

# LOUDON TOWNSHIP ZONING RESOLUTION

ADOPTED \_\_\_\_\_

THIS PRINTED VERSION WILL SUPERSEDE ANY OTHER ZONING DOCUMENT OR VERSION

## REVISION DATES OF DRAFT

MARCH 13, 2024 – INITIAL PRESENTATION

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# ARTICLE 1

## TITLES, AUTHORIZATION, PURPOSE, AND ENACTMENT CLAUSE

### 101 LONG TITLE

A resolution providing for the zoning of the unincorporated areas of Loudon Township, Seneca County, Ohio by regulating the size, location, height, and use of buildings and structures, the area and dimensions of the unincorporated area of the Township into zones or districts of such number, size and shapes as are deemed best suited to carry out said purpose and prescribing penalties and proceedings for the administration, and enforcement of this Resolution.

WHEREAS the Board of Trustees of Loudon Township, Seneca County, Ohio deems it in the interest of the public health, safety, morals, comfort, and general welfare of this said Township and its residents to establish this general plan of zoning for the unincorporated areas of said Township.

NOW, THEREFORE, BE IT RESOLVED, BY THE Board of Trustees of Loudon Township, Ohio:

### 102 SHORT TITLE

This resolution shall be known as the Resolution.

### 103 AUTHORIZATION

Chapter 519 of the Revised Code of the State of Ohio authorize this Resolution.

### 104 PURPOSE

For the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of the land, and to facilitate adequate but economical provisions for public improvements, the Board of Trustees of this Township finds it necessary and advisable to regulate the location, height, bulk, number of stories, and size of building and other structures, including tents, cabins, trailers, coaches and the use of land for trade, industry, residence, recreation or other purposes, and for such purposes have divided the unincorporated area of the Township into districts or zones as shown on the official Zoning Map of Loudon Township, Seneca County, Ohio.

### 105 EFFECTIVE DATE

This Resolution is effective on December 5, 2024.

## ARTICLE 2 INTERPRETATION

### 201 INTERPRETATION AND APPLICATION

In interpretation and application, the provisions of the Resolution shall be held to the minimum requirements adopted for the promotion of public health, safety, morals, comfort, and general welfare of the Township.

Whenever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulation, ordinances, or resolutions, the most restrictive, or that imposing the higher standard shall govern.

The requirements of this resolution shall not be interpreted in a manner that conflicts with state or federal law.

If any provision of this resolution is declared by a court to be invalid, such decision shall not affect the validity of this resolution as a whole or any part thereof other than the part so declared to be invalid.

## ARTICLE 3 GENERAL REGULATIONS

### 301 PURPOSE

General regulations apply to all districts. Where requirements of a general regulation and a district regulation differ, the more restrictive requirements shall prevail.

301.01 A zoning certificate must be obtained before excavation for foundation or basement, erection of any structure requiring space on the ground or change of use of land or space as stated in any zoning district as provided in section 302.

301.02 List of exceptions to be determined by the zoning commission.

### 302 PERMITTED USES

Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of structures incident to the use for agricultural purposes of the land on which structures shall be located.

302.01 Residence structures shall not be classified as agricultural in the enforcement of this resolution. Any attachments or additions thereto shall require zoning certificates.

No structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed, or arranged for any purpose other than that specifically permitted in the district in which the building or land is located. The Board of Zoning Appeals may issue Conditional Zoning Certificates for any of the conditionally permitted uses listed under the conditionally permitted use section of any district.

### 303 PROHIBITED USES

303.01 No inoperable automotive vehicle, with or without parts removed, shall be permitted to stand and/or allowed to deteriorate on any premises for a period of more than 30 days, in any district except as provided in the Industrial District, provided that nothing herein shall prevent the parking or storing of such vehicle in a fully enclosed garage or similar permanent structure.

303.02 The following uses shall not be permitted in any zoning district:

1. Coaches, bus bodies, vans, street cars, and shipping containers used for dwellings.
2. Adult entertainment venues:
  - a. Adult Bookstore
  - b. Adult Booth
  - c. Adult mini-Motion Picture Theater

- d. Adult Motion Picture Theater
- e. Adult Entertainment Business
- 3. Stone quarry and industrial mining operations.
- 4. Soil stripping.
- 5. All blasting activities.
- 6. Biodigester.
- 7. Utility scale battery storage.
- 8. Lakes.

**303.03 Mobile Homes:** Mobile homes shall not be stored or parked outside of any mobile home park unless the storage of mobile homes is permitted or a conditional use within such a district. No living quarters shall be maintained, or any business conducted within any mobile home located outside of any Mobile Home Park District.

**303.04 Waste Storage:** No structure or pond shall be constructed, installed, or operated to store treated or untreated human waste, or industrial waste in any zoning district in Loudon Township; except for the storage of waste generated on premises and except for the storage of waste in facilities authorized by the Ohio Environmental Protection Agency.

### 304 GENERAL LOT AREA REGULATIONS

No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated.

#### **304.01. Lot Area Exception for Existing Certain Substandard Lots**

Any lot or parcel of land under one ownership and of record at the time of adoption of this Resolution and where no adjoining land was under the same ownership of said date, may be used as a building site even when of less area or width than that required by the regulations for the district in which located. No building or addition to a building shall be constructed within three (3) feet of any side property line or original plot or within twenty (20) feet of the front property line.

### 305 GENERAL YARD REQUIREMENTS

Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this resolution.



### **305.01 Yard for Single Building**

No required yard or other open space around one building shall be considered as a yard or open space for any other building. No required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot where a building is to be erected or established.

### **305.02 Yard Measurements**

- A. The minimum front yard depth shall be measured on the perpendicular from the street right-of-way line to the building setback line. Streets having no established right-of-way shall have such right-of-way established by classifying the streets according to classifications in the sub-division regulations, or if such sub-divisions regulations do not exist, by assuming the street has a forty (40) feet right-of-way, with the center of the traveled portion of the street being the center of the right-of-way. All front and side street yards shall be measured from the right-of-way lines so established.
- B. The minimum side yard width and rear yard depth shall be measured on the perpendicular from the lot lines to the nearest point of any structure.
- C. Corner and double frontage lots shall comply with the minimum front yard depths on both streets.

### **305.03 Clear View of Intersecting Streets**

In all zones which require a front yard, no obstruction in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines of the projected point of intersection of the street property lines of the projected point of intersection of the street property lines and a line connection points twenty-five (25) feet from the intersection of the street property lines or the projected point.

### **305.04 Yard Exception - Fence, Hedges and Walls**

In all districts, plantings are to be so placed, that at maturity, the drip line falls within the property line of these plantings. Fences or walls required to surround and enclose public utility installations are not limited as to height in any district. Fences, hedges, and walls may not exceed the allowable setbacks.

### **305.05 Yard Exceptions - One Story Garages or Accessory Buildings**

In residential districts one story detached garages or other accessory buildings may be located three (3) feet from side and rear property lines when located in back of principal building.

An accessory building which measures no more than twelve (12) feet by ten (10) feet may be erected without obtaining a zoning certificate. It must conform to the property

lines stated in the preceding paragraph and may not be attached to any existing structure.

### **305.06 Sale, Lease, or Use of Required Yard Space**

No space needed to meet the width, yard area, coverage, parking, or other requirements of this resolution for a lot or building may be sold, leased, or used for a lot or building unless other space is available to comply with said requirements.

### **305.07 Abatement, Control of Vegetation, Garbage, Refuse, and other Debris**

- A. Board may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the Township Board of Trustees determines that the owner's maintenance of such vegetation, garbage, refuse, and other debris constitutes a nuisance.
- B. At least seven days before providing for abatement, control, or removal of any vegetation, garbage, refuse, or debris, the Township Board of Trustees shall notify the owner of the land and any holders of liens of record upon the land that:
  - (1) The owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner's maintenance of which has been determined by the Township Board of Trustees to be a nuisance.
  - (2) If such vegetation, garbage, refuse, or debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within seven days, the Board shall provide for the abatement, control, or removal, and any expenses incurred by the Board in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry. The Board shall send the notice to the owner of the land by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lien holders of record; alternatively, if the owner is a resident of the township or is a nonresident whose address is known, the Board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. The owner of the land or holders of liens of record upon the land may enter into an agreement with the Board of Township Trustees providing for either party to the agreement to perform the abatement, control, or removal before the time the Board is required to provide for the abatement, control, or removal under division (C) of this section. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice one in a newspaper of general circulation in the township.

- C. If, within seven days after notice is given, the owner of the land fails to abate, control, or remove the vegetation, garbage, refuse, or debris, of no agreement for its abatement, control, or removal is entered into under division (B) of this section, the Board shall provide for the abatement, control, or removal and may employ the necessary labor, materials, and equipment to perform the task. All expenses incurred shall, when approved by the Board, be paid out of township general fund from moneys not otherwise appropriated.
- D. The Board of Township Trustees shall make a written report to the County Auditor of the Board's action under this section. The Board shall include in the report a statement of all expenses incurred in providing for the abatement, control, or removal of any vegetation, garbage, effuse, or debris, as provided in division (C) of this section, including the Board's charges for its services, notification, the amount paid for the labor, materials, and equipment, and a proper description of the premises. The expenses incurred, when allowed, shall be entered upon the tax duplicate, shall constitute a lien upon the land from the date of the entry, and shall be collected as other taxes and returned to the township and placed in the township general fund.

### 306 HEIGHT EXCEPTIONS

No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the structure is located, except that: (1) roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, sky lights, towers, steeples, stage lofts, and screened chimneys, smoke stacks, water tanks, or similar structures may be erected to exceed by not more than fifteen (15) feet the height limits of the district in which it is located: provided that such structure shall not have a total area greater than twenty (20) percent of the roof area of the building and shall not be used for an residential purposes: (2) radio, television, and wireless aerials, or masts and flagpoles may be erected to any height ; and (3) smokestacks and flares may be erected to any height to improve or protect air quality as authorized by applicable air pollution requirements of the Ohio Environmental Protection Agency.

### 307 BUILDING REGULATIONS

No building shall be erected, converted, enlarged, reconstructed, or structurally altered (1) exceed the maximum height; (2) accommodate a prohibited use or house a greater number of families; (3) occupy a greater percentage of lot area; and (4) have narrower or smaller rear, front, or side yards, than are specified herein for the district in which such building is located.

#### **307.01 Principal Building**

No more than one principal building shall be permitted on any one lot unless otherwise specifically stated in this Resolution.

### **307.02 Town House, Multi-family, and Commercial Development**

When more than one (1) town house, multi-family, commercial, or industrial building is located on one lot, the buildings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements.

### **307.03 Frontage Required For Building**

No principal building shall be erected on a lot which does not abut on at least one street.

### **307.04 Multi-family Dwelling**

The minimum required square footage of all combined living spaces is eight hundred (800) square feet.

### **307.05 Streets, Driveways and Thoroughfares**

- A. All future streets, driveways, and thoroughfares, public or private, shall have a minimum right-of-way of twenty (20) feet. All turn arounds shall have a minimum radius of twenty (20) feet.
- B. No more than two (2) driveway approaches shall be permitted directly from any major thoroughfare. Not more than one (1) driveway approach from any minor street, each of which shall not exceed thirty (30) feet in width at the property line.
- C. If the property fronts on two or more streets, the driveways shall be located as far from the street intersection as practicable.

## **308 USES NOT SPECIFICALLY CONTROLLED BY DISTRICT REGULATIONS**

### **308.01 Official Notices Exempt**

This Resolution shall not apply to signs established by any court or public body exclusively for legal or official notice, directional warning, or for public information.

### **308.02 Temporary Buildings**

Temporary buildings or uses for purposes incidental to construction work shall be permitted provided such buildings or uses shall not be continued as permanent structures or uses. The period of continuance shall be twelve months. An additional extension of six months may be granted upon application to the Board of Zoning Appeals. A zoning certificate shall be required for temporary buildings. Temporary buildings do not have to meet minimum square footage requirements as described in Section 307.

### **308.03 Surface of Off-Street parking**

Off street parking shall be surfaced and maintained with a durable gravel, asphalt, or concrete, and shall be so graded and drained as to dispose of all surface water. In no case shall drainage be permitted across sidewalks. Surface and drainage shall be subject to approval by the Zoning Inspector via Township Trustee approval.

### **309 ANNEXATION**

All property annexed by a municipality shall be regulated by the zoning regulations which govern the property prior to annexation, until the legislative authority of said municipal corporation shall officially adopt zoning regulations for such territory.

### **310 ESTABLISHMENT OF DISTRICTS**

For the purpose of promoting the public health, safety, morals, convenience, comfort, prosperity, and general welfare of the community, the following districts are hereby established: Agricultural(A), Rural Residential District(R-1), Suburban Residential District(R-2), Multi-Family Residential District(R-3), Highway Commercial District(HC), General Commercial District(GC), Industrial District(I)t, Commercial Recreational Areas(CR), and Landfill District(LFD)

### **311 ZONING DISTRICT MAP**

The districts established in Section 310 are bounded and defined as shown on a map entitled "Zoning Districts Map of Loudon Township, Seneca County, Ohio", and said map with all the notations, references, and other pertinent material shown thereon are hereby declared as part of this Resolution.

### **312 INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries or any of the districts shown on the zoning map, the following rule shall apply:

- A. Where district boundaries are indicated as approximately following the center lines of right-of-way lines of streets, the center lines or right-of-way lines of highways, such lines shall be construed to be such district boundaries.

## ARTICLE 4 DISTRICT REGULATIONS

### 400 GENERAL AGRICULTURAL DISTRICT (A)

#### **400.01 Purpose**

The General Agricultural District is intended for application in outlying rural areas where urbanization and the extension of central water supply is not contemplated within the foreseeable future. Rural home sites with secondary agricultural activities are permitted to locate within the General Agricultural District at a maximum density of one dwelling unit per one (1) acre.

#### **400.02 Permitted Uses**

1. Agricultural.
2. Single family dwellings.
3. Accessory buildings incidental to the principal use.
4. Oil and gas drilling and operations necessary for their extraction and skimming subject to Article 7.
5. Home occupations subject to Article 7.
6. Single family dwellings existing prior to the adoption of this Resolution may be converted to two-family dwellings, which shall contain a minimum of four hundred (400) square feet of living space per family without changing the existing foundation.

### 401 RURAL RESIDENTIAL DISTRICT (R-1)

#### **401.01 Purpose**

The purpose of this district is to accommodate single family residential development in areas not served by central water and/or central sanitary sewer facilities and where the underground water supply or the soil conditions for septic tanks are inadequate to accommodate a higher density.

**401.02 Uses**

- A. Permitted Uses
  - 1. Single family dwellings
  - 2. Accessory buildings incidental to the principal use
- B. Conditionally Permitted Uses
  - 1. Strip mining, soil removal, and gravel extraction operations subject to Article 7.
  - 2. Oil and gas drilling and operations necessary for their extraction and skimming subject to Article 7.
  - 3. Home occupations subject to Article 7.

**401.03 Lot Requirements Per Dwelling Unit**

- A. Minimum lot area, one (1) acre
- B. Minimum lot width at front yard setback line, thirty-five (35) feet
- C. Minimum lot frontage at the street right-of-way line, thirty-five (35) feet

**401.04 Yard Requirements**

- A. The minimum front yard depth shall be thirty (30) feet from the center of the traveled portion of the road.
- B. The minimum rear yard depth shall be thirty (30) feet
- C. The minimum side yard width on each side shall be ten (10) feet

**402 SUBURBAN RESIDENTIAL DISTRICT (R-2)**

**402.01 Purpose**

The purpose of this district is to accommodate existing built-up areas, or areas served by central sewage disposal facilities.

**402.02 Uses**

- A. Permitted Uses
  - 1. Single family dwellings
  - 2. Accessory buildings incidental to the principal use

- B. Conditionally Permitted Uses
  - 1. Home occupations subject to Article 7.

**402.03 Lot Requirements**

- A. Minimum lot area shall be ten thousand (10,000) square feet
- B. Minimum lot width one hundred twenty-five (125) feet at street right-of way line
- C. Minimum lot width one hundred twenty-five (125) feet at front yard setback line
- D. Must own a minimum of thirty-five (35) feet contiguous frontage per lot to an existing public street

**402.04 Yard Requirements**

- A. Minimum front yard depth thirty (30) feet from right-of-way
- B. Minimum rear yard depth thirty (30) feet
- C. Minimum side yard width ten (10) feet on each side

**402.05 Maximum Building Height**

- A. Maximum building height thirty-five (35) feet

**403 MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)**

**403.01 Purpose**

The purpose of this district is the development of multi-family dwellings, and planned neighborhoods having a variety of dwelling types. Public or community water supply and sewage disposal facilities are required in high density developments of this type.

**403.02 Uses**

- A. Permitted Uses
  - 1. Multi-family dwellings of 2-4 dwelling units
  - 2. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
  - 3. Single-family dwellings subject to Article 4, Subsection 402.03, 402.04, and 402.05.
  - 4. Two-family dwellings subject to Article 4, Subsection 402.03, 402'04, and 402.05.



B. Conditionally Permitted Uses

1. Private or governmentally owned and /or operated park, playground, of golf course subject to Article 7.
2. Cemetery subject to Article 7.
3. Churches and other buildings for the purpose of religious worship subject to Article 7.
4. Public utility, private schools, or governmentally owned and/or operated buildings or facilities subject to Article 7.
5. Home occupation subject to Article 7.
6. Hospital, sanitarium, convalescent home, nursing home, child day care center, and home for the aged subject to Article 7.

**403.03 Lot Requirements for Multi-Family Dwelling**

- A. Minimum Lot Area
  - a. Fifteen thousand (15,000) square feet for the first four dwelling units.
  - b. Two thousand (2,000) square feet additional area for each dwelling unit over four units.
- B. Minimum lot width two hundred (200) feet at front setback.
- C. Minimum lot frontage fifty (50) feet.
- D. Usable open space
  - a. Twenty percent (20%) of lot area must be devoted to usable open space excluding parking areas, walk, drives, and service facilities.

**403.04 Yard Requirements for Multi-Family Dwellings**

- A. Minimum from yard depth thirty (30) feet from right-of-way.
- B. Minimum side yard width ten (10) feet.
- C. Minimum each side yard width ten (10) feet on each side.

404 HIGHWAY COMMERCIAL DISTRICT (HC)

**404.01 Purpose**

The purpose of this district is to provide for highway-oriented businesses.

**404.02 Uses**

- A. Permitted Uses.
  1. Single-family and two- family dwellings subject to Article 4, Subsections 402.03, 402.04, and 402.05.

2. Multi-family dwellings subject to Article 4, Subsections 403.03. 404.04, and 404.05.
  3. Motels and other commercial over-night accommodations, boarding and rooming houses.
  4. Restaurants, drive-in restaurants.
  5. Clubs with or without entertainment.
  6. New and used car, truck, or farm implement sales and service of rental. (Cars in operable condition only).
  7. Automobile service station.
  8. Mobile home parks as well as mobile home sales and service.
  9. Automobile wash.
  10. Bowling lanes, skating rinks, miniature golf courses.
  11. Drive-in theaters, indoor theaters.
  12. Lumber, coal, builder's supply yards and stores.
  13. Veterinary hospitals and /or commercial kennels.
  14. Hospital, sanitariums, convalescent home, nursing home, child day care center, and home for the aged.
  15. Similar main uses.
  16. Accessory buildings or structures incidental to the principal use which do not include any activity conducted as a separate business.
- B. Conditionally Permitted Uses
1. Church and other buildings for the purpose of religious worship subject to Article 7.
  2. Public utility, private schools, or governmentally owned and/or operated buildings of facility subject to Article 7.

**404.03 Lot Requirements**

- A. Minimum lot area one (1) acre.
- B. Minimum lot width one hundred (100) feet at the front yard setback line.
- C. Minimum lot frontage one hundred (100) feet at street right-of-way line.

#### **404.04 Yard Requirements**

- A. Minimum front yard depth fifty (50) feet from right-of-way.
- B. Minimum rear yard depth twenty (20) feet.
- C. Minimum side yard width fifteen (15) feet on each side.
- D. Side yards and rear yards adjacent to residential districts shall meet the side and rear yard requirements of the adjacent residential district.

#### **404.05 Maximum Building Height**

- A. Maximum building height thirty-five (35) feet.

#### **404.06 Supplementary Regulations**

The grouping together of commercial uses into commercial centers is encouraged. In order to minimize traffic congestion, control driveway approaches to public streets, provide for fire protection, and to protect the surrounding residential areas from adverse activities, a site plan showing the site layout including the locations and dimensions of vehicular and pedestrian entrances, driveways, walkways, and the vehicular circulation patterns to and from the site; store, locations and dimensions, off street parking spaces, landscaped yards, and the locations, type and lighting of signs shall be submitted to, and approved by the Zoning Commission, before a zoning certificate is issued.

The approval of the site plan shall be required whenever two or more commercial uses are to be placed upon a parcel of land under the same ownership, or where two or more commercial uses are to be placed upon a parcel of land under the same ownership, or where two or more commercial structures may be built to best advantage by using common wall construction.

### **405 GENERAL COMMERCIAL DISTRICT (GC)**

#### **405.01 Purpose**

The purpose of this district is to encourage groupings of retail stores and personal and professional services.

#### **405.02 Uses**

- A. Permitted Uses.
  - 1. Establishment engaged in the retail trade of:
    - a. Single-family and two-family dwellings subject to Article 4, Subsections 402.03, 402.04, and 402.05.

- b. Multi-family dwellings subject to Article 4, Subsections 403.03, 404.04, and 405.05.
  - c. Apparel
  - d. Office supply, art goods and books.
  - e. Beverages
  - f. Pharmacy
  - g. Food
  - h. Hardware
  - i. Sporting goods, toys, and similar specialty stores.
  - j. Appliances
  - k. Variety and department stores
  - l. Similar main uses
2. The following retail services:
- a. Restaurants
  - b. Soda fountains
  - c. Laundry and dry cleaning
  - d. Barber shops
  - e. Beauty shops
  - f. Shoe repair shops
  - g. Banks
  - h. Business offices
  - i. Medical offices
  - j. Meeting halls and auditoriums
  - k. Specialty schools such as dancing and music
  - l. Similar main services
3. Accessory buildings incidental to the principal use.
- B. Conditionally Permitted Uses

1. Church and other buildings for the purpose of religious worship subject to Article 7.
2. Public utility, parochial schools, or governmentally owned and/or operated buildings or facility subject to Article 7.
3. Automobile service station, subject to Article 7.
4. Mobile home parks, subject to Article 7.
5. Commercial Apartment Complex(es) of 5 or more units.

#### **405.03 Lot Requirements**

- A. Minimum lot area twenty thousand (20,000) square feet.
- B. Minimum lot width one hundred (100) feet at the front yard setback line.
- C. Minimum lot frontage one hundred (100) feet at street right-of-way line.

#### **405.04 Yard Requirements**

- A. Minimum front yard depth fifty (50) feet from right-of-way.
- B. Minimum rear yard depth twenty (20) feet.
- C. Minimum side yard width ten (10) feet on each side.
- D. Side yards and rear yards adjacent to residential districts shall meet the side and rear yard requirements of the adjacent residential district.

#### **405.06 Supplementary Regulations**

The grouping together of commercial uses into commercial centers is encouraged. In order to minimize traffic congestion, control driveway approaches to public streets, provide for fire protection, and to protect the surrounding residential areas from adverse activities, a site plan showing the site layout including the locations and dimensions of vehicular and pedestrian entrances, driveways, walkways, and the vehicular circulation patterns to and from the site; store, locations and dimensions, off street parking spaces, landscaped yards, and the locations, type and lighting of signs shall be submitted to, and approved by the Zoning Commission, before a zoning certificate is issued.

The approval of the site plan shall be required whenever two or more commercial uses are to be placed upon a parcel of land under the same ownership, or where two or more commercial uses are to be placed upon a parcel of land under the same ownership, or where two or more commercial structures may be built to best advantage by using common was construction.

## 406 INDUSTRIAL DISTRICT (I)

### 406.01 Purpose

The purpose of the industrial district is to provide for (1) certain non-retail commercial uses (2) warehousing and storage (3) manufacturing, assembly, and fabricating activities.

### 406.02 Uses

#### A. Permitted Uses

1. Uses permitted in the Highway Commercial District and the General Commercial District.
2. Warehousing, wholesale establishments and trucking facility.
3. Administrative offices.
4. Single-family and two-family dwelling subject to 401.03 and 401.04.
5. Multi-family dwellings subject to 403.03, 403.04, and 403.05.

#### B. Conditionally Permitted Uses

1. All conditional uses permitted in the General Commercial District and subject to the same conditions.
2. Manufacturing, processing, cleaning, servicing, testing, or repairs of materials, goods, or products which will not be materially injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, water pollution, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards or glare or heat.

In the interests of the community and other industries within the Industrial District, the Zoning Commission may, in regard to an industrial operation whose effects on adjacent premises are not readily known, seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

1. Junk yards subject to Article 7.
2. Outdoor storage may be permitted, provided the area used for storage is located in the rear yard and is in an enclosed structure or wall six (6) feet in height. No materials shall be stored in such a manner as to project above the wall with the exception of vehicles and mechanical equipment.

**406.03 Lot Requirements**

- A. Minimum lot size forty thousand (40,000) square feet.
- B. Minimum lot width one hundred (100) feet at front yard setback line.
- C. Minimum lot frontage one hundred (100) feet.

**406.04 Yard Requirements**

- A. Minimum front yard depth fifty (50) feet from right-of-way.
- B. Minimum rear yard depth twenty (20) feet.
- C. Minimum side yard with side yards and rear yards adjacent to residential districts shall be one hundred (100) feet from the residential district and may be used for off street parking.

**406.05** Maximum Building Height one hundred (100) feet.

**407 COMMERCIAL RECREATION AREAS (CR)**

**407.01 Purpose**

The purpose of this district is to provide for commercially operated outdoor recreation areas. Conditional use permits for commercial recreation facilities may be granted by the Board of Appeals in any zoning district.

**407.02 Conditionally Permitted Uses**

- A. Vacation farms
- B. Ranches
- C. Archery courses
- D. Riding stables and bridle paths
- E. Shooting preserves
- F. Fishing ponds
- G. Picnic areas
- H. Golf courses and miniature golf
- I. Golf driving ranges
- J. Swimming areas
- K. Vacation campgrounds and camping trailer parks, similar uses, and accessory uses

- L. Tracks or competitive courses for motorized and non-motorized vehicles

### **407.03 Requirements**

All conditionally permitted uses shall be subject to Article 7, Sections 701; 702; 703; 703.1, Subsection 102, 103, 104, 105, 106, 108, and 109. Vacation campgrounds and camping trailer parks shall also meet the conditions of Subsection 120.

## 408 LANDFILL DISTRICT (LFD)

### **408.01 Purpose**

The purpose of the Landfill District is:

- A. To define the full limits of landfill and other solid waste disposal activity to avoid continued expansion of such uses without planning for and the mitigation of any adverse impacts on surrounding properties and neighborhoods;
- B. To define other uses that are compatible with solid waste disposal facilities;
- C. To insure that the location and design of solid waste disposal facilities and landfill uses are compatible with and do not adversely affect uses in the surrounding neighborhoods;
- D. To protect and preserve the quality of the environment, including ground water, surface water, and air, and to protect and preserve the quality of the neighborhoods surrounding any existing and proposed solid waste disposal uses, to the maximum extent feasible; and
- E. To protect the overall interest of the public for the purposes established in Article 1.

### **408.02 Applicability**

Except for certain definitions otherwise defined specific for use in this Resolution, all present and future statutes contained in Ohio Revised Code Chapter 3714 and 3734 and other rules promulgated there under and as may be amended are hereby incorporated into and made part of this Resolution and as applicable shall be complied with before a permitted use regulated by this chapter shall be permitted to commence or be allowed to continue thereafter.

### **408.03 Permitted Uses**

- A. Sanitary landfill facility as defined in Ohio Administrative Code Section 3745-27-01.

### **408.04 Use Specific Requirements**

It is the intent of these regulations to control, to the maximum extent feasible, and as allowed by law, the siting of uses permitted by this district in a manner more restrictive



than state and/or federal law unless regulation of such uses has been preempted by state or federal law or regulations, in which case the state or federal law or regulations shall control the siting of such use.

**A. Sanitary Landfill Facilities**

All structures and activities related to sanitary landfill facilities shall maintain the minimum setbacks as established in the state statutes or the following local requirements, whichever is greater:

1. All structures and activities, except access drives and fencing shall be set back at least five hundred (500) feet from the boundary of the Landfill District where such district is adjacent to a residential zoning district. Such setback shall be maintained with grass or other landscaping to buffer the facility;
2. All structures and activities, except access drives and fencing shall be set back at least three hundred (300) feet from the boundary of the Landfill District where such district is adjacent to business or nonresidential zoning district. Such setback shall be maintained with grass or other landscaping to buffer the facility;
3. All structures and activities, except parking, fencing, and offices, shall be set back 1,000 feet from residential property lines in existence outside of the Landfill District, on the date the rezoning application was received by the Loudon Township Zoning Board. Residential property lines shall be defined as the lot lines of a lot that is zoned as R-1, R-2, or R-3.

**B. Solid Waste Transfer Stations and Other Central Processing Facilities**

Solid waste transfer stations, materials resource recovery facilities, and legitimate recycling facilities are all considered types of central processing facilities for the purpose of handling and processing solid wastes that are permitted in the Landfill District. All structures and activities related to such uses shall maintain the minimum setbacks as established in the Ohio Administrative Code or the following local requirements, whichever are greater:

1. All structures and activities, except parking, fencing, and offices, shall be set back 1,000 feet from a residential property line in existence, outside of the Landfill District, on the date the rezoning application was received by the Loudon Township Zoning Board.
2. The maximum height for buildings shall be sixty (60) feet.

**C. Other Permitted Uses.**

All other uses permitted within the Landfill District not specifically identified in Paragraphs (A) or (B) above shall comply with the following regulations, and other requirements elsewhere in this Resolution, as applicable.

1. The maximum height for buildings shall be sixty (60) feet. For each foot beyond forty-five (45) feet in building height, there shall be an additional one-foot setback for the front, side, and rear yard setbacks.
2. There shall be a minimum front and rear setback of thirty-five (35) feet.
3. There shall be a minimum side yard setback of twenty (20) feet on each side.
4. There shall be a minimum lot area of one (1) acre.

**408.05 Use Operating Requirements**

All permitted uses of the Landfill District must also comply with the following requirements pertinent to use operation.

**A. Noise and Light Control**

1. All motorized equipment utilized for a permitted sanitary landfill facility, central processing facility, or construction/demolition debris disposal facility use of operation shall be subject to the Loudon Township Resolution for control of noise.
2. On site lighting shall be located, directed, or designed in such a manner as to contain and direct only to the property on which the permitted Landfill District use is located. Lighting shall comply with the regulations of Article 6.

**B. Vibration and Blasting**

1. The operation of stationary and mobile equipment shall not cause vibrations in excess of that permitted by applicable federal and state law.
2. All blasting activities shall be prohibited.

**C. Litter Control**

Fence screening and/or landscaped mounding of suitable design and installation shall be utilized where necessary to control against fugitive waste being transported off the site of a permitted use facility by wind or water forces. Any and all wastes that escape the use facility site by such means shall be recollected and contained by the owner/operator of the facility for proper

required disposal and the use site facility shall be kept in a neat and well-kept condition at all times.

**D. Odor Control**

All uses shall require misting systems, backup systems, or alternative odor control programs to assure there is sufficient control of offensive odors. This requirement may be waived by the Board of Zoning Appeals for uses other than sanitary landfill facilities if the applicant can demonstrate that the proposed use will not require odor control systems.

**E. Transportation Safety and Sufficiency**

Ingress and egress intersections of use facility roads and driveways at public roads shall be designed and located as approved by the Seneca County Engineer and/or the Ohio Department of Transportation as appropriate. Approval is contingent on design safety regarding intersection sight-distance and sufficiency of lane provisions and traffic control signals and signage in the effected vicinity of such intersections.

**F. Landscaping**

All development shall meet the minimum landscaping and buffering requirements established in Article 3 with the addition of the following:

1. Proposed methods of control for insects, rodents, and other disease vectors.
2. Proposed methods for screening.
3. The site shall contain mounding or screening adequate to obscure the view of the landfill operation from any public street, existing dwelling unit, or any residentially zoned property.
4. The site shall be limited to areas where surface or underground water pollution will not occur. The board of Zoning Appeals may impose any conditions it deems necessary to prevent water pollution.
5. The site shall not be accessible from any established residential area.
6. The site shall be so located as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.
7. A competent employee of the landfill shall be on duty during the time the landfill site is open to supervise the unloading of refuse.
8. There shall be no open storage or burning of refuse or garbage.

9. Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine landfill operations promptly in a systematic manner.
10. All animal remains shall be excluded from the site.
11. A compacted layer of at least six (6) inches cover shall be placed on all exposed refuse by the end of each working day.
12. Suitable measures shall be taken to control fires.

#### **408.06 Zoning Amendment Requirements**

The following shall be required during the zoning amendment procedure.

- A. The appropriate application and fee are submitted to the Loudon Township Zoning Board as required according to Article 9.
- B. A traffic impact study identifying the proposed impact of the permitted Landfill District use on the surrounding roadway network shall be prepared by the applicant, prior to the application for a zoning map amendment, or facility operator demonstrating proposed mitigation techniques to mitigate anticipated traffic impacts. Such study and proposed improvements shall be approved by the Seneca County Engineer or Ohio Department of Transportation.

#### **408.07 Zoning Certificate Requirements**

- A. The appropriate application and fee shall be submitted to the Loudon Township Zoning Board as required according to Article 7, Section 702.
- B. A site plan shall be prepared in order to demonstrate compliance with the provisions of this section and shall be submitted with any application. The plan shall illustrate compliance with the provisions of this Resolution.
- C. No use for which a permit to install from the Ohio Environmental Protection Agency is required by law shall be allowed until such time as such a permit is issued and a copy of the permit is submitted to the Loudon Township Zoning Board.

## ARTICLE 5 PARKING AND LOADING REGULATIONS

### 501 OFF-STREET PARKING AND LOADING REGULATIONS

In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for use of occupants, employees, and patrons of buildings hereafter erected, altered, or extended after the effective date of this Resolution shall be provided and maintained as herein prescribed.

- A. Whenever a use requiring off-street parking is increased in floor area, additional parking space shall be provided in amounts hereafter specified for that use, if the total parking space does not meet the minimum area to serve the increased floor area.
- B. Off-street parking required lot or parking garage facilities for one and two-family dwellings shall be located on the same lot or plot of ground as the building served. Off-street parking shall be within three hundred (300) feet of the building intended to be served. An industry which employs one hundred (100) or more employees may supply off-street parking at a distance greater than three hundred (300) feet from such industry upon approval of the zoning commission.
- C. The off-street parking requirements for uses not specifically mentioned herein, shall be the same as those required for uses of a similar nature.
- D. Collective off-street parking facilities may be provided; however, such facilities shall contain as many spaces as would otherwise be individually required.
- E. The amount of off-street parking space required for uses, buildings or additions thereto shall be determined according to the following requirements and shall be reserved for such use.
- F. Parking lots or areas adjacent to public streets shall have driveways or openings not to exceed twenty-five (25) feet in width at the curb line. All such lots or areas shall have a protective wall or bumper block at least five (5) feet from any sidewalk line and said lots shall be so designed that all vehicles leaving the facility will be traveling forward at a 90-degree angle to approaching traffic.
- G. Detailed plans shall be submitted for approval of all cuts or driveway openings in commercial and manufacturing districts before a building permit may be obtained, therefore.
- H. Entrances, exits, or driveways or maneuvering areas shall not be computed as any part of a required parking lot or area.

- I. Off-street parking and loading regulation for commercial and industrial districts are as follows:
  1. Any vehicle parking space in a commercial or manufacturing district shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this code.
  2. The vehicle parking space on any lot, as set forth and designed in this Resolution may be deemed to be the required open space on such lot.
  3. All parking spaces, drives, and isles shall be surface with a bituminous or other dust free surface and maintained in a condition conducive to public use.

#### **501.01. Required Space**

1. Dwelling Space
  - a. Single family and two-family dwelling units – Two (2) parking spaces for each dwelling unit.
  - b. Multi-family dwelling units – Two (2) parking spaces for each unit.
2. Rooming houses, lodging houses, boarding houses – One (1) parking space for each guest room plus two (2) spaces for the permanent occupant.
3. Hotels, motels, tourist homes, or cabins – One (1) parking space for each one (1) sleeping room.
4. Mobile home court – Two (2) parking spaces adjacent to each mobile home site.
5. Business and professional offices and banks – One (1) parking space for each one hundred fifty (150) square feet of floor space area, excluding basement and hallways.
6. Office buildings – One (1) parking space for each two hundred (200) square feet of floor area, excluding basement and hallways.
7. Medical and dental offices and clinics – Five (5) parking spaces for each physician or dentist plus one (1) for each employee.
8. Funeral homes and mortuaries – twenty-five (25) parking spaces for first viewing room and fifteen (15) for each additional viewing room.
9. Retail stores, supermarkets, etc. – one (1) parking space for each one hundred (100) square feet or floor area.

10. Furniture and appliance stores, builder's supply stores, showroom of plumbers, decorator, electrician, or similar trades, shoe repair, and other similar uses – One (1) parking space for each eight hundred (800) square feet of floor area.
11. Motor vehicle sales and service – one (1) parking space for each four hundred (400) square feet of floor area of sales room and one (1) additional parking space for each auto service stall in the service room.
12. Auto service station –Minimum eight (8) parking spaces.
13. Beauty parlors and barber shops – two (2) parking spaces for each beauty or barber shop chair.
14. Laundromats – one (1) parking space for each Two (2) washing machines.
15. Restaurants – one (1) parking space per Three (3) seats of seating capacity.
16. Establishments for the sale and consumption of the premises of foods, beverages, or refreshments – one (1) parking space per Two (2) seats of seating capacity.
17. Theaters – one (1) parking space for each Four (4) seats.
18. Dance halls, skating rinks, private clubs, and other assembly halls without fixed seats – one (1) parking space per one hundred (100) square feet of floor area.
19. Bowling alleys – four (4) parking spaces for reach alley plus one (1) for each two (2) employees.
20. Wholesale establishments – one (1) parking space for each employee.
21. Industrial establishments – one (1) parking space for each total number of employees on any two consecutive shifts having the largest number of employees.
22. Auditorium, stadium, and similar uses– one (1) parking space for each four (4) seats based on maximum seating capacity.
23. Churches – one (1) parking space for each for (4) seats in principal auditorium based on maximum seating capacity.
24. Clubs, lodges, and fraternity houses – one (1) parking space per two hundred (200) square feet of floor space or one (1) parking space per four (4) seating spaces in the assembly room, whichever is greater.
25. Golf clubs, swimming clubs, and similar uses – one (1) parking space for each five (5) members.

26. Libraries and museums – one (1) parking space for each five hundred (500) square feet of floor space.
27. Hospitals – one (1) parking space for each two (2) beds.
28. Sanitariums, children’s homes, convalescent homes – one (1) parking space for each six (6) beds.
29. Elementary and junior high schools – one (1) parking space for each teacher, employee, or administrator.
30. Senior high schools – one (1) parking space for each teacher, employee, or administrator and one (1) for each ten (10) students.
31. Colleges and universities, or technical training centers – one (1) parking space of each 1.5 students and one (1) for each teacher, employee, or administrator present during daytime operation.
32. In all commercial districts a minimum area of two hundred (200) square feet per car shall be used in computing the areas to be used for parking, excluding driveways.

## 502 REQUIRED OFF-STREET LOADING SPACE

On the same premises with every building structure, or part thereof erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include ten (10) feet by twenty-five (25) feet loading space, with fourteen (14) feet height clearance for every ten thousand (10,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor area or land for the above-mentioned purposes.



## ARTICLE 6 SIGN REGULATIONS

### 601 PURPOSE

The purpose of sign regulations is to control the location and size of signs used in outdoor advertising within the limits established in R.C. 519.20 and requirements of the Ohio Department of Transportation. R.C 519.20 states in part – “Outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes.” Signs involving any candidate for public elective office, or any social or political issue are not subject to this Resolution.

### 602 SIGNS ON LAND USED FOR AGRICULTURAL PURPOSES OR ON LANDS IN A COMMERCIAL OR INDUSTRIAL DISTRICT

Signs on land used for agricultural purposes, in a Commercial District or Industrial District shall be considered a business or trade use and be required to maintain the same setback, side-yard, rear-yard, and height requirements as commercial uses and structures in a Commercial District. These requirements are set forth in Article 4, Section 404, Subsections 404.04 and 404.05, and Section 405, Subsection 405.04.

Exceptions to this are:

- A. One non-illuminated sign advertising the sale, rental or lease of the property or building, not exceeding eight (8) square feet in area on any lot.
- B. Signs incidental to the legal process and necessary to the public safety and welfare.
- C. One non-illuminated sign with a surface area not exceeding two hundred eighty-eight (288) square inches which denotes the name of occupant or home occupation on each lot on which the dwelling unit is located.
- D. One sign with a surface area not exceeding twelve (12) square feet, which identifies the use of the premises for each of the following types of conditionally permitted uses in the Commercial and Residential Districts.
  - a. Cemetery
  - b. Church or other place of religious worship.
  - c. Private or governmentally owned and /or operated park, playground, and golf course, and riding academy.

- d. Institutions for medical care, hospital, clinic, convalescent home, sanitarium, home for the aged, nursing home, and philanthropic institution and childcare center.
- e. One non-illuminated real estate advertising and the development of the premises upon which it stands or the opening of a new subdivision development where such sign is located at least twenty-five (25) feet from the street right-of-way line.
- f. A directional sign which does not to exceed twelve (12) square feet in area, which directs a person to a use or business, may be located on one or more different roads from upon which the business or use is located. This sign shall be located on private property.

### 603 INDUSTRIAL DISTRICTS

Only the following types, sizes and location of signs shall be permitted in industrial districts:

- A. Any sign permitted in a commercial district.

### 604 SUPPLEMENTARY REGULATIONS

All signs and billboards are subject to the following regulations:

- A. No sign or billboard shall be erected closer than fifty (50) feet to any intersection, with the exception of those signs incidental to the legal process and necessary to the public welfare of those business signs attached to a building or structure.
- B. All signs and billboards erected within two hundred (200) feet of any intersection must be erected so as not to obstruct traffic sight lines at street intersections or railroad crossings.
- C. No sign or billboard shall be located in or projecting over a public right-of-way.
- D. Any sign or billboard illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) shall not duplicate or be similar to traffic control signals.
- E. Signs or billboards visible from a street or highway shall not resemble highway traffic control or directional lights.
- F. A permit shall be required for any sign or combination that exceeds thirty-two (32) square feet in any district.
  - a. For every square foot by which such signs or outdoor advertising structure exceeds thirty-two (32) square feet, the front setback shall be increased by one-half feet from the right-of-way.

## ARTICLE 7

### CONDITIONAL ZONING CERTIFICATES

#### 701 PURPOSE

This Resolution identifies the permitted uses for each district. However, additional uses compatible with the permitted uses, to which this Resolution refers as conditional uses, provides a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied and are dependent upon the functional characteristics of the use, competitive situations, and the availability of land. Certain kinds of uses need to be reasonably controlled by specific requirements that provide practical latitude for the investor but at the same time, maintain adequate provision for the security of the health, safety, convenience, comfort, prosperity, or general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Resolution for conditionally permitted uses that may be approved after a more detailed consideration of each conditionally permitted use as it relates to location; design; size; method of operation; and intensity of land use; which in turn, affects the volume of traffic generated and traffic movements, the concentration of population, and the kinds of public facilities and services, it requires. Conditional Use Certificates may be issued for the use of land and structure uses possessing these particularly unique characteristics with conditions and safeguard attached as may be deemed necessary for the protection of the public welfare. No Conditional Use Certificate shall be issued for a use that is not identified by this Resolution as a conditionally permitted use for the district in which it would be located.

#### 702 PROCEDURES FOR MAKING APPLICATION

##### A. Application Submitted to the Zoning Commission.

An application shall be submitted to the Zoning Commission, and it shall contain the following data:

1. The form supplied by the Zoning Commission that is completed by the applicant.
2. A site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale, and showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and the uses proposed.
3. The fee for a Conditional Zoning Certificate shall be as established by the Board of Trustees. The Zoning Commission may refer the application to qualified consultants when it deems expert advice to be necessary and the applicant shall pay for the cost of said expert advice.

#### **702.01 Review by Zoning Commission**

The Zoning Commission shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this Resolution. Such review shall be completed and made public within forty-five (45) days of the first regular monthly meeting of the Zoning Commission following the submission of such application. If the application is submitted at a regular monthly meeting of the Planning Commission the forty-five (45) day period shall begin with date of submittal.

#### **702.02 Hearing**

After adequate review and study of any application the Zoning Commission may hold a public hearing upon every application after at least one (1) publication in a newspaper of general circulation, at least ten (10) days prior to the date of the hearing. Such notices shall indicate the place, time, and subject of the hearing.

#### **702.03 Re-application**

An application for a Conditional Zoning Certificate which had been denied wholly or in part by the Zoning Commission shall not be re-submitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence of proof of changed conditions which would be sufficient to justify reconsideration by the Zoning Commission.

#### **702.04 Issuance and Revocation of Conditional Zoning Certificate**

Only upon conclusion of hearing procedures relative to a particular application may the Zoning Commission issue a Conditional Zoning Certificate. The breach of any condition, safeguard, or requirement in the certificate shall constitute a violation of this Zoning Resolution. Such violation shall be subject to enforcement pursuant to Part 1002.

### **703 STANDARDS AND REQUIREMENTS FOR CONDITIONAL USES**

The Zoning Commission shall establish beyond a reasonable doubt that both the general standards and the specific requirements pertinent to each conditional use indicated herein shall be satisfied by the establishment and operation of the proposed conditional use. The Zoning Commission may also impose such additional conditions and safeguards as it deems necessary for the general welfare, for the protection of individual property right, and for insuring that the intent and objectives of this Resolution will be observed.

#### **703.01 General Requirements**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use of the proposed location:

- A. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan;
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing of intended character of the

general vicinity and that such a 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 be served adequately by essential public facilities and services;
- F. Will be in compliance with the subdivision regulations, the Board of Health Standards, and the building code if there are such requirements;
- G. Will have vehicle approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

The Board of Zoning Appeals shall require as conditions of approval any other requirements, including guarantee that any conditions will be fulfilled, that it deems necessary to fulfill the purposes and intent of this Resolution.

#### **703.02 Specific Requirements**

- 101 Sanitariums, convalescent homes, nursing homes, and homes for the aged shall have a net residential density which shall not exceed three (3) times the number of single-family dwellings to meeting the district lot sizes on the same size parcel of land.
- 102 All structures, except minor structures such as utility poles and meters, and activity areas shall be located at least fifty (50) feet from all property.
- 103 Loudspeakers which cause a hazard or annoyance shall not be permitted.
- 104 All points of entrance or exit shall be located no closer than one hundred (100) feet from the intersection of two streets.
- 105 There shall be no more than one directional identifying sign oriented to each abutting road identifying the activity.
- 106 No lighting shall in any way impair safe movement of traffic on any street or highway.
- 107 The use shall not require costly or uneconomic extensions of utility services at the expense to the community.
- 108 Site locations that offer natural or manmade buffers that lessen the effect of the intrusion of the use should be selected.
- 109 Suitable fencing shall be required surrounding all hazardous industrial commercial business establishments operating within the Loudon Township.
- 110 Plans shall be submitted indicating the proposed stages of operation and the future uses or rehabilitation to be carried out on the site. A bond or bonds may be required to be posted guaranteeing that the above plans will be carried out.

- 111 All areas shall be rehabilitated progressively as they are worked out and left in a condition entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground to form so as to appear reasonably natural. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.
- 112 Routes for truck movement shall be established and followed in such a way that traffic and other hazards and damage to other properties shall be minimized.
- 113 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual, or to the community in general; a bond may be required to insure that this provision will be met.
- 114 Subject to the following conditions for home business use:
- A. The use shall be secondary in importance to the use of the dwelling for dwelling purposes.
  - B. The use shall be conducted by the occupant with no employees.
  - C. The use shall be carried on entirely within the dwelling or in an accessory building which shall not exceed six hundred (600) square feet in area.
  - D. The home occupation shall not occupy more than thirty (30) per cent of the floor area of the dwelling.
  - E. The use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
  - F. The proposed use shall not generate noise, odor, dust, smoke, electromagnetic interference, or vehicular or pedestrian traffic in an amount which tend to depreciate the residential character of the neighborhood or deter from the public health, safety, morals, comfort, and general welfare of the area.

### **703.03 Solar Energy**

#### **Purpose**

The purpose of this section is for Loudon Township to regulate solar energy projects generating less than 50 megawatts for the purpose of promoting the health, safety, comfort, and general welfare of its residents and to conserve property values, which may be approved as a conditional use in any district.

#### **101 Permits**

A building permit shall be obtained for a solar energy system from the zoning inspector in accordance with the building and electrical codes.

The following items and or information shall be provided when applying for the permit:

- A. A site plan shall be submitted at the time of application and shall include property lines and physical dimensions of the site and location of structures on property; location of solar energy system(s) on the structure in which it is located and all related equipment; elevation of the proposed system at its maximum tilt; and the manufacturer's specification, including make, model, and picture.

**102 Solar energy projects generating less than 50 megawatts shall be allowed as a conditional use in any district subject to the following regulations:**

- A. Attached to buildings: solar panels may be attached to the roof or the building wall. Separate flush mounted solar panels may only be located on a roof. Roof mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
- B. Flush mounted solar panels on the building wall may only be attached to one side or rear building façade and shall not face a street.

**103 Free standing solar panels that are not attached to a building wall shall be permitted as an accessory structure subject to the following regulations:**

- A. Free standing solar panels shall be permitted in the rear yard only.
- B. Solar panels shall be setback according to the setback requirement and set back a minimum of five (5) feet from any lot line.
- C. Solar panels shall not exceed a height of four (4) feet.
- D. The surface area covered by a free-standing system shall not exceed one hundred eighty (180) square feet.
- E. All power transmission lines shall be underground.
- F. Free standing solar panels shall not be visible from adjacent property and shall be screened by landscaping where necessary.
- G. Solar energy systems shall conform to applicable industry standards.
- H. Signage is prohibited on a solar energy system.

**104 Maintenance**

- A. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are no longer producing electricity, become damaged, discontinued or broken.
- B. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within ninety (90) days of removal.

**703.04 MOBILE HOME PARK DISTRICT**

**Intent and Purpose**

The purpose of the Mobile Home Park District is to provide sites for mobile homes at appropriate locations in relation to existing and potential development of the surroundings other land uses, and community facilities. By realizing the special requirements of the mobile home and specifying the provisions under which mobile home parks may be established, this district is intended to provide a proper setting for such uses in relationship to other land uses.

**101 Conditions for Mobile Home Parks:**

- A. In addition to the other requirements of this section, the application for approval of a mobile home park shall include any other data the Zoning Inspector or Board of Zoning Appeals may require in association with the rules, regulations, and laws of other political entities at the local, state, or federal level.
- B. Each boundary of the park must be at least two hundred (200) feet from any permanent residential building outside the park, unless separated by a natural or artificial barrier.
- C. The park shall be graded so that it is well drained.
- D. Trailer spaces shall be a minimum of eight hundred (800) square feet of each space and at least fifty (50) feet wide, with lot lines clearly defined or delineated.
- E. There shall be at least a twenty (20) feet clearance between trailers. No trailer shall be closer than twenty (20) feet from within the park or ten (10) feet from any property line bounding the park.
- F. All trailer spaces shall abut upon a driveway of not less than thirty-four (34) feet in pavement width, which shall have unobstructed access to a public thoroughfare. All paving shall meet the requirements of County Street standards and will be lit at night with electric lamps of not less than two



thousand (2000) lumens each spaced at intervals of not more than one hundred twenty (120) feet. Lighting shall be shielded to direct light onto the roads only.

- G. All trailers shall have a minimum width of ten (10) feet and a minimum of eight hundred (800) square feet, excluding porches, Florida rooms, and other similar structures.
- H. Each park may provide service buildings to house laundry, storage facilities and offices. Walkways not less than three (3) feet wide and paved shall be provided from the trailer spaces to the service buildings. A central vehicle parking area shall be provided to supply off-street parking at a ratio of one space for each three (3) trailer spaces.
- I. An electric outlet supplying at least 220 volts shall be provided for each trailer space.
- J. Each trailer space shall be provided with a water tap to supply pure and adequate water for drinking and domestic purposes.
- K. Each trailer space shall be provided with a trapped sewer at least four (4) inches in diameter which connects with a centralized disposal system.
- L. Adequate garbage and rubbish cans shall be provided no further than three hundred (300) feet from any trailer space.
- M. An open space recreation area shall be provided within the boundaries of the trailer park. The size of the area shall be one acre for the first ten (10) trailer spaces plus 1/20 of an acre for each additional trailer space in the park.
- N. Each park shall always be equipped with adequate fire extinguishing equipment as determined by the Bascom Joint Fire District Volunteer Fire Department Chief.
- O. The owner holding a permit, or a duly authorized attendant or caretaker shall be always in charge to keep the trailer park, its facilities and equipment in a clean, orderly, and sanitary condition and free from any condition that will menace the health of any occupant or the public or constitute a nuisance.
- P. The minimum size of the park area shall be no less than forty (40) acres.
- Q. All state and local Health Department regulations shall be complied with.

**102 The use shall be permitted under the following conditions for Campgrounds:**

- A. The minimum size of the area shall be forty (40) acres.
- B. All State and local Health Department regulations shall be complied with.
- C. The maximum period of occupancy for any trailer or other camping facility shall not exceed ninety (90) days in any calendar year. There shall not be any permanent occupancy on the area other than for the owner, operator, and caretakers in the area.
- D. No campsites shall be closer than two hundred (200) feet to any adjacent property.
- E. A store will be permitted to sell supplies to the camp area occupants. The store shall not be closer than twenty (20) feet to any adjacent property or street right-of-way.
- F. The number of campsites available shall not exceed three (3) campsites or camping trailers for each acre of ground contained in the area.
- G. Sign Regulations - See Article 6, Section 602, D 3.

**703.05 Private Accessory Swimming Pools:** Private accessory swimming pools may be permitted in any district provided the following provisions are met:

- A. The pool is intended solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.
- B. It may not be located closer than ten (10) feet to any property line and may not encroach upon any required front yard, side yard, or any required onsite wastewater leaching areas designed by the Seneca County Health Department.
- C. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any other property or any public street.

**703.06 Wind Turbines**

**Purpose**

The purpose of this section is to establish general guidelines for the location of wind turbine generators and anemometer towers and individual wind turbine systems to protect the public health, safety, comfort, and general welfare of the residents of Loudon Township, and to protect the scenic beauty of the area from unnecessary and unreasonable visual interference and noise. Wind farms of 5MW or less shall be governed by the following regulations. Wind farms of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small wind farms less than 5MW and used solely for agriculture are exempt from this Resolution.

This section seeks to:

- A. Protect residential and agricultural areas from potential adverse impact of wind turbines.
- B. Permit wind turbines in selected areas in any district for onsite residential, commercial, or industrial uses, subject to the terms, conditions, and provisions hereof.
- C. Ensure the public health, welfare, and safety of Loudon Township's residents in connection with wind turbines.
- D. Avoid potential damage to real and personal property from wind turbines or anemometer towers or the failure of such structures and related operations.

**101 Permits**

- A. A conditional zoning certificate shall be required before construction of an individual wind turbine system. The following items and or information shall be provided when applying for the permit.
- B. Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine.
- C. Only freestanding towers will be permitted (no guide wires).
- D. An engineering report that shows:
  - a) The total size and height of the unit.
  - b) The total size and depth of the unit's concrete mounting pad.
  - c) An average decibel rating for that particular model.
  - d) A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices and lightning protection.
  - e) Data specifying the kilowatt size and generating capacity of the particular unit.
- E. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public rights-of-way, and neighboring properties.
- F. Evidence of a "clear fall zone" with the manufacturer's recommendations must be attached to the engineering report.
- G. Color of the unit as well as the location and size of the manufacturer's identifying logo shall be included in the plan.

- H. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled and removed shall be required as part of the permit.
- I. The small wind turbine wire shall be placed underground to any structures.
- J. The applicant shall notify the Zoning Inspector if operation of the wind turbine cease and it shall be removed within twelve (12) months of ceasing operations.
- K. No grid-interconnected wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install a grid-connected customer-owned generator. Off-grid systems shall be exempt from this requirement.

**102 Height and Acreage**

The maximum height of any turbine shall be 125 feet, which includes the tower and the maximum vertical height of the turbine's blades. Maximum height shall be calculated by measuring the length of a prop at the maximum vertical rotation to the base of the tower. A wind turbine shall be located on a minimum of one (1) acre.

**103 Setbacks**

A free-standing wind turbine system erected on a parcel of land must establish a "clear fall zone" from all neighboring property lines and structures, as well as any structures on a parcel intended for the turbine. A wind turbine must be erected and placed in such a manner that if it were to fall, the entire system would be contained solely on the property where the turbine was installed and would not strike any structures including the primary dwelling and any accessory buildings or uses. Wind turbines shall be set back a distance equal to 1.5 times the overall blade tip height of the wind turbine from the nearest existing occupied structure and no less than 1.5 times the height of the wind turbine from the nearest property line and private or public way.

**104 Decibel Levels**

Decibel levels for the system shall not exceed forty (40) decibels (DBA) measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms. This standard does not apply to any dwelling owned by the person who owns or leases land for the system.

**105 Lighting**

The maximum lighting used for or on the structure is a low intensity red light designed by the Federal Aviation Administration.

**106 Aesthetics**

The wind energy system, including the prop blades, turbine, cowling and tower shall be painted or coated non-reflective white, gray or sky blue. Logos or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the turbine. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility with a 24-hour emergency contact phone number and warning of any danger.

**107 Unauthorized Access**

Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access.

**108 Shadow Flicker**

Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

**109 Ice Throw**

The applicant must show through engineering data that the setbacks and or composition of the rotors will be sufficient enough to prevent damages from ice throw.

**110 Maintenance**

Wind turbines must be maintained in good working order. The owner shall, within thirty (30) days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than twelve (12) months following abandonment. All costs associated with the demolition of a wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Wind turbines that become inoperable for more than twelve (12) months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

## ARTICLE 8

### NON-CONFORMING USES

#### 801 PURPOSE

The purpose of this section is to (1) define the legal status of buildings and land uses which do not conform to this Resolution but which were in operation prior to the enactment of this Resolution or prior to an amendment thereof and (2) to provide either for the conversion of non-conforming uses into conforming uses as soon as reasonably possible or for the eventual and equitable elimination.

#### 802 REGULATIONS

The lawful use of any building or land existing prior to the enactment of this Resolution or prior to an amendment thereof may be continued, even though such use does not conform with the provisions of this Resolution; however, to achieve the purposes of this section the following regulations shall apply.

##### **802.01 Alterations**

A building or structure containing a non-conforming use may be altered, improved, or reconstructed provided such work does not exceed the aggregate cost of the assessed value of the existing building or structure.

##### **802.02 Extension**

A non-conforming use shall not be extended, but the extension of a lawful use to any portion of a building or structure which existed prior to the enactment of this Resolution shall not be deemed the extension of such non-conforming use.

##### **802.03 Restoration**

Whenever a building, the use of which does not conform to the provisions of this Resolution, is damaged by fire, explosion, or an act of God to the extent of sixty (60) percent or less of its assessed value, it may be restored on its original site with no variance required if restoration is started within eighteen (18) months, after which it must conform with the district regulation of the district in which it is located.

##### **802.04 Displacement**

No non-conforming use shall displace a conforming use.

##### **802.05 Change in Use**

A non-conforming use may be changed to another non-conforming use provided that the Board of Appeals determines that the proposed non-conforming use is in the same Zoning District Uses as the prior non-conforming use or in the uses listed as permitted in a more restricted Zoning District.

#### **802.06 Discontinuance and Abandonment**

Whenever a non-conforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered legal abandonment of the non-conforming use. At the end of that two (2) year period, the non-conforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Resolution. No additional structure not conforming to the requirements of this Zoning Resolution shall be erected in connection with such nonconforming use of land.

#### **802.07 A Change of Zoning Districts**

Whenever the boundaries of a district are changed so as to transfer an area from one district to another or a different classification, the foregoing provisions shall also apply to any non-conforming use existing therein.

#### **802.08 Construction Approval Prior to Resolution**

Nothing in this Resolution shall prohibit the completion of construction and use of non-conforming buildings for which a zoning certificate has been issued prior to the effective date of this Resolution, provided that construction commences within ninety (90) days after the issuance of such certificate; that construction is carried on diligently and without interruption; and that the entire building shall have been completed within two (2) years after the issuance of said Zoning Certificate.

#### **802.09 Non-Conforming Conditional Uses**

Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

# ARTICLE 9 AMENDMENTS

## 901.00 PROCEDURE FOR AMENDMENTS

Amendments or supplements to the zoning resolution may be initiated by action of the township rural zoning commission, by the passage of a resolution therefore by the Board of Loudon Township Trustees or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the township zoning commission.

The Board of Loudon Township Trustees may require that the owner or lessee of the property filing an application to amend or supplement the zoning resolution pay a fee therefore to defray the cost of advertising, mailing, and other expenses. If the township trustees require such a fee, it shall be required generally, for each application.

### **901.01 TRANSMITTAL TO ZONING COMMISSION**

The board of township trustees shall upon the passage of such resolution certify it to the township zoning commission.

### **901.02 PUBLIC HEARING BY 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 from the date of the certification of such resolution or the date of the submission of such motion or the date of the filing of such application.

### **901.03 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Notice of such hearing shall be given by the township zoning commission by one publication in one or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing.

### **901.04 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION**

If the proposed amendment or supplement intends to re-zone or re-district ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the zoning commission, by first class mail, at least 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 re-zoned or re-districted to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other lists as may be specified by the Board of Seneca County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time, date and place of the public hearing, the nature of the proposed amendment or



supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the county or regional planning commission and to the Board of Loudon Township Trustees as the case may be.

**901.05 SUBMISSION TO COUNTY REGIONAL PLANNING COMMISSION**

Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the township zoning commission shall transmit a copy thereof together with the text and map pertaining thereto to the county or regional planning commission if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or supplement of the approval of some modification thereof and shall submit such recommendation to the township zoning commission. Such recommendation shall be considered at the public hearing held by the township zoning commission on such proposed amendment or supplement.

**901.06 RECOMMENDATION BY ZONING COMMISSION**

The township zoning commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and recommendation of the county or regional planning commission thereon to the board of township trustees.

**901.07 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES**

The board of township trustees shall, upon receipt of such recommendations, set a time and date for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the receipt of such recommendation from the township zoning commission.

**901.08 NOTICE OF PUBLIC HEARING NEWSPAPERS**

Notice of such public hearing shall be given by the board of township trustees by one 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 public hearing and summary of the proposed amendment or supplement.

**901.09 ACTION BY BOARD OF TOWNSHIP TRUSTEES**

Within twenty (20) days after such public hearing the board shall either adopt or deny the recommendations of the zoning commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the township zoning commission the unanimous vote of the board shall be required.

#### **901.10 EFFECTIVE DATE AND REFERENDUM**

Such amendment or supplement adopted by the board shall become effective in thirty (30) days after the date of such adoption unless within thirty days after the adoption of the amendment or supplement there is presented to the board of township trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the board of township trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

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

#### **901.11 ALTERING TEXT, REZONES, OR REDISTRICTS MORE THAN TEN (10) PARCELS OF LAND**

If the proposed amendment alters the text of the Resolution, or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

1. The name of the zoning commission that will be conducting the public hearing on the proposed amendment.
2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
3. The date, time, and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
4. The name of the person responsible for giving notice of the public hearing by publication.
5. A statement that after the conclusion of each hearing the matter will be submitted to the board of township trustees for its action.
6. Any other information requested by the zoning commission.

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

# ARTICLE 10 ENFORCEMENT

## 1001 ZONING INSPECTOR

For the purpose of enforcing the zoning regulation, the Board of Township Trustees may provide for a system of zoning certificates and for the establishment of the position of Zoning Inspector designated by the Board of Township Trustees. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct.

The term of employment, rate of compensation, and other conditions shall be set by the Board of Township Trustees.

The Township Zoning Inspector, before entering upon his duties, shall give bond as specified in Section 519.161 of the Ohio Revised Code.

For the purpose of the enforcement of this Resolution, the Zoning Inspector shall have the powers defined and outlined by the Ohio Revised Code, Constitution, and court decisions.

### **1001.01 Duties of the Zoning Inspector**

For the purpose of this Resolution, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this Resolution are violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
2. Order discontinuance of any illegal work being done.
3. Order removal of illegal additions or structural alterations.
4. Take any other action authorized by this Resolution to ensure compliance with or to prevent violations(s) of this Resolution. This shall include issuance of and action on Zoning Certificates and such similar administrative duties as are permissible under the law.

### **1001.02 Zoning Certificate**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established, or its use changed without a certificate therefore, issued by the Zoning Inspector.

Zoning certificates shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector received a written order from the Board of Zoning Appeals as provided by this Resolution or is ordered by a court to do so.

### 1001.03

### Contents of Application for Zoning Certificate

The application for a zoning certificate shall be signed by the owner or applicant, attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the certificate shall expire and may be revoked if work has not begun within one hundred eighty (180) days and the exterior must be completed within eighteen (18) months.

The application shall contain the following information:

1. Name, address, and phone number of applicant, if not the owner.
2. Name, address, and phone number of owner.
3. Legal description of the property.
4. Existing use.
5. Proposed use.
6. Plat in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building or alteration.
7. Building height.
8. Front, side, and rear yard setback.
9. Number of dwelling units.
10. Such other matter as may be necessary to determine conformance with, and provide for, the enforcement of this Resolution.
  - a. If the application is for a conditional zoning certificate, the application procedure defined in Section 701 will be followed in lieu of the above regulations.
  - b. Within ten (10) days after receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution.

All zoning certificates shall, however, be conditioned upon the commencement of work within one hundred eight (180) days. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either approved or disapproved and attested to the same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or construction is in conformance of this Resolution.

**1001.04 Certificate of Occupancy**

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

**1001.05 Failure to Comply**

Failure to obtain a required zoning certificate or certificate of occupancy shall be a violation of this Resolution subject to enforcement pursuant to Part 1002. The breach of any condition, safeguard, or requirement in a zoning certificate shall constitute a violation of this Zoning Resolution subject to enforcement pursuant to Part 1002.

**1001.06 Permit Fees, Charges and Expenses**

The Board of Township Trustees shall establish a schedule of fees, charges and expenses and a collection procedure for permits, appeals, requests for zoning amendments, conditional use permits, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the Loudon Township Trustees and may be altered or amended only by the Board of Township Trustees.

Until all fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

**1002 VIOLATIONS**

**1002.01 Inspection and Correction of Violations**

It shall be the duty of the Zoning Inspector to see that any building erected, altered, moved, razed, or converted or any use of land or premises carried on in violation of any provision of this Resolution is inspected and the Zoning Inspector shall declare each violation a nuisance and, in writing, order correction of all conditions which are found to be in violation of this Resolution.

**1002.02 Correction Period**

All violations shall be corrected within a period of ten (10) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector in written order. This provision shall not be construed to prohibit the enforcement of the violated requirement through legal action or other means prior to the issuance of such an order or prior to the end of the correction period.

**1002.03           Complaints Regarding Violations**

Whenever a violation of this Resolution occurs, or alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

**1002.04           Penalties**

Any person, firm, or corporation violating any provisions of this zoning resolution or supplements or amendments thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned not more than thirty (30) days or fined not more than \$1000.00 or both. Each day's continuation of a violation of this resolution of any amendments, thereto, shall be deemed a separate offense.

**1002.05           Injunction or other Appropriate Action**

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changes, maintained, or used or any land is or is proposed to be used in violation of Sections 519.01 to 591.99 inclusive, of the Revised Code, or of any regulation or provision adopted by the Loudon Board of Township Trustees under such section, such board, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, enlargement, change, maintenance or use. The Board of Loudon Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any action brought under this section.

**1003   CONDITIONAL USE PERMITS**

Conditional uses shall be permitted only upon issuance of a conditional use permit by the Board of Zoning Appeals submitted by at least one owner of the property. At a minimum, the application shall contain the following information:

**1003.01           Application**

An application for a conditional use permit by at least one owner of the property is required prior to any authorization by the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

- a.       Name, address, and telephone number of applicant.
- b.       Date.
- c.       The lot, name and number or legal description of the property.

- d. Description of the proposed conditional district.
- e. Description of the proposed conditional use.
- f. A site plan of the proposed site for the conditional use showing the scale, north arrow, location of all buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, open spaces, landscaping, refuse and service areas, fire hydrants, utilities, rights-of-way, signs, yards, and other such information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- g. A plan for screening when applicable.
- h. A narrative statement discussing the merits of the proposal.
- i. Such other information as may be required by the Board of Zoning Appeals.
- j. A fee as established by the Township /trustees.

**1003.02**

**Conditional Use Standards**

Conditional uses may be permitted provided that such uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Resolution.

- a. The use is so designed, located, and proposed to be operated so that the public health, safety, welfare, and convenience will be protected.
- b. The use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- c. The use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located.
- d. The use shall be compatible with adjoining development and the proposed character of the zoning district where it is to be located.
- e. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such services adequately.

# ARTICLE 11

## BOARD OF ZONING APPEALS

### 1101 AUTHORITY

The Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and this Resolution.

### 1102 COMPOSITION, APPOINTMENT, AND ORGANIZATION

The Board shall consist of five (5) members. Each member shall be appointed by the Board of Township Trustees for a period of five (5) years and terms shall be so arranged that the terms of one (1) member shall expire each year. Each member shall serve until his successor is appointed. The Board of Zoning Appeals shall elect a Chairperson from its membership, shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs. Members of the Board shall be removed by the Board of Township Trustees for nonperformance of duty or misconduct in office, after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the members so charged at least ten (10) days prior to the hearing either personally or by registered mail or by leaving same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. The Board of Township Trustees shall appoint a new member to replace the removed member for the balance of the unexpired term.

### 1103 QUORUM

The Board of Zoning Appeals shall require a quorum of three members at all of its meetings, and a concurring vote of a majority of members in attendance shall be necessary to issue a decision.

### 1104 MEETINGS

The Board of Zoning Appeals shall meet at the call of its chairperson or two (2) other members, and at such other regular times as it may, by resolution, determine. All meetings of the Board shall be open to the public.

### 1105 POWERS AND DUTIES

- A. To hear and decide appeals where it is alleged there is error in any order requirement, decision, or determination made by the Zoning Inspector in the administration or enforcement of this Resolution.
- B. To authorize upon appeal, in specific cases, variances from the specific requirements of this Resolution as will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship and so that the spirit of the Resolution shall be observed and substantial justice done.
- C. To grant conditional zoning certificates for the use of land, buildings, or other structures as provided for elsewhere in this Resolution.



1106 APPEALS AND APPLICATIONS

**1106.01 Authority of the Board of Zoning Appeals**

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved by, or by any Township official affected by, an order, requirement, decision, or determination made by the Zoning Inspector in the administration or enforcement of this Resolution. The Board of Zoning Appeals may reverse or affirm, wholly or in part or modify the order, requirement, decision, or determination as in its opinion ought to be done, and to that end shall have all the powers of the Zoning Inspector from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board of Zoning Appeals shall decide all such appeals within a reasonable time. The Board of Zoning Appeals shall consider and rule on all applications for variances and conditional zoning certificates submitted to the Board of Zoning Appeals within a reasonable time.

**1106.02 Procedure**

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 prescribed forms. An appeal of an order, requirement, decision, or determination made by the Zoning Inspector in the administration or enforcement of this Resolution shall be submitted to the Board of Zoning Appeals and the Zoning Inspector within 30 days after the appellant receives written notice of the Zoning Inspector’s action. Applications for variances and conditional zoning certificates shall be submitted to the Board of Zoning Appeals with a copy to the Zoning Inspector. Every appeal or application shall identify the grounds for the appeal or application and the relief requested. In cases of appeals, the Zoning Inspector shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appealed action is based. Every decision of the Board of Zoning Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals, together with all documents pertaining thereto. In the event that the Board of Zoning Appeals finds it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee may be charged to the applicant in order to cover all expenses of such expert testimony.

**1106.03 Notice of Hearings**

When a notice of appeal, application for variance, or application for a conditional zoning certificate has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the request appeal upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail addressed to the parties submitting the notice of appeal, application for variance, or application for a conditional zoning certificate and notice by one publication in one or more newspapers of general circulation in the Township, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required.

**1106.04 Fees**

Any appeal, application for variance, or application for a conditional zoning certificate submitted to the Board of Zoning Appeals shall be accompanied by a fee established by the Board of Township Trustees. If the appeal is made to correct an administrative error, and if an error was found to exist by the Board of Zoning Appeals, the fee shall be returned to the applicant.

## ARTICLE 12 ZONING COMMISSION BOARD

### 1201.00 AUTHORITY

The Zoning Commission Board is hereby created and shall have all the powers and duties prescribed by law and this Resolution.

### 1202.00 COMPOSITION, APPOINTMENT, AND ORGANIZATION

The Zoning Commission Board shall consist of five (5) members, appointed by the Loudon Township Trustees. Each member shall be appointed for a period of five (5) years and term shall be so arranged that the terms of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. The Zoning Commission shall elect a Chairperson and Secretary from its membership and shall prescribe rules for the conduct of its affairs. Members of the Commission shall be removed for nonperformance of duty, misconduct in office or other cause, after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the members so charged at least ten (10) days prior to the hearing either personally or by registered mail or by leaving same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. In the event a vacancy occurs such vacancy shall be filled by the Loudon Township Trustees by appointment for the balance of the unexpired term.

### 1203.00 QUORUM

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

### 1204.00 MEETINGS

The Zoning Commission will conduct meetings at the request of the Chairperson or other members. All Zoning Commission meetings shall be open to the public.

### 1205.00 POWERS AND DUTIES

The main purpose of the Zoning Commission is advisory in nature. It is responsible for reviewing and recommending changes to the Zoning Resolution and map. The Zoning Commission also behaves as a public body in that it deliberates and makes decisions in the open; announces meetings and their purpose; establishes rules requiring citizen participation; and keeps records. It can initiate changes to the Zoning Resolution, consider changes suggested by the Loudon Township Trustees or resident of Loudon Township. Any changes contemplated must follow the Ohio Revised Code and provisions of the Loudon Township Zoning Resolution.

## ARTICLE 13

### DEFINITIONS

**Accessory Buildings or Use** - a building or use, customarily incidental and subordinate to the principal use of a building, located on the same lot or premises as the principal use of building.

**Accessory Solar Energy** – A solar collections system consisting of one or more roof/building mounted, ground/pole mounted, and/or other structure mounted solar collector devices and solar related equipment and is intended to primarily reduce onsite consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for onsite use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for onsite use may be used by the utility company.

**Adult Bookstore** – An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas” as herein defined or an establishment with a segment or section devoted to the sale or display of such material.

**Adult Booth** – Any area of a sexually oriented business establishment or tattoo parlor set off from the remainder of such establishment by one or more walls, other dividers, or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities”.

**Adult Entertainment Business** – Any establishment involved in the sale, services, or products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified.

**Adult Material** – Any of the following whether new or used: a. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.” b. Films, motions pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, description of “specified anatomical areas”, or the conduct or simulation of “specified sexual activities”. c. Instruments, novelties, devices, or paraphernalia that are designed for the use in connection with “specified sexual activities” or that depict or describe “specified anatomical areas.”

**Adult Mini Motion Picture Theater** – A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting,

describing, or relating to “specified sexual activities” or “specified anatomical areas” for observation by patron therein.

**Adult Motion Picture Theater** – A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”, for observation by patrons therein.

**Agriculture** - the use of land 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; 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. As defined in Ohio Revised Code Section 519.01 Township zoning – agriculture defined.

**Alley** - any public space of thoroughfare which has been dedicated or deeded to public travel and which affords a secondary means of access to abutting property.

**Alteration** - as applied to a building or structure, is a change or rearrangement in the structural parts or in exit facilities, or the enlargement, whether by extending on a side or by increasing in height or moving from one location or position to another.

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

**Apartment House** - a multi-family dwelling for three (3) or more families, living independently of each other, with cooking and toilet facilities in each dwelling unit.

**Auto Graveyard** - Synonymous to Junk Yard.

**Automobile Wrecking** - the dismantling or disassembling of used motor vehicles, or the storage, sale or junking of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Basement** - a story, suitable for business or habitation, partially below the level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement’s floor is less than two (2) feet below the average grade, it will be rated as the first story of ground floor.

**Boarding House** - a building where meals are provided for compensation to more than two (2) boarders, other than members of the proprietor’s family.

**Building** - Any structure having a roof supported by poles, columns, or walls that is designed for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**Building Line** - a line defining the minimum front, side, and rear yard requirements.

**Building, Height of** - the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of roof of the top story in the

case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gambrel roof.

**Building, Principal** - the building housing the principal activity performed on any lot.

**Car Port** - a covered automobile parking space not completely enclosed by walls or doors. For the purpose of this Resolution, car port shall be subject to all regulations prescribed in this Resolution for a private garage.

**Centralized Sewer System** - where individual lots are connected to a common collection system, whether publicly or privately owned and operated.

**Centralized Water System** - where individual lots are connected to a common distribution system whether publicly or privately owned and operated.

**Clear Fall Zone** – An area surrounding the wind turbine unit into which the turbine and /or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall, or otherwise become damaged, the falling structure will be confined to the primary parcel.

**Clinic, or Medical Center** - a place used for the diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention but limited to out-patients only.

**Club** - an association of persons for some common non-profit purpose, but not including groups organized primarily to render a service which is customarily executed as a business.

**Commercial Real Estate** - means any parcel of real estate in this state other than real estate containing one to four residential units. "Commercial real estate" does not include single-family residential units such as condominiums, townhouses, manufactured housing, or homes in a subdivision when sold, leased, or otherwise conveyed on a unit-by-unit basis, even though these units may be a part of a larger building or parcel of real estate containing more than four residential units. "Commercial real estate" also does not include real estate owned by a public authority as defined in section 1311.25 of the Revised Code.

**Convalescent, Nursing, or Rest Home** - any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**Court** - an occupied space, other than a yard, on the same lot with a building, which is bounded on two (2) sides by the walls of such building.

**Cowling** – A streamlined removable cover that encloses the turbines nacelle.

**Decibel** – A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

**Density of Population** - the ratio of population expressed as persons or as families, to a unit of land they occupy expressed in acres or other areal measure.

<b>District Abbreviations - Agricultural</b>	A
Rural Residential	R-1
Suburban Residential	R-2
Multi-Family Residential	R-3
Highway Commercial	HC
General Commercial	GC
Commercial Recreation Area	CR
Industrial	I
Landfill	LFD
Cemetery	CEM

**Dwelling** - a building or portion of a building designed for residential purposes, including one-family, and multi-family dwellings, but not including hotels, motels, boarding houses, and lodging houses.

**Dwelling, Multi-Family** - see Apartment House.

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

**Dwelling, Two Family** - a detached building with units designed for or converted to be occupied by two families, living independently of each other, with separate kitchen and toilet facilities.

**Dwelling Unit** - one or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes and having toilet facilities and one kitchen.

**Easement** - a right to some profit, benefit, or use out of, or over the land of another, created by grant or prescription.

**Essential Service** - the erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, or underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonable necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

**Factory Built Housing** - means a factory-built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, "factory-built housing" shall include the following:

1. **Manufactured Home.** Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.
2. **Modular Home.** Factory built housing certified as meeting the local or state building code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.
3. **Mobile Home.** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but certifiable to compliance with it.

**Family** - one or more persons occupying a premise and living as a single housekeeping unit, whether or not related by birth or marriage, as distinguished from a group occupying a boarding house, nursing home, lodging house, or hotel as herein defined.

**Garage, Public or Storage** - a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be executed.

**Gasoline Service Station** - any area of land, including any structure or structures thereon, that are used or designed for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this Resolution there shall also be deemed to be included within this term any area of structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

**Grade, Finished** - the completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**Ground Mounted Solar Energy Systems** – A solar energy system that mounts a solar panel or panels and facilities on or above the ground.

**Group Housing Development** - are those types of residential structures customarily known as garden apartment, terrace apartments, row housing units and those types of housing structures similar in character and density to such group housing.

**Home Occupation** - any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.



**Hospital or Sanitarium** - an establishment which provides accommodations, facilities, and services over a continuous period of twenty-four (24) hours, or more, for observation, diagnosis, and care, of two (2) or more individuals suffering from illness, injury, deformity, or abnormality, or from any condition requiring obstetrical, medical, or surgical services.

**Hotel** - a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or lodging house.

**Industrial Park** - a tract of land subdivided and developed according to a comprehensive plan for the use of a community of industries and containing at least one (1) street, designed solely to provide access to industrial establishments located upon it.

**Inoperable Vehicle** - a vehicle will be considered inoperable with or without parts missing if it is not legally operable on the highway.

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

**Junk** - the accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the Ohio Revised /code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

**Junk Yard** - any land or building used for the abandonment, storage, keeping, selling, exchanging, packing, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.

**Kennel - Commercial** - a facility for boarding, breeding, raising, grooming, selling, training, or other animal husbandry activities for more than three (3) dogs four (4) months of age or older for financial or other compensation. Commercial kennels do not include a facility used solely for dogs that are owned by and are for the use of the owner or operator of the facility and are not marketed for sale to other persons.

**Kitchen** - any room and/or other space used, intended, or designed to be used for cooking or for preparation of food for one (1) family.

**Lake** – a body of fresh or salt water more than five (5) acres, surrounded by land, any similar body or pool of other liquid, as oil.

**Leachate** – Water that is produced by leaching or filtering through a landfill. Leachate often contains high amounts of organic matter and toxic chemicals.

**Living Space** - that area within a structure intended, designed, erected, or used for human occupancy, but excluding any cellar or basement area, or secondary use areas.

**Loading Space** - an off-street space or berth on the same lot with a building, of contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

**Lodging of Rooming House** - a building where lodging only is provided for compensation to more than two (2) lodgers other than members of the proprietor's family.

**Lot** - for the purpose of this Resolution a lot shall be defined as any parcel or tract of land the deed for which has been recorded in the office of the Recorder of Seneca County, Ohio. Such lot shall have frontage on a public street, or on an approved private street.

**Lot, Coverage** - the area of a lot occupied by the principal and accessory buildings.

**Lot, Depth of** - if the main distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot; where the right-of-way is not established, it shall be assumed to be sixty (60) feet.

**Lot, Interior** - a lot other than a corner lot.

**Lot, Lines** - are the lines defining the limits of a lot.

**Lot, Corner** - a lot at the point of intersection of an abutting on two (2) or more intersecting streets, the angle of intersection being not more than one hundred thirty-five (135) degrees. It is the land occupied or to be occupies by the corner buildings.

**Lot, Width of** - the width measured along the minimum setback line.

**Major Thoroughfare** - a thoroughfare designed as a major thoroughfare on the land use and/or thoroughfare plan adopted by the Board of Seneca County Commissioners or a Municipal Planning Commission.

**Megawatt (MW)** – A unit of power, equal to one million watts.

**Minimum Building Setback Line** - a line back of and parallel to, the street right-of-way and at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located. Where the right-of-way line is not established it shall be assumed to be sixty (60) feet.

**Mobile Home, Trailers** - means any self propelled and non self propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation whether resting on wheels, jacks, or other foundation, and used or so constructed as to permit its being as a conveyance upon the public streets or highways.

**Mobile Home Lot** - a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

**Mobile Home Park, Trailer Park** - a parcel of land under a single ownership which has been planned and improved for the placement of mobile homes for non-transient use, sometimes termed as a mobile home court.

**Motel** - any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges, and tourist cabins.

**Nacelle** – Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

**Non-Conforming Use** - a building, structure, or use of land lawfully existing at the time of enactment of this Resolution, or any amendment or supplement thereto, and which does not conform to the regulation other than height, area, and yard requirements for the district in which it is situated.

**Open Space** - an area of land which is in its natural state or is developed only for the raising of agricultural crops, or for public outdoor recreation.

**Parking** - the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

**Parking Facility**- generally defined as a building, structure, land, used or used for off-street parking of motor vehicles.

**Place** - an open occupied space other than a street or alley permanently reserved as a principal means of access to abutting property.

**Pond** – a small, still, land-based body of water of five (5) acres or less formed by pooling inside a depression, either naturally or artificially.

**Porch** - a roofed or unroofed open structure projecting from the front, side, or rear wall of a building, and having no enclosed feature of glass, wood, or other material more than thirty-six (36) inches above the floor thereof, except wire screening and the necessary columns to support the roof.

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

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

**Public Utility** - any person, firm, corporation, governmental agency, or board fully authorized to furnish and furnishing under municipal regulation, to the public, electricity, gas, steam, telephone, telegraph, transportation, or water, or any other similar public utilities.

**Right-of-Way** - a street, alley, or other thoroughfare of easement permanently established for passage of persons or vehicles.

**Rooftop Solar Energy Systems** – A solar energy system that is mounted to a structure or building's roof on racks.

**Screening** – A structure erected, or vegetation planted as a screen designed to conceal material and operations conducted behind it.

**Sign** - Shall mean any word or words, lettering, parts of letters, figures, numerals, phases, sentences, emblems, devices, designs, trade names or trademarks, by which anything is made known; and which is affixed to, or painted, or re presented directly or indirectly upon a building, structure or place of land and directs attention to an object, place, activity, person, institution, organization or business. The word sign shall include also bill board, sign board and display sign.

**Small Wind Project** – Any wind project less than 5mw which includes the wind turbine generator and anemometer.

**Soil Stripping** – Removal of soil or topsoil.

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

**Solar Energy Equipment** – Items for the purpose of generation, transmission, and storage of electricity, including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, inverter(s), batteries, mounting brackets, racking, framing and /or foundation used for or intended to be used for the collection of solar energy.

**Solar Energy System** – A system and associated facilities that collect solar energy, which may include, but not limited to, an integrated solar energy system, rooftop solar energy system, or ground mounted energy system.

**Solar Photovoltaic (PV)** – The technology that uses a semiconductor to convert light directly into electricity.

**Stable** - a structure for the display and sale of products with no space for customers within the structure itself.

**Stone Quarry** – A type of open-pit mine in which dimension stone, rock, construction aggregate, riprap, sand, gravel, or slate are excavated from the ground.

**Story, Half** - a space under a sloping roof which has the line of intersection of a roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished for the use. A half story containing independent apartment or living quarters as a full story.

**Story, Height of** - The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost floor is the distance from the top surface of the floor to the top or living quarters as a full story.

**Street or Road Line** - a lot line separating a lot from an adjacent street.

**Street, Public** - a public thoroughfare which has been dedicated or deeded to the public for public use and accepted by the County Commissioners or Township Trustees, and which affords principal means of access to abutting property.

**Structure** - anything constructed or erected which requires location on the ground, including buildings, signs, and billboards, but not including fences or walls used as fences.

**Structural Alterations** - any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

**Surface Mining** - All or any part of a process followed in the production of minerals from the earth or from the surface of the land by surface excavation methods, such as open pit mining, dredging, placering, or quarrying.

**Swimming Pool** - A pool or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

**Tank, Storage** - in reference to petroleum or chemical products, a closed vessel for the storage of liquid hydrocarbon substances at atmospheric pressure.

**Tourist Home** - a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

**Use** - the purpose, or activity, for which land or a building or structure is arranged, designed, or intended, or for which it is occupied or may be occupied or maintained.

**Use, Accessory** - See accessory building or use.

**Use, Conditional** - a use which is permitted in a district, or zone, only in certificate therefore is expressly authorized by the Board of Zoning Appeals in accordance with provisions of this Resolution.

**Use, Seasonal** - the occupation of any building, or structure, or activity for a period not to exceed more than six (6) months or any one calendar year.

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

**Width, Side Yard** - The perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on sand lot.

**Wind Power Turbine Owner** – The person or persons, who owns the wind turbine structure.

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

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

**Yard** - an open area other than a court, on a lot, unoccupied and unobstructed from the ground upward.

**Yard Depth, Front** - the perpendicular distance between the street right-of-way line and the nearest portion of any structure existing or to be constructed. Where the right-of-way is not established, it shall be assumed to be fifty (50) feet.

**Yard Depth, Rear** - an open unoccupied space on the same lot with any structure between the rear line of the building and the rear line of the lot and extending the full width of the lot.

**Zoning Certificate, or Permit** - a document issued by the Zoning Inspector authorizing the use of lots, structures uses of land and structures and the characteristics of the uses.

**Zones or Districts** - refers to a section of this Resolution for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

# APPENDIX

**APPLICATION FOR CONDITIONAL ZONING CERTIFICATE FORM**

**Pursuant to Loudon Township Zoning Resolution Section 1001.02 the undersigned hereby makes application for a Conditional Zoning Certificate.**

**The good cause for granting this application is:**

**The address of the property seeking the Conditional Zoning Certificate:**

**The owner of the property seeking the Conditional Zoning Certificate:**

**The name of any other party or entity seeking the Conditional Zoning Certificate:**

**Date** \_\_\_\_\_

**Name** \_\_\_\_\_



## APPLICATION FOR ZONING VARIANCE FORM

**Pursuant to Loudon Township Zoning Resolution Section 1106 the undersigned hereby makes application to the Board of Zoning Appeals for a zoning variance.**

**The good cause for the variance is:**

**Address of the property:**

**Owner of the property:**

**Name of other interested persons or entities to this Application:**

**Date**\_\_\_\_\_ **Name**\_\_\_\_\_

# Loudon Township Zoning Inspector

## ZONING CERTIFICATE

**In Re:**

**Applicants Name** \_\_\_\_\_

**Applicants Address** \_\_\_\_\_

**Address of Property Subject**

**To Requested Permit** \_\_\_\_\_

On \_\_\_\_\_ the Loudon Township Zoning Inspector inspected the property subject to Applicant's application for Zoning Permit listed above. The Zoning Inspector granted said application and hereby issues this Zoning Permit with respect to the subject property only. The use and/or construction relating to the subject property conforms to the provisions of the Loudon Township Zoning Resolution.

**Loudon Township Zoning Inspector**

\_\_\_\_\_

**Printed Name of Inspector**

\_\_\_\_\_

**Date** \_\_\_\_\_

## **Loudon Township Zoning Inspector**

### PLACARD

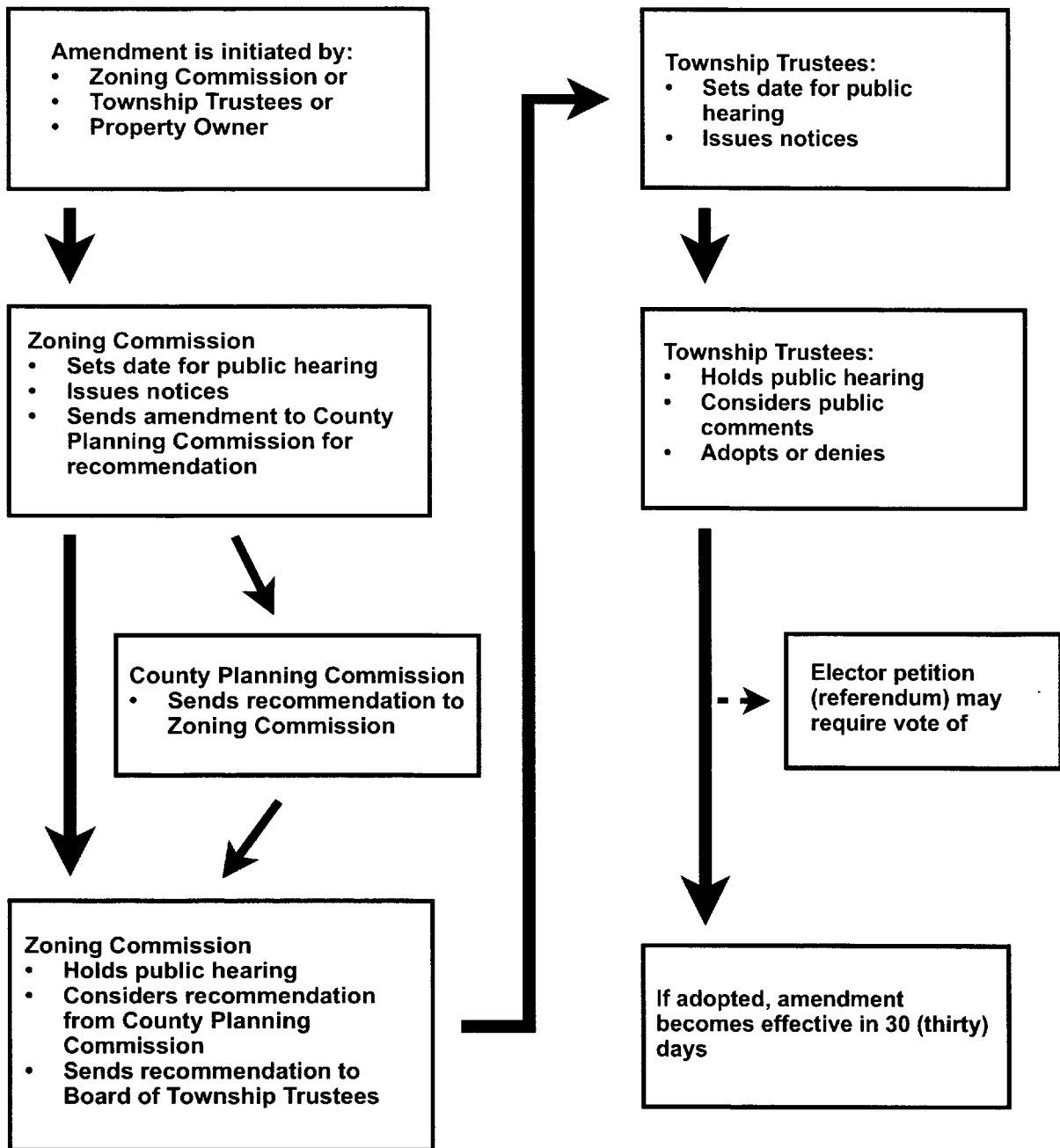
**To be displayed in a manner so that it can be readily seen by those entering the premises.**

**The Loudon Township Zoning Inspector has issued a permit to the owner or other appropriate party for construction at the following address:**

**A copy of the application can be viewed by contacting the Loudon Township Inspector at the following:**

**Loudon Township Zoning Inspector**

**Figure 2: Zoning Amendment Process**



**Figure 3: Zoning Variance and Appeals Process**

