest by Township Clerk:

Clerk

APPENDIX

The items in the appendix are included for easy reference purpose only and are not part of this resolution