

ZONING RESOLUTION
OF
BRONSON TOWNSHIP
HURON COUNTY, OHIO

PREAMBLE

A RESOLUTION providing for the zoning of the unincorporated area of Bronson Township by regulating the location, size, and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands. Also, for such purposes of dividing the said area into zones or districts as residential, commercial, and industrial, providing for a method of administration, and prescribing penalties for the enforcement of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Commission of Bronson Township,

ADOPTED: Voted by the people, November, 1968
 In effect January 1, 1969

AMENDED: July 17, 1971
 January 21, 1978
 November 16, 1978
 April 8, 1994
 September, 1997
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SECTION I - PURPOSE

This Resolution is enacted to preserve and promote the Public Health, Morals, Safety, and General Welfare, and for the following more particularly specified purposes:

1. To protect the character and stability of residential, commercial, industrial, and recreational areas within the Township; and to promote the orderly development of such areas;
2. To prevent overcrowding the land and undue congestion of population;
3. To regulate the location of buildings and the use of buildings and land adjacent to streets and thoroughfares;
4. To guide and regulate future growth and development of the Township in accordance with the comprehensive plan contained herein.

SECTION II - DISTRICTS

The unincorporated area of the Township is hereby divided into the following districts:

1. RESIDENTIAL, which shall be designated "R" districts and shall be deemed Agricultural or Residential unless otherwise classified on the map.
2. BUSINESS and COMMERCIAL, which shall be designated as "B" districts.
3. INDUSTRIAL and MANUFACTURING, which shall be designated as "I" districts.
4. HIGH DENSITY RESIDENTIAL, which shall be designated as "R-3" districts.

No building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

SECTION III - LAND USES IN DISTRICTS

AGRICULTURAL USES

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

"Agriculture" shall include 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.

Roadside stands and farm markets for the sale of products grown on your own land in Bronson Township shall conform to the following regulations:

1. Such stands are not in the road right-of-way.
2. Such stands are at least thirty (30) feet back from the traveled portion of the road.
3. Adequate facilities are maintained for off-the-road parking of customers' vehicles.

"R" DISTRICT - RESIDENTIAL

The following uses and no other shall be deemed class "R", and permitted in Class "R" Districts:

1. Single family houses and buildings accessory thereto.
2. A visitor's permit may be issued without charge for thirty (30) days to park a trailer in a residential area. A permit may be issued for a period of one (1) year to anyone building a house and wishing to park a trailer on the same lot. The trailer to be used by them as a residence.

Time limit on permit - A permit shall become void unless construction is started within six (6) months and completed within one (1) year. Extensions may be granted on a case by case basis at the discretion of the Zoning Inspector.

3. Private Stable(s) (not for hire, enumeration, or sale).
4. Private Swimming Pools:
 - a) Permits: No swimming pool or appurtenances thereto shall be constructed, installed, enlarged, or altered until the appropriate zoning permit has been obtained.
 - b) Fences or an automatic pool cover: All private residential swimming pools shall be completely enclosed by a fence along the periphery of the pool or an automatic pool cover. All fence openings or points of entry into the pool area enclosure shall be equipped with gates or an automatic pool cover. The fence and gate shall not be less than four (4) feet in height above ground level. All gates shall be self-closing. The Zoning Inspector will be notified that an automatic pool cover is being installed. An authorize dealer/installer must install the automatic pool cover.

An automatic powered safety pool cover is a barrier which can be placed over the water area and removed with a motorized mechanism actuated by a suitable control mechanism. The automatic pool cover shall provide a high level of safety for humans (children/adults) and intruders by inhibiting their access to the water.

An automatic safety pool cover shall:

- a) provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool.
- b) be mechanically operated by a key, keypad and/or switch such that the cover cannot be drawn open or retracted without the use of a key/code.
- c) be capable of supporting a four hundred fifty (450) pound imposed load upon a completely drawn cover.
- d) have the open-close switch be spring-loaded or of the momentary contact type, so that when released, the cover stops operation immediately at any point in the open cycle or closed cycle period.
- e) be reversible in direction from a full stop at any point in its travel without having to complete the full open cycle or closed cycle.
- f) be in a fixed location is in the line of sight of the complete pool cover, or by its operating process. This ensures that the operator shall be in complete view of the cover at all times during the closing or pool covering process.

If an automatic pool cover fails to meet these regulations, or fails to be in good working order, then a fence shall be required.

The above uses shall be permitted only providing such use is not obnoxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame, or vibration.

“B” DISTRICT - BUSINESS AND COMMERCIAL

The following uses and no other shall be deemed Class “B” uses and permitted in all “B” Districts:

- 1. Any use permitted in an ”R” district shall be permitted in a “B” district.
- 2. Apartment house, rooming house, hotel/motel cabins (transient only), living quarters over business establishments, restaurant, lunch room, or garage.
- 3. Retail store or shop, repair shop (excluding automotive repair shops, see conditional use), beauty parlor, funeral home, mercantile establishment, bank, office or office building, studio, dairy, lodge hall, and offices for health care professionals licensed/certified/registered by the State of Ohio.
- 4. Gasoline, filling, and service station provided storage tanks are underground.
- 5. Indoor or outdoor theater, bowling alley, dance hall, golf course, public and private recreation areas.
- 6. Job printing, newspaper printing plant, ice storage and sales, plumbing and heating supply, drug stores, flower shops, professionals, hospital or rest home other than for contagious diseases, insane mental cases, drug or liquor addicts.
- 7. Private and commercial television and radio towers, public utility microwaves, and public

utility TV transmitting.

8. Housing developments and/or public buildings are required to have adequate drainage approved by the County Engineer.
9. Adult businesses as defined in Section XXIII - Definitions. All adult businesses shall comply with all applicable Regulations of the Board of Trustees of Bronson Township as those regulations may be adopted and amended from time to time.
 - 9.1 No adult business shall be operated on a parcel of real estate within one thousand (1,000) feet from the boundaries of another parcel of real estate having situated on it a school, church, cemetery, library, public park, tavern, bar, residence, or another adult business.
 - 9.2 No adult business shall be operated on a parcel of real estate within one thousand (1,000) feet from the boundaries of any parcel of real estate within a Mobile Home Park District or a Recreational District.
 - 9.3 For the purposes of this Resolution, distances shall be measured in a straight line, without regard to intervening structures, from property line to property line, using the closest property lines of the parcels of land involved.
 - 9.4 No employee of an adult business, in the performance of the employee's duties, shall appear on the premises in a state of nudity except where the employee is appearing on a stage that is at least twenty-four (24) inches above the main floor level of the adult business, and the employee is at least six (6) feet from the nearest other employee and/or customer.

“I” DISTRICT - INDUSTRIAL AND MANUFACTURING

The following uses and no other shall be deemed Class “I” uses and permitted in all “I” Districts:

1. Any uses permitted in “B” district shall be permitted in an “I” District.
2. Any normal industrial or manufacturing use.

The above uses shall be permitted only providing such use is not obnoxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas, noise, fumes, flame, or vibration, except specifically prohibited herein.

“R-3” DISTRICT - HIGH DENSITY RESIDENTIAL

The following uses and no other shall be deemed class “R-3”, and permitted in class “R-3” Districts:

Single family and multi-family housing on compact lots or in condominium ownership lots consisting of town houses, apartments, separate single family homes, or clustered single family homes, either attached or detached.

All “R-3” housing is subject to review and approval of a site plan by the Bronson Township Zoning Commission and subject further to the following:

1. The district must be adequately supported with necessary public utilities.
2. The Zoning Commission may require modifications in terms of building location, parking and driveway location, screening and landscaping techniques to lessen potential nuisance problems with adjoining district.
3. Minimum set back from right-of-way no less than twenty-five (25) feet.
4. Minimum side yard of no less than ten (10) feet.
5. Minimum rear yard of no less than fifteen (15) feet.
6. Maximum density of no more than six (6) units, either single family or multi-family, per acre, with each separate living quarters in multi-family housing counting as one (1) unit.
7. Maximum height of three (3) stories.
8. Minimum floor space of “R-3” units shall be as follows:
 - a) One-bedroom unit: 800 square feet.
 - b) Two-bedroom unit: 1000 square feet.
 - c) Three-bedroom unit: 1200 square feet.

*Plus 80 square feet for each bedroom over three.

9. Minimum of two (2) off street parking spaces for each unit in “R-3” district.

SITE PLAN REVIEW:

1. **PURPOSE:** It is the intent of this section to protect the health, safety, convenience and general welfare of the inhabitants of the Township. The Site Plan Review regulates the development of structures and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:
 - a) The balancing of landowners’ rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g. noise, smoke fumes, dust, odor, glare, storm water runoff, etc.);
 - b) The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads;

- c) The adequacy of waste disposal methods and protection from pollution of surface or groundwater; and
- d) The protection of historic and natural environmental features on the site under review and in adjacent areas.

2. PROCEDURE:

- a) An application for Site Plan Review under this section shall be filed with the Township Zoning Inspector who shall forward the application to the Zoning Commission at least ten days (10) prior to a scheduled meeting. Seven (7) copies each of the site plan documents shall be submitted to the Township Fiscal Officer to be kept on file.
- b) The Zoning Commission shall deliver its decision in writing to the Zoning Inspector within thirty (30) days after determining that the application is complete and indicating either:
 - i) Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this Resolution;
 - ii) Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this Resolution or;
 - iii) Approval of the site plan subject to any conditions, modifications and restrictions as required by the Zoning Commission which will ensure that the project meets the standards for review.

3. SUBMISSION REQUIREMENTS: The site plan shall include the following data, details and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan with notations explaining the reasons for any omissions.

The Zoning Commission may, based on the size and complexity of the development, require site plans prepared by a registered professional engineer, architect, or landscape architect at a scale of one (1) inch equal 20 feet, on standard 24" x 36" sheets, with continuation of 8½" x 11" sheets as necessary for written information.

ITEMS REQUIRED FOR SUBMISSION INCLUDE:

- a) Survey plan of the development area.
- b) Name of the project, boundaries and location map showing site location, north arrow and scale of the plan.

- c) Name and address of the owner of record, developer and seal of the engineer, architect, or landscape architect.
- d) Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet.
- e) All existing lot lines, easements, and rights-of-way, including area in acres or square feet, abutting land uses and the location and use of structures within three hundred (300) feet of the site.
- f) The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area.
- g) The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
- h) The locations, height, intensity, and bulb type (e.g. fluorescent, sodium, incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- i) The location, height, size, materials, and design of all proposed signage.
- j) The location of all present and proposed utility systems including:
 - i) sewage or septic system;
 - ii) water supply system;
 - iii) telephone, cable, and electrical systems; and
 - iv) storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swales.

The Zoning Commission may also request the submission to the County Engineer of storm run-off calculations for large or environmentally sensitive developments.

- k) Plans to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table and flooding of other properties, as applicable.
- l) A landscape plan showing all existing natural land features, trees, forest cover and water sources and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains and drainage retention area.
- m) Zoning district boundaries of adjacent properties shall be drawn and identified on

the plan.

- n) Traffic flow patterns within the site, entrances, and exits, loading and unloading areas, curb cuts on the site and within one hundred (100) feet of the site.

The Zoning Commission may require a detailed traffic study for large developments or for those in heavy traffic areas to include:

- i) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 - ii) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
 - iii) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.
- o) For new construction or alterations to any existing building, a table containing the following information must be included:
 - i) Area of building to be used for a particular use such as retail operation, office, storage, etc.;
 - ii) Maximum number of employees;
 - iii) Maximum seating capacity, where applicable; and
 - iv) Number of parking spaces existing and required for the intended use.
 - p) Elevation plans when required by the Zoning Commission.

4. STANDARDS FOR REVIEW:

The Zoning Commission shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. Detailed design guidelines and performance standards shall be adopted by the Zoning Commission to guide decisions with respect to these objectives, and to help ensure consistency in the review of all applications.

- a) Legal
Conformance with the provisions of the regulations of the Township and all applicable rules and regulations of state and federal agencies.
- b) Traffic
Convenience and safety of both vehicular and pedestrian movement within the site

and in relationship to adjoining ways and properties.

- c) **Parking**
Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
- d) **Pollution Control**
Adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface waters and ground water. This includes minimizing soil erosion both during and after construction.
- e) **Nuisances**
Protection of abutting properties and Township amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, dust, odors, glare, storm water runoff, hazardous materials, etc.
- f) **Existing Vegetation**
Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting or replacement trees.
- g. **Amenities**
The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings and the retention of open space and agricultural land.

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SECTION - IV
CONDITIONALLY PERMITTED USES

The following uses may be permitted by the Township Board of Zoning Appeals pursuant to this Resolution and subject further to the terms and conditions herein provided:

Conditionally Permitted Use	Specific Requirements
Cemeteries	
Nursery Schools, Day Nurseries, Childcare Centers, etc.	Must comply with all statutory and regulatory requirements under Ohio law concerning such uses.
Churches, temples, and other places of worship	Off Street Parking, setbacks, buffering
Public, Parochial, and other Private schools	
Golf Courses	Parking, Buffering, Site Plan
Veterinary Hospital, Clinic	
Kennels	
Automobile Repair Garage	Buffering, Parking, Storage, All work in building
Private Recreational Venues	Weddings, parties, etc.
Parks	Covered Shelters, Parking, (no motorized vehicles: atvs, motorbikes, etc.)
Multi-Family Dwelling Units	Duplexes, Triplexes, townhomes, condos, (NOT APARTMENT BUILDINGS)
Nursing Home, convalescent homes, housing for the elderly	
Funeral Homes	
Services Stations	
Petroleum Services	Fuel oil, propane, natural gas
Self-Storage Buildings	
Home-Based Business / Customary Home Occupation	
Mobile-Home Park	
Transient Rental (Air BnB, VRBO, etc.)	No more than four (4) occupants per bedroom; Parking
Wind Turbines	
Telecommunications Towers	See specific provision
Solar Panels	See specific provision
Camp Ground/RV Park	See specific provision
Construction Companies	Includes excavation, concrete/masonry, general contracting, etc.
Landscaping	
Bakery	
Conservation Club	No gun ranges

Carry-Out/Drive-Through/Convenience stores	
Financial Advisors	
Manufacturing	Light, not heavy
Agricultural Co-Op/Distribution	
Retail	
Grocery Store	
Restaurant	
Catering	
Saw Mill	
Car Washing Business	
Planned Unit Development	See Specific

PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES

All applications for a conditional use permit, regardless of the district for which the property is located, must comply with the following provisions concerning the general procedures and requirements.

REGULATION OF CONDITIONAL USES

The provisions of Section III & IV, inclusive of this resolution, apply to the location and maintenance of any and all conditional uses.

PURPOSE

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of this resolution.

CONTENTS OF CONDITIONAL USE PERMIT APPLICATION

Any owner or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Inspector, who shall within seven days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

1. Name, address, and phone number of the applicant;

2. Legal description of the property;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking, and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive development plan including any county comprehensive development plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
8. A list containing the names and mailing addresses of all owners of property contiguous or directly across the street from the property in question as shown on the County Auditor's current tax list;
9. A fee as established by resolution;
10. A narrative addressing each of the applicable criteria as contained herein and more specifically detailed as follows:

GENERAL STANDARDS FOR ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified below, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of this resolution and appears on the Schedule of District Regulations adopted for the zoning district involved;
2. Will be in accordance with the general objectives, or with any comprehensive plan and/or the zoning resolution;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;

5. 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 adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

PUBLIC HEARING

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit submitted by an applicant through the Zoning Inspector.

NOTICE OF PUBLIC HEARING

Before conducting the public hearing as specified herein, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

NOTICE TO PARTIES OF INTEREST

Prior to conducting the required public hearing, written notice of such hearing shall be mailed by first class mail at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required for notices published in newspapers. Failure to receive notice shall not invalidate any decision of the Board.

ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the date of the required public hearing, the Board shall take one of the following actions:

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met. Such written

finding may also prescribe supplementary conditions and safeguards as specified by the Board. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.

2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications, which are deemed necessary.

3. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in the Ohio Revised Code.

SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting approval for any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this resolution. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this resolution.

EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within on (1) year of the date on which the permit was issued, or if for any reason such use shall be voluntarily abandoned for more than two (2) years.

Further, should the property of which a conditional use permit has been granted transfer ownership or operator, the conditional use permit issued shall be deemed void. The new owner/operator must apply for the issuance of a new conditional use permit for the desired use.

PROCEDURE AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR

Where a specific use is proposed that is not listed or provided for in this resolution, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this resolution. If the Board finds that a use is substantially similar to a specific use listed in this resolution, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board shall

follow the procedures relating to appeals and variances as specified in this resolution. Upon making a determination that a proposed use is substantially similar, the Board shall authorize the use as a variance from the provisions of the resolution.

REMEDY BY APPLICATION FOR AMENDMENT

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Township Trustees, but remedy may be sought by the applicant through the submission of an application for amendment as prescribed in Section XX or as otherwise provided by law.

STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

1. The compatibility of the proposed use with the general use classification system as specified in this resolution.
2. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this resolution as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this resolution.

EFFECT OF DETERMINATION THAT A USE IS SUBSTANTIALLY SIMILAR

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this resolution, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

RECORD OF SUBSTANTIALLY SIMILAR USES

The Zoning Inspector shall maintain as a public record a listing of all uses, which have been determined to be substantially similar. For each such use, the record shall include the use as Trustee listed in the resolution, the use unlisted in the resolution about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals. This record shall also contain the same information for all uses, which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

SPECIFIC PROCEDURES AND REQUIREMENTS FOR IDENTIFIED CONDITIONAL USE APPLICATIONS

In addition to the general standards applicable to all conditional uses as provided for above within this Section, the following additional conditions shall be applicable to the specific conditional uses listed below:

A. TELECOMMUNICATIONS TOWERS

a. Purpose

- a. The purpose of this Section is to provide regulations for the installation, maintenance, and removal of wireless telecommunication facilities within Bronson Township, Huron County, Ohio and to provide telecommunications providers with adequate and reasonably equivalent opportunities to provide telecommunications services within the Township and surrounding communities. It is the intent of these regulations to:

1. Protect the health and safety of Township residents by minimizing any potentially adverse health and/or safety impacts;
2. Minimize adverse visual impacts on adjacent properties;
3. Protect property values within the Township;
4. Ensure to the greatest extent possible that wireless telecommunications facilities are compatible with surrounding land uses; and
5. Promote co-location as a means of maximizing the use of existing and proposed towers and minimizing the need for separate wireless telecommunication facilities.

b. Definitions: As used within this section, the following mean:

Co-location: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Lattice tower: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Telecommunications: The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

Wireless telecommunications antenna: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed, and lattice construction steel structures.

c. PERMIT REQUIRED

Except in accordance with Ohio Revised Code Section 519.211 and the provisions of this section, no person shall in an area zoned Residential or Commercial, locate, erect, construct, reconstruct, change, alter, use, or enlarge any wireless telecommunication tower. Whenever a notice has been received or an objection has been lodged, in the manner prescribed in Ohio Revised Code Section 519.211, regarding a wireless telecommunication tower in an area zoned Residential or Commercial, the Board of Zoning Appeals, shall, upon proper application and hearing as set forth in this Zoning Resolution, have the power to issue at its discretion a Conditional Zoning Certificate allowing the construction, location, erection, reconstruction, change, alteration or enlargement of such wireless telecommunication tower if it finds that the applicant has satisfied all of the applicable requirements hereof.

d. APPLICATION REQUIREMENTS

Requests for a Conditional Use Zoning Certificate to install a wireless telecommunication facility in an area zoned Residential or Commercial, shall be filed through the Zoning Inspector to the Board of Zoning Appeals in conformance with the provisions of this Zoning Resolution. In addition to the application requirements set forth elsewhere in this Resolution, the following additional requirements shall apply to all applications for wireless telecommunication facilities:

1. A locator map which shall contain the following:
 - a. The location of all the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
 - b. The general location of planned future facilities within a radius of one (1) mile of the proposed location of the telecommunications tower
 - c. For each location of the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower, there shall be listed:
 - i. the type and size of tower at each location
 - ii. the type of equipment located or proposed on each tower;
 - iii. the space available on the tower for additional equipment; and
 - iv. a site plan depicting any parcels on which any existing or proposed tower(s), antenna(s) or equipment is currently or is proposed to be located.
2. A scaled and dimensioned site plan for the facility that is being proposed, containing the following:

- a. the location, type and size of existing and proposed towers, antennas and equipment located or to be located at the site;
 - b. the location of existing and proposed buildings and structures, access drives, circulation and parking areas;
 - c. detailed drawings of the landscape screening plan and related design standards;
 - d. on-site land uses, structures and zoning district, and adjacent land uses, structures and zoning districts;
 - e. setbacks from property lines and dwellings within 600 feet of the proposed tower;
 - f. legal description of the lot on which the tower is to be sited; and
 - g. any other information necessary to assess compliance with this section.
3. A written certification from a Professional Engineer stipulating:
- a. that the tower's design is structurally sound and in compliance with all applicable federal, state and local building codes;
 - b. that the equipment placed on the tower and at the site complies with all current FCC regulations; and
 - c. that the tower will, to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.

e. Conditional Use Procedure By Board Of Zoning Appeals

Consistent with the procedures set forth in this Resolution, the Board of Zoning Appeals shall provide notice of, conduct a public hearing, and render a decision on the conditional use requested in the application.

f. General Requirements For All Telecommunications Towers

1. The applicant or tower provider shall demonstrate that the proposed tower location in a residential area is essential to service the applicant's service area and that there are no alternative sites in any other commercial, industrial, or exclusively agricultural areas. If another tower or tall structure is technically suitable, the applicant must show that a reasonable request to co-locate was made and that such request was rejected. "Tall structures" shall include smokestacks, water towers, electric transmission towers, existing antenna support structures or other telecommunications towers, utility buildings and structures over forty-eight (48) feet in height.
2. The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued.

g. Development Standards For All Telecommunications Towers

1. No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.
2. The maximum height of a tower proposed for one (1) antenna facility for use by a single telecommunications provider shall be 100 feet. The maximum height of a tower proposed for multiple antenna facilities for shared use by multiple telecommunications providers shall be as follows:
 - a. Towers proposed for and designed to support the co-location of a total of two antenna facilities – 115 feet;
 - b. Towers proposed for and designed to support the co-location of a total of three antenna facilities – 130 feet; and
 - c. Towers proposed for and designed to support the co-location of four or more antenna facilities – 145 feet.
3. Tower height shall be the distance measured from the base of the tower, at grade, to the highest point on the tower, including any antenna. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.
4. The tower base shall not be placed closer than the sum of height of the tower plus forty feet from any existing residential dwelling unit located on a lot contiguous to or directly across the street from the lot on which the tower is proposed to be constructed.
5. A tower base shall be located no closer to any lot line than the distance equal to the height of the proposed tower. Any stabilization structures or guide wires shall be located no closer to any lot line than 50 feet.
6. The tower base shall be located no closer to a street right-of-way than the height of the tower plus ten feet.
7. Reasonable and safe access and circulation shall be provided to the tower. The location and design of the access drive and circulation areas shall be subject to review and comment by the Fire Chief (or the Chief's designee) of the fire department providing primary fire service to that area of the Township and shall be constructed of suitable width and road materials as determined by the Board of Zoning Appeals to allow emergency vehicles year-round access to the area and to prevent mud deposits on public roads.

8. Security fencing shall be provided to prevent uncontrolled access to the tower site. The tower shall be screened by an eight (8) foot high fence or barrier. A continuous evergreen hedge, trees or similar natural landscape materials of a size, type, area, and design deemed appropriate by the Board of Zoning Appeals shall be placed outside of and along the fence or barrier. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed three square feet in size showing the names of companies with facilities at the site and their respective twenty-four (24) hour emergency telephone numbers.
9. The tower and related screening shall, to the extent practicable, be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower shall not contain, or be illuminated by artificial lights, beacons, or strobes, unless otherwise required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC). Any required illumination shall be fully disclosed on the site plan and any lighting for security purposes shall be permitted only with the prior approval of the Board of Zoning Appeals to ensure that it will not disturb adjoining properties.
10. Unless otherwise approved by the Board of Zoning Appeals, the tower shall be of a monopole design, as opposed to a lattice or guy wire design.
11. No advertising is permitted anywhere on the tower.
12. Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application.
13. The applicant shall provide a signed statement indicating that he or she agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity.
14. A telecommunications antenna may be attached to a nonresidential building or structure that is permitted in the district, provided that the tower's height does not exceed twenty (20) feet above the existing building or structure to which the tower is attached.
15. If the applicant proposes to construct a separate equipment shelter on the site, the equipment shelter shall be shown on the site plan, be designed to be aesthetically and architecturally compatible with the surrounding environment, be located completely within the fenced area of the site, and be in compliance with the accessory building regulations of the district in which it is to be located.
16. All disturbed areas are to be fine-graded, seeded and mulched upon completion of construction.

17. Towers and sites shall be so designed so as to permit co-location by at least two (2) additional providers of telecommunications services.
18. The minimum lot area for installation of a wireless telecommunications facility shall be five (5) acres.
19. Wireless telecommunications facilities shall be considered a principal permitted building and/or use and shall not be located on the same parcel as another principal permitted building and/or use.
20. The minimum separation between wireless telecommunications towers shall be one thousand feet (1,000').
21. No wireless telecommunications tower shall be located less than five hundred feet (500') or 110% of the height of the tower, whichever is greater, from an existing residential dwelling.

h. Abandonment And Removal Agreement

The owner or operator of the wireless telecommunication facility shall submit an agreement to notify the Township Zoning Inspector within thirty (30) days of permanently ceasing operation of a permitted facility and to remove a nonfunctioning facility within six (6) months of ceasing its use. All costs associated with demolition and/or removal of the tower and associated equipment and buildings shall be borne by the most recent tower operator of record unless such costs are the contractual or legal responsibility of another party. If the owner fails to remove a tower in the time provided in this section, the said agreement shall authorize the Zoning Inspector to cause the demolition and removal of the tower and recover the costs of demolition and removal from the applicant and/or property owner. The owner or operator of the wireless telecommunication facility shall provide for a cash or surety bond at the minimum rate of \$250.00 per vertical foot from the natural grade in order to assure that funds are available for the demolition and the removal of the tower if it should become necessary.

B. SMALL WIND FARMS

1. Purpose

The purpose of this Section is to promote the safe, efficient use of small wind farms, and to establish standards and procedures for the installation and operation of these systems within the Township.

2. Definitions: as used within this section, the following shall mean:

Small Wind Farm: wind turbines and associated facilities that are not subject to the jurisdiction of the power siting board under sections 4906.20 and 4906.201 of the Revised Code.

Turbine: The parts of a wind system including the blades, generator, and tail.

Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine and blades.

3. *Permitted Use*

Small Wind Farms shall be a permitted use in any zoned district, however, any such Small Wind Farm shall be subject to the following additional requirements:

1. Notice: Notice of an application for installation of a small wind farm shall be provided to the property owners within five hundred (500) feet of the property on which the wind farm is to be located by regular mail, with certificate of mailing. Said notice shall be made within five (5) days of the submission of the zoning permit application, and copies of the same shall be submitted to the zoning inspector or the permit application will be deemed to be incomplete.
2. Tower Height: Tower heights of not more than 150 feet shall be allowed on parcels of not less than five acres. For property sizes of five acres or more, tower heights may exceed 150 feet at the discretion of the Board of Zoning Appeals, except as imposed by the FAA regulations, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system. Furthermore, all towers and turbines shall be certified for safety and operational capacity to withstand 100 mph winds.

The system shall comply with all applicable Federal Aviation Administration requirements, including but not limited to, Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.

3. Setbacks: No part of the small wind farm, including guy wire anchors and structures, may extend closer than the height of the tower plus ten percent (10%) including the wind turbine and blades. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of six feet above the guy wire anchors. The setback for the tower and wind turbine shall be the combined height of the tower and wind turbine plus ten percent of the height of the tower.
4. Compliance With National Electric Code: All small wind farm installations shall comply with the National Electric Code.
5. Compliance With The Ohio Building Code Or Uniform Building Code: All zoning applications for small wind farms shall include standard drawings and an engineering analysis of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Ohio Building Code or Uniform Building Code and certified by a licensed professional engineer shall also be

submitted. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements.

All small wind farms shall be sited in such a manner as to minimize the effect of ice throw upon neighboring properties and public roads.

6. Noise: Decibel levels for the system shall not exceed 60 dB(A) or in excess of 5dB(A) above the background noise, whichever is greater, as measured at each property line, except during short-term events such as utility outages and severe windstorms.
7. Utility Notification: No small wind farm shall be installed until evidence has been given that the utility company has been informed of the property owner's intent to install a small wind farm.
8. Aesthetics: Wind turbines and towers shall be painted white, off-white, or light gray to minimize visual impact upon the surrounding property owners. Neither the wind turbine nor the tower shall be used as a billboard or as an advertising device. All small wind farms shall be installed in such a way as to minimize flicker effects upon neighboring properties and public roads to prevent a safety distraction to vehicular and pedestrian traffic.

In addition, access to the wind turbine tower shall be restricted by one of the following:

- a) Tower climbing apparatus shall not be located within twelve (12) feet of the ground;
- b) A locked anti-climb device shall be installed and maintained; or
- c) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.

All applications shall show a site plan for the wind turbine tower illustrating the fencing, signage, and color of the tower and wind turbine.

C. SOLAR FIELD

1. *Definitions*: as used within this section, the following mean:

Small solar facility: means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty megawatts.

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

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

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

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

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

2. Conditionally Permitted Solar Uses

- a. Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of an Integrated Solar Energy System shall be a conditionally permitted use in all "R", "R-3", "B", and "I" zoned districts.
- b. Rooftop Solar Energy Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of a Rooftop Solar Energy System shall be a conditionally permitted use in all "R", "R-3", "B", and "I" zoned districts.
- c. Ground Mounted Solar Energy Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of a Ground Mounted Solar Energy System and all other Small Solar Facilities shall be a conditionally permitted use in all "R", "R-3", "B", and "I" zoned districts.
- d. All Other Small Solar Facilities: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of Small Solar Facilities, other than Integrated, Rooftop, and Ground Mounted Solar Energy Systems ("All Other Small Solar Facilities"), shall be a conditionally permitted use in all "R", "R-3", "B", and "I" zoned districts.

3. General Requirements: Solar Field

The following general requirements shall apply to all small solar facilities throughout the Township, except as otherwise specified within this section.

- a. Coverage: Ground Mounted Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located.
- b. Lighting. Any lighting for a Small Solar Facility must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal

illuminance level not to exceed one footcandle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

- c. Noise. No Small Solar Facility shall emit sound to an adjacent lot at a level exceeding Fifty (50) decibels.
- d. Setbacks: Any Small Solar Facility must comply with the setback requirements applicable to the zoning district where located.
- e. Maintenance: Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.
- f. Building Permits: All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdiction.
- g. Advertising: Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
- h. Other Restrictions: A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.

4. Conditional Use Requirements

- 1. A Small Solar Facility to be located in a zoning district in which it is identified as a conditional use is subject to and shall follow the application process for a Conditional Use Permit provided under this Zoning Resolution.

Where identified as a conditionally permitted use, any Small Solar Facility shall comply with the following specific requirements:

- i. Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of Township maintained, protected, or managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Small Solar Facility as detailed further in a road use and maintenance agreement (“RUMA”) with the Township. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.
- ii. Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Small Solar Facility is located.
- iii. Location:
 1. Any Small Solar Facility, other than an Integrated or Rooftop Solar Energy System (except components located entirely underground), shall be located entirely in the rear yard.
 2. No Small Solar Facility shall be located on the front façade of any structure or on any façade facing a public right-of-way.
 3. No Small Solar Facility shall be located in front of a principal building or structure. In the case of corner lots, no Small Solar Facility shall be located between a principal building or structure and a public right-of-way.
- i. Height: The maximum height of any Small Solar Facility shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.
- iv. Buffers and Setbacks:
 1. Where a Small Solar Facility is located on property adjacent to or in close proximity to property zoned for residential use, as determined by and at the sole discretion of the Zoning Inspector, no part of the Small Solar Facility, other than components located entirely underground, shall be located within sixty (60) feet of an existing residential structure.
 2. No Small Solar Facility, other than components located entirely underground, shall be located within sixty (60) feet of another property line.

3. No Small Solar Facility, other than components located entirely underground, shall be located within Sixty (60) feet of a public right-of-way or shared-use driveway.
- v. Visual Buffer: A Small Solar Facility shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and that does all of the following:
 1. Enhances the view from any existing residential dwelling and from any public right-of-way;
 2. Is in harmony with the existing vegetation and viewshed in the area; and
 3. Provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities to adjacent lots and from any public right-of-way.
- vi. Glare: Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
- vii. Lighting: All lights associated with the Small Solar Facility must narrowly focus light inward toward the equipment, be downlit and shielded, and prohibit any spillover onto any adjacent property.
- viii. Fencing: Any fencing and/or screening installed in connection with the Small Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times.
- ix. Conditions: Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.

5. Certificate Of Zoning Compliance

A certificate of zoning compliance shall be required before any construction is commenced on a Small Solar Facility.

Under this section, an applicant shall provide the Township Zoning Inspector with the following items and/or information, in addition to the standard information required for all conditional use permits, when applying for a certificate of zoning compliance:

1. An engineering report that shows all of the following:
 - a. The total size and height of the proposed Small Solar Facility
 - b. Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility

- c. Hazardous materials containment and disposal plan
2. A site drawing showing the location of the Small Solar Facility, including all equipment and components thereof in relation to, and measurements of distance from, all existing structures located on the property, roads, and other public rights-of-way, and neighboring property lines.
3. Evidence of compliance with applicable setback and all other applicable zoning restrictions
4. A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility, including all equipment and components thereof, will be dismantled at the end of their use and/or upon abandonment.
5. Any other information or materials reasonably requested by the Zoning Inspector.

D. PLANNED UNIT DEVELOPMENT REQUIREMENTS

1. **INTENT:** The intent of this section is to provide, in the case of Planned Unit Developments, an added degree of flexibility in the placement, bulk, and interrelationship of the buildings and land uses within a planned project and the implementation of new design concepts, while at the same time maintaining a required floor area ratio as specified herein for the zoning district in which the planned project is to be located. The requirements of the use, area, height, bulk, and individual building on an individual lot of record, would in certain cases of large-scale development have results affording less protection to the public health, safety and welfare than if a measure of flexibility were permitted. The township trustees do hereby determine that the following regulations are the minimum requirements for the promotion and protection of the public health, safety, and welfare.
2. **Authorization:** Subject to the foregoing statement of intent, the Township Trustees with the advisory assistance of the Township Zoning Commission, may grant a special exception Variance for a Planned Unit Development, but only after notice and public hearing as prescribed by law.
3. **Processing Requirements for a Planned Unit Development:** A proposal for a Planned Unit Development shall be processed as follows:
 - a. The owner or owners of any tract of land comprising an area of not less than twenty (20) acres shall submit an application in five (5) copies for a Planned Unit Development to the Township Zoning Board, accompanied by the following information, maps, and plans.
 - 1) A legal description of the property under consideration, which also shows that such property is at least twenty (20) acres in area, being either a single parcel of land or two (2) or more parcels separated only by a public or private street or road.
 - 2) A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements within two hundred (200) feet thereof.

- 3) A fully dimensioned map of the land showing topographic information at a contour-interval of two (2) feet or less.
- 4) A vicinity map showing the location of the area in relation to surrounding properties, streets, freeways, parks, schools, school sites and other significant features of the community where appropriate.
- 5) A general development plan with at least the following details shown to scale the dimension:
 - Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between building and between buildings and lot lines, setback lines, and approximate location of entrances and loading points.
 - The location and design of all lots to be subdivided and approximate dimensions of all lot lines.
 - All streets, driveways, service aisles and parking areas, including general layout and design of parking lot spaces.
 - All pedestrian walks, malls, and open areas for parks, recreation and light and air to be dedicated to the public or to be retained by an acceptable property owners' association.
 - Location and height of all fences and screen planting, including a general plan for the landscaping of the development and method by which landscaping is to be accomplished and be maintained together with a brief narrative description of the landscaping concept.
 - Architectural sketches, at an appropriate scale showing building heights, elevations, and other features of the development.
 - Types of surfacing, such as paving, turfing or gravel to be used at the various locations.
 - A general grading plan of the proposed development with brief narrative description, plus storm water drainage plans.
 - Proposed private deed restrictions and articles of incorporation and by-laws of any proposed property owners' association to be imposed upon the property after it is developed and or subdivided to insure that the planned character and use of the project will be preserved and protected.
- 6) Other information as may be reasonably required by the Township Zoning Board of Appeals to base an opinion of the proposed Planned Unit Development.

b. After a study of the application for a planned project, Township Zoning Board of Appeals shall make a determination based upon the following standards:

- 1) The proposed use or uses shall be of such location size and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated and shall not be detrimental to the orderly development of adjacent zoning districts. Proposed commercial uses must be justified by a market analysis.
- 2) The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly or persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor conflict with the normal traffic of the neighborhood. In applying this standard, the township zoning board shall consider among other things, convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to freeways and main traffic thoroughfares and to street and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. In addition, where appropriate, the Township Zoning Board of Appeals shall determine that noise, vibration, odor, light, glare, heat, electromagnetic or radioactive radiation or other external effects, from any source whatsoever which is connected with the proposed use, will not have a detrimental effect upon neighboring property or the neighboring area in general.
- 3) The location and height of buildings, the location and nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings nor impair the value thereof.
- 4) Maximum dwelling units per acre within any Planned Unit Development in each Zoning District:

Zone	F.A.R.
R; R-3	0.15
C	0.25
I	0.25

- c. The Township Zoning Board of Appeals may require such changes or modifications in the site plan as are needed to achieve conformity to the standards as herein specified. Upon the finding by the Township Zoning Board of Appeals that all of the standards as herein specified have been met, it may approve the project and the requested modifications to the provisions of this Resolution, if any, and recommend approval of the same to the Township Trustees. It shall also, where it deems appropriate and necessary, recommend to the Township Trustees those conditions to be imposed upon

the project, its operation or both, that are needed to assure adherence to the aforesaid standards.

- d. Immediately after approval and recommendation by the Township Zoning Board, the applicant shall submit the proposal to the Township Trustees and obtain its concurrence for the special exception with any additional modifications or conditions as may be desired by the Township Trustees. Unless the approval of the Township Trustees is obtained the Township Zoning Board of Appeals' approval shall not be effective: if the Township Trustees reject, then the action of the Township Zoning Board shall be deemed null and void. In addition, if approval is granted by the Township Trustees the following conditions shall apply:
 - 1) In those instances in which platting is required by law, the owner or owners shall thereafter submit a final plat for the Planned Unit Development for approval in compliance with appropriate State law, and with all ordinances and regulations pertaining to the procedures and requirements for the approval of plats except to the extent that such requirements have been waived or modified by the Township Zoning Board of Appeals and Township Trustees.
 - 2) Such plats shall be in strict conformity with the approved special exception, the conditions attached thereto, the development plan submitted with the special exception, and the provisions of this Resolution.
 - 3) Appropriate private deed restrictions together with any applicable articles of incorporation and by-laws shall be submitted to the Township Trustees in recordable form sufficient to assure the use and development of the planned project in accordance with the special exception, the development plan and the provisions of this Resolution.
 - 4) The development plan shall be incorporated into such deed restrictions and recorded with the County Recorder, and all building shall thereafter be in accordance with the development plan and the setback lines shown thereon.
- e. The applicant for a special exception to authorize a Planned Unit Development may apply to the Township Trustees for a modification of the nature and extent of public improvements required to be installed in new subdivisions. The Township Trustees may, in its discretion, relieve the applicant from installing public improvements as would otherwise be required to the extent that it determines such improvements to be unnecessary within the planned project. In the event of such a determination, the Township Trustees shall incorporate the same in its resolution granting the special exception of the planned project.
- f. Any application for a Planned Unit Development shall be accompanied by a fee as may be determined by the Township Trustees. Such fee may be utilized by the Township Trustees to obtain the services of one or more expert consultants qualified to advise as to whether the proposed Planned Unit Development will conform to the applicable

Township ordinances, policies, and standards, and for investigation and report of any objectionable elements that the Township Zoning Board may wish to be advised on. Such consultants should report to the Township Zoning Board as promptly as possible. After the Planned Unit Development application has been approved or disapproved by the Township Trustees, the balance of the fee which is left shall be returned to the applicant.

- g. Special exception for a Planned Unit Development may be revoked in any case when the construction of said development is not in conformance with the approved plans, in which case the Township Trustees shall give the applicant notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Township Trustees. After conclusion of such review, the Township Trustees may revoke its approval of the Planned Unit Development if the Trustees feel that a violation in fact exists and has not been remedied prior to such hearing.
- h. Notwithstanding anything heretofore, this Section concerning Planned Unit Development shall not impose any restriction upon any property owner in using his property under any other provision of the Zoning Resolution, including the provisions of the zoning classification upon the property in question. In short, this Section relates only to property owners who desire to apply for a conditional use permit to use their property in flexible, overall design.

OFFICIAL ZONING MAP:

The districts established in Section II of this Resolution are shown on the official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Resolution.

- 1. Identification of the Official Zoning Map:

The official Zoning Map shall be drawn and identified by the signatures of the Board of Township Trustees of Bronson Township, and attested by the Township Clerk, with the date of adoption of this Resolution. The Zoning Map shall be kept as part of the Bronson Township official records.

- 2. Amendments:

If in accordance with the provisions of this Resolution and Chapter 519, Ohio Revised Code, changes are made in district boundaries or other matters portrayed on the official Zoning Map, such changes shall be entered on the official Zoning Map promptly after the Amendment has been approved by the Board of Township Trustees, with an entry indicating the Resolution number and date of adoption.

EXPANSION OR CHANGE IN USE

In the event that a permitted or conditional use expands, grows, or otherwise changes in nature as

to no longer fall within the confines of the provision of this Resolution or conditional use permit previously granted, the Board of Zoning Appeal may call a hearing to determine if the use is of a nature to warrant the need of a conditional use permit, should a previously issued permit remain valid, or should the previously granted permit be revoked as void. The property owner may present evidence to the Board of Zoning Appeals to support the continuation of the use of the land, the previously issued conditional use permit, or may file an application for a new, applicable conditional use permit. In either instance, notice must be provided as is required for all applications for a conditional use.

SECTION V - PROHIBITED USES

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any “R”, “B”, “R-3” or “I” Districts:

1. Chemical Plant.
2. Distilling of fat or glue, glue or gelatin manufacturing, or manufacturing of fertilizer.
3. Manufacturing or storage of explosive, gun powder, or fireworks.
4. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as a result from normal use of premises, unless such dumping is done at a place provided by the Township Trustees for such specific purpose.
5. Storage of junk motor vehicles not in an enclosed structure.
6. Junk yards, or places for collection of scrap metal, paper, rags, glass, or junk for salvage or storage purposes.
7. Slaughter houses.
8. Hospital for contagious diseases, psychiatric hospital, drug or alcohol rehabilitation center, or sanitarium.
9. Aviation fields (commercial).
10. Coaches, bus and bodies, vans and street cars, and railroad cars. Any of said excluded buildings that are not occupied or become unoccupied from a period of ninety (90) days must be torn down and removed from premises.
11. Cabins for transient use shall be permitted only when occurrence is limited to not more than fourteen (14) days in any calendar year by the same person.
12. Operation of a business utilizing a storage container as a store front.
13. No mobile homes as defined herein shall be permitted to be used as a dwelling or for any

other purpose in any residential, commercial, or industrial area or district; except in those areas currently designated and used as mobile home parks, except on a temporary basis as provided herein.

14. Hazardous Waste storage.

This section shall not apply to those mobile homes currently in use as residential dwellings on non-mobile home park areas, provided that said mobile homes may not be moved off the existing site nor may said mobile homes be sold or rented by the current owner for use by another on the existing site.

SECTION VI - OUTDOOR ADVERTISING

For the purpose of this Resolution, outdoor advertising shall be classified as a business use and shall be permitted in all “B” and “I” Districts subject to the regulation contained in the Resolution:

A. GENERAL PROVISIONS

1. No sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device.
2. Signs shall be constructed in accordance with local and state building and electrical codes. Stamped structural engineering plans shall accompany sign permit applications and shall be subject to wind speed requirements as set forth in the latest edition of the Uniform Building Code.
3. Signs shall be regularly maintained in good and safe structural condition.
4. No off-premise sign shall be located on a property without the consent of the landowner or owner’s legal representative.
5. The general area in the vicinity of any freestanding sign on undeveloped property shall be kept free and clear of sign materials, debris, trash and refuse.

B. SIZE OF SIGNS

1. The maximum sign area for any one face of a sign shall not exceed 300 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed 20% of the maximum area allowed.
2. The sign area shall be measured by the smallest square, circle, rectangle, or combination thereof which will encompass the entire sign face.
3. Signs may be back-to-back, double-faced, V-type, and multiple-faced with not more than two faces to each facing and such structure shall be considered as one sign.

4. A sign not larger than fifteen (15) square feet in area shall be permitted in a Residential District. Not more than one (1) on-premise sign per residence on a parcel of real estate shall be allowed in a Residential District.

C. HEIGHT OF AN OFF-PREMISE SIGN

1. An off-premise sign shall maintain a minimum clearance of ten (10) feet measured from the ground level at the base of the sign to the bottom of the sign face.
2. An off-premise sign shall have a maximum height not to exceed fifty (50) feet above grade level of the roadway to the bottom of the sign face, as measured from the centerline of the roadway to which the sign is oriented.

D. SPACING FOR OFF-PREMISE SIGNS

1. No off-premise sign may be established within 500 feet of any other off-premise sign, measured along the same side of the street or highway to which the sign is oriented.
2. The spacing between off-premise signs does not apply to structures separated by buildings or other obstructions in such a manner that only one sign located within the spacing distance is visible from the street at any one time.
3. Spacing from directional and official signs, on-premise signs, or any other sign which does not constitute an off-premise sign shall not be counted nor shall measurements be made from such signs for the purpose of determining compliance with these spacing requirements.
4. The minimum distance between off-premise signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along each side of the highway and shall apply to structures located on the same side of the same street or highway.
5. No outdoor advertising sign, more than three (3) square feet in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than three (3) feet.

E. SETBACK REQUIREMENTS

1. Front: A minimum setback of ten (10) feet is required from front lot line for any off-premise sign, regardless of zone.
2. Side: A minimum setback of five (5) feet is required from side lot line for any off-premise sign, regardless of zone and sign must be no closer than 100' from residence structure.
3. Rear: A minimum setback of five (5) feet is required from rear lot line for any off-premise sign, regardless of zone.

4. In no case shall any portion of any sign overhang into or be placed in the public right-of-way, unless allowed by the public entity. A sign may overhang into the property on which it exists up to the point of the public right-of-way or adjacent public or private property.

F. LIGHTING

Signs may be illuminated subject to the following restrictions:

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited if such signs interfere with traffic safety. Reflective surfaces or devices on sign faces, and multiple-faced signs, with illumination, are permitted, provided such signs do not interfere with traffic safety and comply with Subsections 3 and 4 of this Section.
2. Electronic variable message signs giving public information such as, but not limited to, time, date, temperature, weather, or other similar information, and commercial electric variable-message signs which function in the same manner as multiple-faced signs are permitted, provided such signs do not interfere with traffic safety and do not resemble or simulate traffic control or safety devices or signs.
3. Signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.
4. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

G. SIGN PERMITS

No sign shall be erected without securing a permit from Bronson Township Zoning Inspector and payment of the appropriate permit fee. Before such permit is issued, an inspection shall determine that the sign complies with the provisions of this Resolution. No sign permit shall be required for YARD signs that are six (6) square feet or less in size. YARD signs must comply with this Section V.

H. YARD SIGNS

Yard signs, including, but not limited to, campaign, real estate, estate sale and other signs of a temporary nature, must be at least thirty (30) feet off of the center of the road.

SECTION VII - NON-CONFORMING USES

1. A non-conforming use existing at the time this Resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such

districts.

2. A building, structure, or land devoted to a non-conforming use at the time this Resolution takes effect may not be altered or enlarged so as to extend said non-conforming use.
3. Whenever a non-conforming use has been changed to a more restricted use, such use shall not thereafter be changed to a less restricted or non-conforming use.

SECTION VIII - PUBLIC UTILITIES AND RAILROADS

The regulations herein shall not apply to public utilities or railroads.

SECTION IX - ZONING CERTIFICATE

The position of Township Zoning Inspector is hereby created. The Township Trustees shall appoint a Zoning Inspector and appropriate the Zoning Inspector's compensation. The Zoning Inspector shall keep records of all applications for zoning certificates.

A zoning certificate is required for all uses and buildings, including residences, except as exempted by section 519.21 of the Ohio Revised Code. Any building one hundred (100) square feet or more, whether on a permanent foundation or not, shall require a zoning certificate. For example, storage barns 100 sq.ft. or larger will require a certificate, but lawn ornaments will not.

Where a use or building involves the disposal of sanitary wastes, a permit for such disposal from the Huron County General Health District, or Ohio EPA, as applicable, shall be required before the issuance of a zoning certificate.

In developing a lot for private or public use, the natural drainage of surface run-off water may not be impeded from nor accelerated to adjoining properties. Owners are required to have a site assessment from the Huron County Soil and Water Conservation District for each proposed home or public building to determine if a floodplain is on the property and how it would affect buildings on such property before being granted a zoning certificate.

SECTION X - MINIMUM LOT AREA PER FAMILY

1. No single-family dwelling shall be erected, or building altered to accommodate one family as a residence on less than a one (1) acre lot area, unless such lot is designated on a recorded plot or separately owned at the time this Resolution takes effect and cannot practicably be enlarged to conform with this requirement.
2. No two-family or multiple dwelling shall be erected or building altered for dwelling purposes to accommodate more than one (1) family on less than a one (1) acre area lot.
3. No living quarters over a business establishment shall be erected or building altered into apartment to accommodate more than one family.

4. In computing lot areas, the said areas must be in the clear of all public right-of-way.

SECTION XI - MINIMUM LOT WIDTH

No dwelling shall be erected in any district on a lot having a frontage of less than one hundred fifty (150) continuous feet on a public thoroughfare unless such lot was designated on a recorded plot and separately owned at the time this Resolution took effect and cannot practicably be enlarged to comply with this requirement. No minimum lot width shall be required in a "B" or "I" District for uses other than dwellings except such as is necessary to comply with the requirements for yard and lot areas or parking facilities. Lots fronting on a cul-de-sac shall be required to have a minimum of sixty (60) foot frontage on a public thoroughfare and shall be a minimum one hundred fifty (150) feet in width at the set back line.

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width shall be erected within forty-five (45) feet from State, Federal, County, or Township roads or the right-of-way side line of any road or street. If there is no established right-of-way side line for any road or street, the said right-of-way side line shall be established as thirty (30) feet from the center of the road.

SECTION XII - SIDE YARDS

For every building, including dwellings, erected in any district, there shall be a minimum side lot clearance on each side of said building of not less than ten (10) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be part of the main building for the purpose of this section. All other accessory buildings except garages shall be at least twenty (20) feet from any dwelling. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

SECTION XIII - CORNER LOTS

The set-back building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces.

No corner lot shall be less than one hundred eighty (180) feet on either right-of-way unless such lot was designated on a recorded plot or separately owned at the time this Resolution took effect and cannot practicably be enlarged to conform with this requirement.

SECTION XIV - REAR YARDS

For all buildings erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

SECTION XV - BUILDING SITE

1. No single family dwelling shall be erected or building altered to accommodate one family as a residence with less than twelve hundred (1200) square feet with a minimum of eight hundred (800) square feet on the first floor, exclusive of breezeway or attached garage whether one story, one and a half story, or two story.
2. No two or more family dwelling shall be erected or building altered with less than nine hundred (900) square feet of floor space per family or not less than six hundred (600) square feet of first floor living space.
3. Any lot more than two hundred fifty (250) feet off of a paved road must be a minimum of one acre excluding driveway. Drives used for property behind existing property must have a minimum thirty-five (35) foot wide strip of land with a twelve (12) foot wide drive on an improved hard surface and to be part of the lot. All off-set parcels under this section shall have two hundred fifty (250) feet of continuous and contiguous 'frontage' on the side facing/closest to the road of ingress and egress to the off-set parcel.
4. The size of the driveway pipe used in new and replacement driveways shall be determined by the Bronson Township Trustees, but in no event to be less than 8" wide (inside diameter) and 20' long. Although Zoning recommendation is 30' in length. Pipe shall conform to AASH to M294S specifications.
5. CONCRETE DRIVEWAYS: No concrete shall be constructed closer than five (5) feet of the edge of the paved surface of the road.
6. REAR ACCESS: No more than five (5) continuous lots shall be permitted along any public road within a distance of two thousand (2000) feet unless there is reserved for future street construction a strip of land no less than sixty (60) feet wide to allow future access to interior parcels of land.
7. FENCES:
 - a) Corner lot restriction: On any front and side yards of a corner lot, no fence, wall, nor hedge row above the height of two and one half (2.5) feet shall be permitted which materially impedes vision across such yard back a distance of twenty (20) feet from all adjoining roads. Property owners must maintain a clear line of vision for three hundred (300) feet.
 - b) All lots: Fencing shall not be located on any public right-of-way. With mutual notarized and properly recorded consent of adjacent property owners, the fence may be built on the legally established property line, otherwise, it shall be set off the property line by at least two (2) feet. A zoning certificate is required.
 - c) Snow Fences: The construction of snow fences shall be permitted only during the timeframe of November 1st through April 30th the following year. A zoning certificate is required.

- d) Electric Fences: Any electric fence which is not constructed for agricultural purposes shall comply with and adhere to the same standards for the construction of a non-electric fence as stipulated above in Section XV(7)(b).

SECTION XVI - BUILDING STANDARDS

1. A dwelling shall be placed on a foundation of masonry construction or other approved material by B.O.C.A. or traditional building material. Footers are to be a minimum of sixteen (16) inches wide, 8" thick and shall extend below the frost line, being a minimum of thirty-two (32) inches deep.
2. Electrical wiring in all buildings shall meet the requirements of the National Electrical Code.
3. Chimneys and vents for heating devices shall be constructed of materials approved by the National Board of Fire Underwriters.

SECTION XVII - PARKING FACILITIES

1. All dwellings shall provide parking space off the road or street and outside of the public right-of-way, together with means of ingress or egress thereto, for not less than one motor vehicle per dwelling unit or apartment. Not less than two hundred (200) square feet of area shall be deemed necessary for each such vehicle.
2. All Class "B" uses shall provide parking space off the road or street outside the public right-of-way and not more than three hundred (300) feet distance from an entrance to said establishment of an area of not less than two hundred (200) square feet for each one hundred (100) square feet of area of the first floor of said establishment which it serves.
3. Every theater, auditorium, stadium, arena, building, or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment, and similar activities shall provide off the street or road and outside of the public right-of-way not less than two hundred (200) square feet of space, suitable for parking automobiles and other vehicles, for every four persons to be accommodated. Such parking space shall be within four hundred (400) feet of the main entrance to such use, shall provide adequate means of ingress available for the use of such patrons.
4. All Class "B" and Class "I" uses shall provide adequate parking space off the road or street and outside of the public right-of-way for vehicles delivering to, unloading, loading, or taking away from said user goods, materials, supplies, or waste in connection with said business or use but in no event can they be parked on public right-of-way for loading or unloading.

SECTION XVIII - ENFORCEMENT/FEES/PENALTIES

1. Zoning Inspector:

The Zoning Inspector shall be employed for the purpose of granting zoning certificates and to make inspections of premises or buildings necessary in carrying out the Zoning Inspector's duties in compliance with the provisions of this Resolution. The Zoning Inspector shall be appointed by Bronson Township Trustees, and shall receive such compensation as the Trustees may provide. It shall be unlawful for the Zoning Inspector to issue zoning certificates or approve any plans until the Zoning Inspector has inspected such plans in detail and found them to conform with the provisions of this Resolution. The Zoning Inspector shall also be responsible for submitting to the Board of Zoning Appeals all applications for conditional zoning certificates. The Zoning Inspector shall not refuse to issue a zoning certificate when the provisions or conditions of this Resolution are complied with by the applicant.

2. Duties:

- a) Inform applicants of requirements of this Resolution, check sewage disposal permit issued by the Huron County Department of Health for use of site, and check site assessment to be required of each owner from Huron County Soil and Water Conservation District for each home or building to determine if a flood plain is located on the property. To issue requested zoning certificate, or to refuse to issue same in the event of non-compliance.
- b) Collect the designated fees for zoning certificates, amendments, appeals, conditional uses, lot splits, and variances.
- c) Make and keep records on all applications, issuance and denial of all zoning certificates, and on all complaints of violations.
- d) Enforce this Resolution and take all necessary steps to remedy any condition found in violation by ordering in writing the discontinuance of illegal uses or illegal work in progress, and request the county prosecutor to commence appropriate legal action when necessary.
- e) Keep the Zoning Commission advised of all matters other than routine duties pertaining to the enforcement of this Resolution and to transmit all applications and records pertaining to amendments.
- f) Keep the Board of Zoning Appeals advised of all matters pertaining to appeals, variances, and conditional uses, variances, and lot splits, transmit all applications and records pertaining thereto.

3. Zoning Certificates Required:

Before construction, changing the use of, or structurally altering any building or sign, including accessory buildings, or changing the use of any premises; application shall be made to the Zoning Inspector for a zoning certificate. This requirement shall not include interior remodeling if the type of use is not changed and shall not include exterior upkeep and maintenance.

If proposed use shall require a sewage disposal system, the permit issued by the proper authorities, shall be verified as a requirement for a zoning certificate. The zoning certificate shall also include the following information:

- a) A plot plan drawn to scale showing the actual shape, location, and exact dimensions of the property to be built upon;
- b) The shape, size, and location of all buildings and other structures to be erected, altered or moved and of any building or other structures already on the property;
- c) The existing and intended use of the property and the building structure;
- d) The yard, open area and parking dimensions;
- e) Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Resolution.
- f) Before construction or altering any sign or outdoor advertising device in a “B” or “I” District, a zoning certificate shall be secured.

Within twenty (20) days the Zoning Inspector shall issue a zoning certificate, if the request complies with the requirements of this Resolution and the request is accompanied by the proper permit fee. If such certificate is refused for cause, the applicant shall be notified of such refusal and cause within twenty (20) day period.

The zoning certificate shall become void at the expiration of six (6) months after date of issuance unless construction is started. If no construction is started or use changed within six (6) months of date of certificate, a new zoning certificate shall be required. Exterior construction shall be completed within eighteen (18) months of certificate issuance, unless a renewal certificate is issued and the permit fee paid. Only two renewal certificates are allowed per project.

4. Fees and Compensation:

The Township Trustees shall by resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, variances, lot splits, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations,

inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the Township Hall and home of the township Zoning Inspector, and may be altered or amended only by the Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any request or appeal.

5. Violations:

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

6. Inspection:

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

7. Abatement:

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

8. Penalties:

The owner or owners of any building or premises or part thereof where anything in violation of the Resolution shall be placed or shall exist, and any tenant or occupant of such building or premises, and any architect, builder, or contractor, or any other person who shall assist in the committing of any such violation or noncompliance shall be fined not more than \$100.00. Each day such violation or failure to comply shall exist, shall constitute a separate offense. The fine is to be paid to the Bronson Township Treasury.

SECTION XIX - BOARD OF APPEALS

A. DUTIES:

There is hereby created a Township Board of Zoning Appeals of five (5) members, who shall be residents of the unincorporated area of the Township included in the area zoned. The term of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until a successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term.

The Township Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning laws or of this Resolution or any amendments thereto.
2. To authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
3. To hear and decide all conditional use applications which present unique or special characteristics in relation to location, design, size, traffic generation, and method of operation.

In exercising the above mentioned powers, such Board may, in conformity with the provisions of law and this Resolution and amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the office from whom the appeal is taken.

The Township Board of Zoning Appeals shall organize, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chair, and at such other times as the Board may determine. The Chairman, or in its absence, the acting Chair, may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

Appeals and requests for Conditional Uses to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal or request is taken shall forthwith transmit to the Township Board of Zoning Appeals all of the papers constituting the record upon which the appeal or request is based.

Parties requesting Conditional Uses and/or Variances must provide proof that they have made a reasonable attempt to give notice to one hundred (100%) per cent of Bronson Township Residents within a one/half (1/2) mile radius by either petition, registered, or certified letter stating the proposed conditional use, and/or variance with the meeting date, and parties to give proof by acquiring a signature of an adult in each household on the statement of request or returned signature on the registered or certified mailing. The party may also get a certificate of mailing from the post office. The purpose of signature is not to agree/disagree, rather to alert neighbors of parties of the

request for a hearing.

The Township Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest, publish once in newspaper of general circulation at least ten (10) days prior to hearing, and decide the same within thirty (30) days after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of the Township Board of Zoning Appeals may appeal to the Court of Common Pleas of this County on the ground that such decision was unreasonable or unlawful.

B. CONDITIONAL USES AND VARIANCES:

CONDITIONAL USE: A conditional use is a use permitted only after review of an application by the Board of Zoning Appeals, such review being necessary because the provisions of the Resolution covering conditions, precedent, or subsequent, are not precise enough to all applications without interpretation, and such review is required by the Resolution.

VARIANCES: Is a modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Zoning Resolution would cause undue hardship owing to circumstances unique to the individual property on which the Variance is granted.

The crucial points of Variances are:

1. Undue hardship,
2. Unique circumstances, and
3. Applying to property.

A variance is not justified unless all three (3) elements are present in the case.

The "Conditional Use" differs from the "Variance" in several respects. A conditional use does not require "undue hardship" in order to be allowable. The conditional uses that are found in this Resolution appear as "conditional uses" requiring review by the Board of Zoning Appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

1. They require large areas;
2. They are infrequent;
3. They sometimes create an unusual amount of traffic;
4. They are sometimes obnoxious or hazardous; and
5. They are required for public safety and convenience.

In the event an conditional use is granted for a use, or a Variance is granted for a use; said properties shall be limited solely to the use specified in the application and which is the basis for the granting of the Variance or conditional use.

C. CONDITIONAL USES:

The Board of Zoning Appeals shall hear and determine all conditional use applications which possess unique or special characteristics relating to location, design, size, traffic generation and method of operation. Conditional uses although often desirable, will more intensely affect the surrounding area in which they are located, than the permitted uses of such districts. Since this is the case, the Board shall approve an application for a conditional use only when the following conditions are met:

1. The conditional use is in general accord with the Bronson Township general land use plan.
2. The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area.
3. If necessary, to accommodate certain projects, special conditions may require a greater amount of open space, entrance or exit drives, special lighting, noise control requirements, and fencing and landscaping.

In granting a conditional use the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public health, safety, and welfare and to further the purpose and intent of this Zoning Resolution.

In the event said conditional use or Variance is granted, said property must be in operation and devoted to said use within a two (2) year period from the date of granting said conditional use or Variance; and if said use is not in effect, then said zoning certificate for the conditional use or Variance shall lapse and be null and void, and said premises shall revert to their former status.

SECTION XX - AMENDMENTS

1. Amendments or supplements to Zoning Resolution, procedure, referendum.

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution therefor by the Board of Township Trustees or by the filing of an application therefor 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 Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

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

(15) days before the date of such hearing.

If the proposed amendment or supplement intends to rezone or redistrict ten (10) 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 continuous 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 lists or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of 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 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 Township Trustees as the case may be.

Within five (5) days after the adoption of such motion, the certification of such resolution, or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with 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 or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.

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 the recommendation of the County or Regional Planning Commission therein to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one publication in one 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 a summary of the proposed amendment or supplement.

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.

Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days 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) per cent 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 the amendment has been approved by the voters, it shall take immediate effect.

2. Fees

Each application for a zoning amendment, except those initiated by the Zoning Commission or Township Trustees shall be accompanied by a check payable to the Clerk of Bronson Township, or a cash payment sufficient to cover the costs of publishing, posting, and/or mailing notices of hearing, but in no event shall it be less than one hundred fifty dollars (\$150.00).

Any person, firm, or corporation violating this Resolution or any regulation, provision, or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, or use continues may be deemed a separate offense.

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, or used or any land is or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change or use.

For the purpose of this Resolution certain terms, words, and phrases are hereby defined. Words used in the present tense include the future, words used in the future tense include the present. The singular number includes the plural, and the plural the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed" or "arranged to be used or occupied", the word "building" includes the word "structure", and the word "dwelling" includes the word "residence", the word "lot" includes the words "parcel" or "plot".

Terms not herein defined shall have the meaning customarily assigned to them.

SECTION XXI - INTERPRETATION

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

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of this Resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions, or agreements between parties which impose restrictions greater than those imposed by this Resolution.

SECTION XXII - VALIDITY

Each section, sub-section, provision, requirement, regulation, or restriction established by this Resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not affect nor render invalid the Resolution or amendments thereto as a whole or any other part thereof except the particular part so declared to be invalid.

XXIII - DEFINITIONS

ACCESSORY USE OR BUILDING: Is a use or building on the same lot with, and of a nature customarily incident and subordinate to the main use or building.

ADULT BOOKSTORE means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes, cassettes, and compact discs which are distinguished by their emphasis on adult materials.

ADULT BUSINESS includes an adult bookstore, adult cabaret, adult motion picture theater, adult-oriented business, and massage establishments.

ADULT CABARET means a nightclub, bar, restaurant, supper club, lounge, or similar establishment in which persons appear in a state of nudity in the performance of their duties.

ADULT MATERIAL means material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene.

ADULT MOTION PICTURE THEATER means an enclosed or open air motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material.

ADULT-ORIENTED BUSINESS means an establishment having as its primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene.

ALLEY: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

APARTMENT: (living unit) A dwelling unit in a multiple dwelling, providing complete living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

AUTOMOBILE REPAIR -- MAJOR: General repair, rebuilding or reconditioning of motor vehicles or trailers, collision service including body repairs, and frame straightening, painting, and upholstering.

AUTOMOBILE REPAIR -- MINOR: Minor repairs, incidental replacement of parts and minor service to passenger automobiles and trucks, but not including any operating specified under "Automobile Repair--Major".

AUTOMOBILE REPAIR STATION: General repair, rebuilding and reconditioning of engines, transmissions, differentials and running gear in conjunction with a Service Station, excluding collision service, body, frame, or fender straightening or repair, overall painting or paint shop.

AUTOMOBILE SERVICE STATION OR GASOLINE STATION: A place where gasoline, kerosene, or any other motor fuel or lubricating oil and grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, on the premises, including greasing, oiling, and minor repairs and manual washing.

BUILDING: Is any permanent structure either pole construction, on footers, or on a concrete slab having a roof and intended for shelter or housing property of any kind. Lawn ornaments are not considered buildings and are excluded from requiring a permit.

BUILDING HEIGHT: The vertical distance from the established sidewalk grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, and the mean height between the eaves and the ridge for gable, hip and gambrel roofs, penthouses, towers, cupolas, steeples, antennas, and other roof structures used only for mechanical operating of the building shall not be included as the height of the building. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING LINE: Is a line formed by the face of the building, and for the purpose of this Resolution, a building line is the same as a front setback line.

CHURCH means any church, synagogue, mosque, temple, or building which is used primarily for religious worship, religious services, and related religious activities.

DRIVE-IN RESTAURANT: A business establishment for the serving of food and/or beverages so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve persons while in the motor vehicles rather than within the building or structure; or to permit patron self-service and return to the vehicle.

DWELLING, MULTIPLE-FAMILY: Is a building, or a portion thereof, designed exclusively for occupancy by three (3) or more families, living independently of each other.

DWELLING, ONE-FAMILY: Is a building designed exclusively for and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY: Is a building designed exclusively for occupancy by two (2) families, living independently of each other.

DWELLING UNIT: Any building or part thereof, occupied in whole or in part, as the home, residence, or sleeping place of one or more persons, either permanently or temporarily and having cooking facilities.

ESSENTIAL SERVICES: Is the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, service, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, and police call boxes, traffic signals, hydrants, and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

FAMILY: Is one or two persons or parents, with their first lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or more persons living in such housekeeping unit shall be considered a separate family for the purpose of this Resolution.

FENCE: Any fence, wall, masonry barrier, hedge row/wall, or any other structure or vegetation used to demark the whole of or a portion thereof any parcel. Prior to the construction of any fence/wall, or the planting of any hedges, a zoning permit shall be required.

FLOOR AREA: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of area of basements, unfurnished attics, attached garages, breezeways, and enclosed and unenclosed porches.

HARMFUL TO JUVENILES means any material or performance if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:

- (a) It tends to appeal to the prurient interest of juveniles;
- (b) It contains a display, description, or representation of sexual activity, masturbation, sexual excitement, or nudity;
- (c) It contains a display, description, or representation of bestiality, or bizarre violence, cruelty, or brutality;
- (d) It contains a display, description, or representation of human bodily functions of elimination;
- (e) It makes repeated use of foul language;
- (f) It contains a display, description, or representation in lurid detail of the violent torture, dismemberment, destruction, or death of a human being;
- (g) It contains a display, description, or representation of criminal activity that tends to glorify or glamorize the activity, and that, with respect to juveniles, has a dominant tendency to corrupt.

HAZARDOUS WASTER: means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the director, because of its quantity, concentration, or physical or chemical characteristics, may do either of the following:

- 1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
- 2. Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

JUNKYARD: A premise on which is found one (1) or more motor vehicles in a residential or commercial area of which includes at least one (1) junk motor vehicle shall constitute a violation to this Resolution.

JUNK MOTOR VEHICLE: any vehicle that meets all of the following:

- 1. Three years old, or older;
- 2. Apparently Inoperable;
- 3. Extensively damaged, such damage includes but is not limited to; missing wheels, engine, or transmission

LAWN ORNAMENTS: Moveable and/or temporary structures placed in lawn for decoration/ornamentation. Not to be considered a building requiring a permit; for example, gazebo, dog house, bird houses, etc.

LOT: A parcel of land occupied, or to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Resolution and fronting upon a public street. A lot may or may not be specifically designated as such on public record.

LOT AREA: Is the total horizontal area within the lot lines of the lot.

LOT, CORNER: A lot of which two adjacent sides abut for their full length upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the corner. In the case of a corner lot with curved street line, the "corner" is that point on the street lot line nearest to the point of intersection of the tangents above described.

LOT DEPTH: Is the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, DOUBLE FRONTAGE: A lot, other than a corner lot, with frontage on more than one street.

LOT, INTERIOR: A lot other than a corner lot, with only one frontage or a street other than an alley.

LOT LINES: The lines bounding a lot as defined herein:

1. Front Lot Line: is a lot line separating a lot from an adjacent street.
2. Rear Lot Line: is a lot line other than a side lot line or a street or road line.
3. Side Lot Line: is a line connecting with a street or road line.

LOT OF RECORD: Is a parcel of land, the dimensions of which are shown on a recorded plat on file with the County Register of Deeds at the time of adoption of this Resolution or in common use by Municipal or County Officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH: Is the horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.

MAIN BUILDING: Is a building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE: Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.

MAJOR THOROUGHFARE: Is an arterial street which is intended to serve as a large volume traffic way for both the immediate Municipal area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan.

MASSAGE means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the

aid of any mechanical or electrical apparatus or appliance.

MASSAGE ESTABLISHMENT means any fixed place of business where a person offers massages, either in exchange for something of value, or in connection with providing another legitimate service. For the purposes of this Zoning Resolution, "massage establishment" does not include those businesses practicing any limited branch of medicine or surgery by persons certified to practice under Ohio Revised Code sections 4731.15 and 4731.16, or providing therapeutic massage by a licensed physician, chiropractor, podiatrist, nurse, or other health professional licensed, certified, or registered to practice in Ohio.

MATERIAL means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other thing capable of arousing interest through sight, sound, or touch.

MOBILE HOME PARK: A parcel of land under single ownership, improved and licensed for the placement of mobile homes for non-transient use.

MOTOR VEHICLE means any vehicle, including house or travel trailers, recreational vehicles, motorcycles, and motorized bicycles, propelled or drawn by power, other than muscular power, or power collected from overhead electric trolley wires.

NON-CONFORMING BUILDING: A building lawfully existing at the time of the adoption of this Resolution, or any amendment thereto, which does not conform to the provisions of this Resolution for the District in which it is situated.

NON-CONFORMING USE: A use which lawfully occupied a structure or parcel of land at the time of the adoption of this Resolution, or any amendment thereto, which does not conform to the provisions of this Resolution for the District in which it is located.

NUDITY means the showing, representation, or depiction of any of the following:

- (a) The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or
- (b) The female breast with less than a fully opaque covering on any part of the areola and nipple; or
- (c) The covered male genitals in a discernibly turgid state.

OBSCENE means any material or performance, when considered as a whole, and judged with reference to ordinary adults or, if it is designated for sexual deviates or other especially susceptible group, judged with reference to that group, if any of the following apply:

- (a) It tends to appeal to the prurient interest;
- (b) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;
- (c) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;
- (d) Its dominant tendency is to appeal to scatological interest by displaying or depicting

human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;

(e) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

OCCUPANCY - CHANGE OF: The term "Change of Occupancy" shall mean the discontinuance of an existing use and the substitution there-for of a different use.

PARKING SPACE: Is hereby determined to be an area of one hundred and eighty (180) square feet, said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

PRIVATE GARAGE: Is a garage with a capacity for not more than two (2) self-propelled vehicles. A zoning certificate may be issued by the Zoning Commission to erect a larger private garage.

PUBLIC GARAGE: Is a garage with a capacity for more than two (2) self-propelled vehicles.

PUBLIC PARK means public land which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian or bicycle paths, baseball diamond, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township, County, or State.

SCHOOL means any public or private educational facility including, but not limited to, child day care facility, nursery school, preschool, kindergarten, elementary school, primary school, intermediate school, junior high school, middle school, high school, vocational school, secondary school, special educational school, junior college, and university. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

SEXUAL ACTIVITY means sexual conduct or sexual contact, or both.

SEXUAL CONDUCT means vaginal intercourse between a male and female, anal intercourse, fellatio, and cunnilingus between persons regardless of gender, and the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

SEXUAL CONTACT means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttocks, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

SIGN: Is the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known, such as is used to show an individual firm, profession, or business and is visible to the general public.

SIGN-ACCESSORY: A sign which is accessory to the principal use of the premises.

SIGN-NO ACCESSORY: A sign which is not accessory to the principal use of the premises.

SOLAR FIELD: A freestanding solar array which is not connected to any other structure or appurtenance thereto on any parcel. A “solar field” does not include solar panels or other apparatus thereto which are installed on an existing structure or appurtenance thereto.

STORY: Is the part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is not floor above, and the ceiling next above. A story thus defined shall not be counted as a story when more than fifty per cent (50%), by cubic content, is below the height level of the adjoining ground.

STORY-HALL: Is an uppermost story lying under a sloping roof, the unusable floor area of which, at a height of four feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square foot of floor space is seven feet six inches (7'-6").

STREET: A right-of-way dedicated to public use which provides vehicular and pedestrian access to adjacent properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane, or however otherwise designated.

STRUCTURE: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, except fences, walls, or pavement.

TEMPORARY USE OR BUILDING: Is a use or building permitted to exist during periods of construction of the main building, or use, or for special events, or as otherwise permitted in this Resolution.

TRAVEL TRAILER: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

USEABLE FLOOR AREA: (For the purposes of computing parking) is that area used for, or intended to be used for the sale of merchandise, services, for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities shall be excluded from this computation of "useable floor area". Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

USE: Is the purpose for which land or building is arranged, designed, or intended; or for which land or a building is or may be occupied.

YARDS: The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Resolution, and as defined herein:

1. Front Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
2. Rear Yard: Is an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
3. Side Yard: Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.