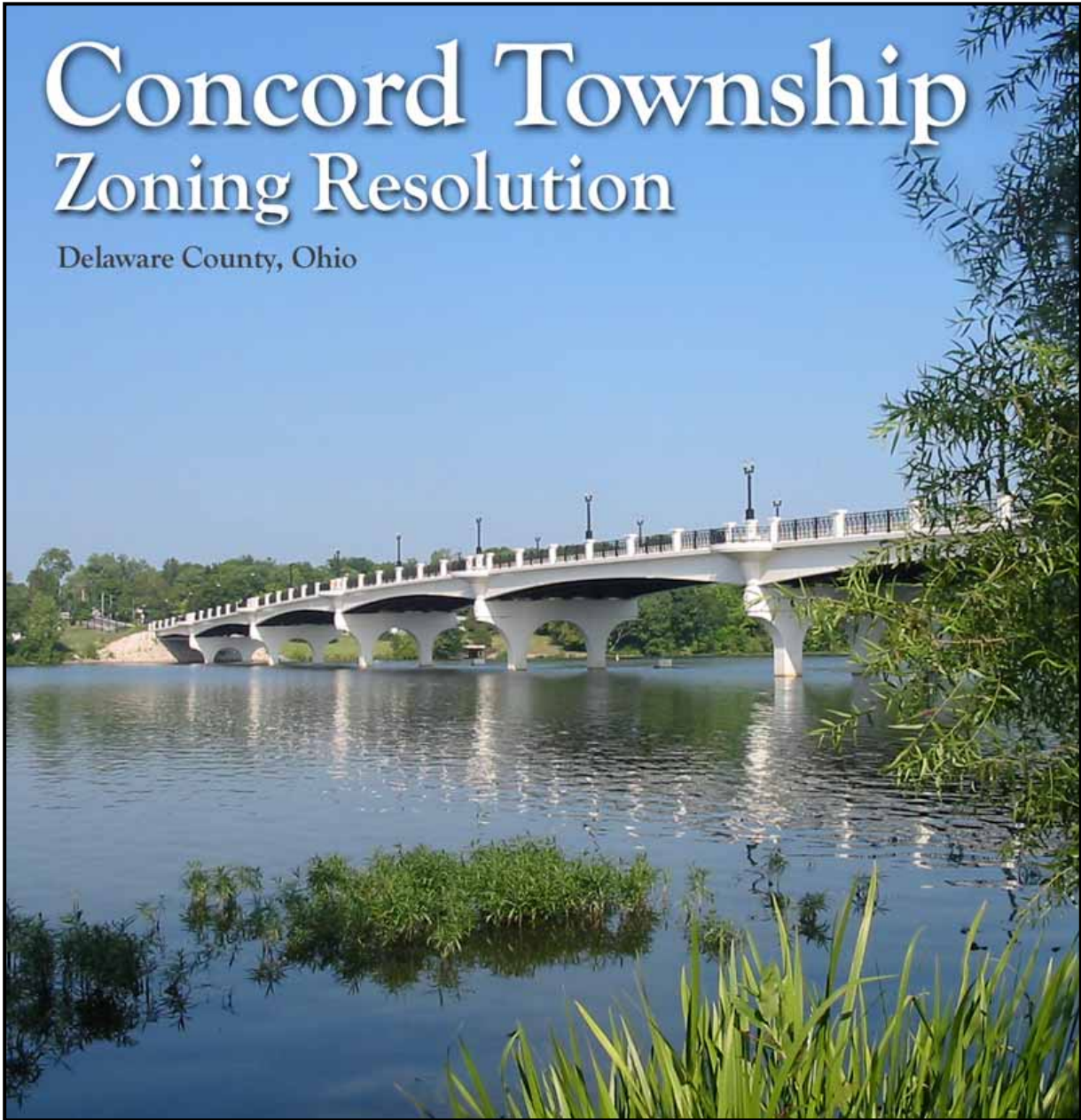


# Concord Township Zoning Resolution

Delaware County, Ohio



**Adopted January, 1955**

**Last Amended June 27, 2005, by Resolution 0627-6**



CONCORD TOWNSHIP ZONING RESOLUTION

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## **ARTICLE I - TITLE**

**Section 1.01** - This Resolution and any amendments hereto shall be known and may be cited and referred to as Concord Township Zoning Resolution, Delaware County, Ohio.

## **ARTICLE II - PURPOSE**

**Section 2.01** - This Resolution is enacted for the purpose of promoting public health, safety and morals; to conserve and protect the natural resources and scenic and historical areas; to encourage the orderly growth and development of the township; to maintain the rural character and aesthetics of the township; to provide for adequate light, air and open space; to secure the most appropriate use of land; to facilitate adequate but economical provision for public improvements, all in accordance with existing county or township plans or plans which may be later adopted and as permitted by the provisions of Chapter 519, Ohio Revised Code.

## **ARTICLE III - INTERPRETATION OF STANDARDS**

**Section 3.01** - In the interpretation and application, the provision of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control, and be enforced. However, where the provisions of this Resolution are less restrictive, the more restrictive provisions of other laws, rules, regulations, restrictions or resolutions shall control. The Zoning Commission, Board of Zoning Appeals, and the Board of Township Trustees will, when appropriate, refer to all plans, master plans, studies and treatises affecting the township area and may require inclusion of recommendations in plans or proposals as submitted for approval.

## **ARTICLE IV - DEFINITIONS**

### **Section 4.01 - DEFINITIONS:**

**Accessory Use (or Structure):** Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a lot, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure. Among other things, "Accessory Use" includes anything of subordinate nature attached to or unattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles and poster panels; Except as otherwise required in this Resolution, an accessory use shall be a permitted use.

**Agriculture:** The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**Adult Care facility:** An adult family home or an adult group home. For the purposes of this resolution, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services. Adult care facility does not include:

- 1.) a facility operated by a hospice care program licensed under ORC 3712.04 that is used exclusively for care of hospice patients;
- 2.) a nursing home, or home for the aging as defined in ORC 3721.01.
- 3.) a community alternative home as defined in ORC 3724.01.
- 4.) an alcohol and drug addiction program as defined in ORC 3793.01.

**Adult family home:** As defined in ORC 3722.01, a residence or facility that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three adults.

**Adult group home:** As defined under ORC 3722.01, an adult group home means a residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and adult personal care services to at least three of the unrelated adults.

**Alterations, Structural:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**Automotive Repair:** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**Basement:** A story, all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

**Boarding Kennel:** Any lot or premise where six (6) or more domesticated animals over four months of age are housed, boarded, groomed or trained, and which may offer medical treatment.

**Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**Building, Accessory:** A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

**Building, Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building Line:** (See Setback Line)

**Building, Principal:** A building in which is conducted the main or principal use of the lot in which said building is situated.

**Centralized sanitary sewer service:** Any sanitary sewer system, other than an individual septic tank tile field, that is operated by a municipality, governmental agency, or a public or private utility for the collection, treatment and disposal of wastes, or an approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

**Centralized water:** Any potable water system, other than an individual well, that is operated by a municipality, governmental agency, or a public or private utility for the treatment and furnishing of potable water.

**Child Day-Care:** Administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home.

**Common Access Driveway Subdivision:** A subdivision in which two or more lots share a common easement or driveway. Said subdivision and driveway easement shall meet the Delaware County Subdivision requirements.

**Common Open Space:** Parcels of land together with the improvements thereon, the use and enjoyment of which is shared by the owners and occupants of the individual building sites of the particular development and is accessible to such owners and occupants.

**Comprehensive Development Plan:** A plan or any portion thereof, adopted by the township showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**Conditional Use:** A use permitted within a district, other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

**Conditional Use Permit:** A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

**Condominium:** A building or group of buildings in which units are individually owned but the structure and facilities are owned on a proportional undivided basis by all of the owners.

**Conservation subdivision:** A residential community where typically half of the buildable land area is designated as undivided, permanent open space. This result is achieved by designing compact neighborhoods with smaller lots, with the goal of having at least 85% of the homes being afforded a direct view of the open space.

**Corner Lot:** (See lot Types)

**Cul-de-sac:** (See Thoroughfare)

**Dead-end Street:** (See Thoroughfare)

**Density:** A unit of measurement expressing the number of dwelling units per acre of land.

1. Gross Density - the number of dwelling units per acre of the total land area included within the development.
2. Net Density - the number of dwelling units per developable acre of land.

**Density Bonus:** An increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of park areas, as provided for in the zoning regulations.

**District:** A part, zone, or geographic area within the township within which certain zoning or development regulations apply.

**Dog Kennel:** Any lot where less than six dogs over four months of age are housed, boarded, groomed, or trained. The dogs are owned by the property owner or leases.

**Dwelling:** Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

**Dwelling Unit:** Space within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

**Dwelling, Single Family:** Detached, individual dwelling units, which accommodate one family related by blood or marriage or up to five unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform either to the Delaware County (Council of American Building Officials) One and Two family dwelling code, or be classified as an Industrialized Unit or Permanently Sited Manufactured Housing, as defined herein.

**Dwelling Unit, Common Wall Single Family Attached:** Type of residential construction characterized by a common vertical firewall separating housing units, where no more than four (4) units are attached in a group.

**Dwelling, Multi-Family:** A residential building arranged or designed for five (5) or more dwelling units as separate and complete housekeeping units.

**Dwelling, Two Family:** A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units living independently of each other.

**Dwelling, Rooming House** (Boarding House, Lodging House Dormitory) A dwelling or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

**Easements:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his/her property.

**Essential Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. The term essential services shall not include cellular towers.

**Existing Features (Site Analysis) Plan:** Plan that depicts all of the following:

- 1.) a topographic map as published by the Delaware County Auditor's DALIS office, using the most detailed available contour interval;
- 2.) the location of slopes greater than 20%, wetlands, watercourses, 100-year floodplains and all existing rights-of-way and easements;
- 3.) soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps; and
- 4.) the location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails, and any sites listed on the ODNR Natural Diversity Inventory, or National Historic Registry.

**Family:** One or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity, or sorority house, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five (5) persons.

**Flood Plain:** That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

**Flood, Regional:** Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

**Floodway:** That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

**Floodway Fringe:** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**Garages, Private:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles) travel trailers and/or boats of the occupants of the premises.

**Garage, Public:** A principal or accessory building, other than private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

**Group Residential Facility:** A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services.

**Home Occupation:** An accessory use which is an activity, profession, occupation, service craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises, without any significant adverse effect upon the surrounding neighborhood.

**Homeowner's Association-** A private non-profit corporation, association or other non-profit entity established by the developer to maintain such open space and facilities as may be dedicated to subdivision residents. Membership in such an association shall be mandatory for all purchasers of lots in the development (or units in a condominium). The association shall be responsible for maintenance, control and insurance of common areas, including the open space, as may be dedicated to the association, and shall have the right to impose assessments upon its members, enforceable by liens, in order to ensure that it will have sufficient financial resources.

**Hotel or Motel and Apartment Hotel:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**Impervious Surfaces:** Areas that have been paved and/or covered with buildings and materials( that do not absorb and/or allow water to penetrate) which include, but are not limited to, concrete, asphalt, rooftop, blacktop and brick.

**Improved Common Open Space:** Open space set aside for passive or active recreational purposes. These areas may contain accessory buildings and improvements necessary and appropriate for recreational uses as shown on the development plan. If deemed appropriate by the Township, improved common open space may incorporate land for on-site wastewater disposal.

**Industrialized Unit:** Means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to

form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein.

**Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**Lot:** For the purposes of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and shall consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record and portions of lots of record.

**Lot Coverage:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed in percentage.

**Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street, road or approved easement. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

**Lot Minimum Area of:** The area of a lot is computed exclusive of any easements.

**Lot Measurements:** A lot shall be measured as follows:

1. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lot Types:** Terminology used in this Resolution with reference to corner lots, interior lots and through lots is as follows:

1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.
2. Interior Lot: A lot with only one frontage on a street.

3. Through Wt: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. Reversed Frontage Wt: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Major Thoroughfare Plan:** The portion of comprehensive plan adopted by the Regional Planning Commission or Township indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**Manufactured home:** A non self-propelled building unit or assembly of closed construction fabricated in an off site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

**Manufacturing, Extractive:** Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

**Mobile home:** a non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit.

**Mobile Home Park:** Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

**Natural open space:** land set aside in its natural condition. Typical natural conditions might be, but are not limited to ravines, wetlands, floodplains, woods, scenic views, or appropriate agriculture.

**Net Developable area:** determined by deducting 15% of the tract's gross acreage for streets and utilities, and additionally deducting all the following acreage to the extent it may exist on the tract:

- 1.) Jurisdictional wetlands, as defined in the US Army Corps of Engineers' Corps of Engineers



Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Jurisdictional wetlands as regulated by Section 404 of the Clean Water Act consist of a.) hydric soils, b.) hydrophytic vegetation and c.) wetland hydrology.

- 2.) floodplains – areas that lie within a Federal Emergency Management Agency (FEMA) 100-year floodplain, either within elevations determined by FEMA, or mapped by FEMA.
- 3.) slopes greater than 20%.
- 4.) utilities rights-of-way and easements for above-ground and currently existing utility structures such as above ground pipelines, and overhead electric transmission (not local service) wires that exist prior to the development.
- 5.) existing bodies of water.

**Nonconformity:** Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

**Open space:** land within a development that shall not be built upon and may be classified as either “improved common” or “natural” open space, or a combination of both. It does not include the areas of individual fee simple lots conveyed to homeowners.

**Open space development:** land that is designed and developed as a unified residential development with open space as an integral characteristic. Instead of subdividing an entire tract into house lots and streets, the same number of housing lots may be clustered on a reduced amount of acreage on the condition that the remaining land in the tract is permanently reserved for open space area, the future development or subdivision of which is prohibited.

**Open space easement:** a recorded legal instrument which permanently and irrevocably protects land from future development, other than for approved open space use. The easement shall be tied to the title of the land regardless of the subsequent ownership of the land.

**Open Spaces:** An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts and any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

**Performance Bond or Surety Bond:** An agreement by a subdivider or developer with the County or Township for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

**Permanently Sited Manufactured Housing:** Manufactured housing constructed and located pursuant to the definition in ORC 3781.06 (C) (6) and further meeting the following standards:

1. Be constructed after January 1, 1995 in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, 88 stat. 700, 42 U.S.C.A. 5401 and 5403. It must also have a permanent label attached as specified in 42 U.S.C.A 5415.
2. Be attached to a permanent foundation as defined in ORC 3781.06 (C) (6).
3. Be connected to appropriate facilities (water, sanitary sewage disposal, and electric).

4. Have a length of at least 22 feet and a width of at least 22 feet, as manufactured.
5. Conform to minimum size of living area, by zoning standards herein.
6. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, and vertical natural materials), a 6-inch minimum eave overhang, and a minimum “A” roof pitch of 3:12.
7. Not be located in a manufactured home park as defined by Section 3733.01 of the Ohio Revised Code.
8. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the district such as minimum lot size, setbacks, and minimum dwelling unit square footage (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing).
9. All indicia of mobility are removed upon placement upon its foundation.

**Planned Development:** A Planned Development is land under unified control, planned and developed as a whole; a single development for a definitely programmed series of development operations including all lands and buildings; accomplished according to comprehensive and detailed plans which include not only streets, utilities, lots or building sites and the like, but also site plans and design principles for all buildings as intended to be located, constructed, used, and related to each other; and detailed plans for other uses and improvements on the land as related to buildings; and a program for the provision, operation, and maintenance of a land area including improvements and facilities necessary for common use by some or all of the occupants of the development, but which will not be provided, operated, or maintained at general public expense. The area of land included within a planned development is intended to accommodate a variety of structures and/or uses in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains additional requirements such as building design principles and landscape plans.

**Primary Conservation Areas-** steep slopes (over 20%), wetlands, watercourses, intermittent streams and 100-year floodplains.

**Public Service Facility:** The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a public or other governmental agency, including the furnishing of electricity, gas, rail transport, communication, public water and sewage services. Cellular towers shall not be deemed to be a public service facility.

**Public Uses:** Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Right-of-Way:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities and may include

special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Secondary Conservation Areas-** land typically consisting of upland forest, meadows, pastures, and farm fields that are part of the ecologically connected matrix of natural areas significant for wildlife habitat and/or water quality protection; historic, archaeological or cultural features listed (or eligible to be listed) on national, state or county registers or inventories, and scenic views into the property from existing public roads and other reasons. Secondary conservation areas are those selected areas to be saved in a conservation subdivision in addition to the primary conservation areas.

**Setback Line:** A line established by the zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no use or improvement is located within the setback area as regulated in this Resolution.

**Sewers, Central or Group:** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

**Sewers, On -Site:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the County Health Department.

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, signs, swimming pools, gazebos, and decks.

**Structurally Altered:** See Alterations, Structural.

**Telecommunications antenna, or antenna-** refers to the actual directional antenna, panel, microwave dish or satellite dish, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services, to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems.

**Telecommunications carrier-** means a public utility engaged in the provision of telecommunication services.

**Telecommunications tower-**means any structure as defined in ORC 519.211 (B) (1).

**Thoroughfare, Street, or Road:** The full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.
3. Collector Street: A thoroughfare, whether within a residential, industrial,

commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

4. Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: A street primarily for providing access to residential or other abutting property.
7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of one hundred and eighty (180) degrees system of turns are not more than one thousand (1 000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

**Use:** The specific purposes for which land or a structure is designated, arranged, intended, or for which it is or may be occupied or maintained.

**Variance:** A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest or the good of the township, and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in a hardship.

**Vicinity Map:** A drawing located on the plat which sets forth by dimensions or other means the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

**Walkway:** A public way for pedestrian use, whether along the side of a road or not.

**Yard:** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear of the principal building to the rear lot line.

3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**Zero Lot Line Development:** An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than 5 feet unless it abuts the lot line and is provided with an access easement of 5 feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.

**Zoning Inspector:** The Zoning Inspector is the person designated by the Board of Township Trustees to administer and enforce zoning regulations.

**Zoning Permit:** A zoning certificate issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

All words used in this Zoning Resolution shall, unless otherwise defined herein, be given the precise meaning or significance as that which is normally attributed to such word or as the same is defined in Webster's Dictionary.

**ARTICLE V - DISTRICTS AND BOUNDARIES**

**Section 5.01 - ZONING DISTRICTS:** For the purpose of this Resolution, the following districts are hereby created in order that the unincorporated area of Concord Township, Delaware County, Ohio, may be divided into one or more such districts:

PRCD	Planned Residential Conservation District
FR-1	Farm Residential District
R-2	Residential District
R-6	Multi-Family Residential District
PRD	Planned Residential District
B-1	Neighborhood Business District
B-2	Community Business District
B-3	General Business District
B-4	Outside Storage and Warehouse District
M-1	Industrial District
M-2	General Industrial District
PCD	Planned Commercial and Office District
PID	Planned Industrial District

**Section 5.02 - CONCORD TOWNSHIP ZONING MAP AND DISTRICT BOUNDARIES:** All land in Concord Township within the scope of this Zoning Resolution is placed into zoning districts as is shown on the Concord Township Zoning Map, which is incorporated by reference and made part of this Resolution. The Concord Township Zoning Map shall be identified by a certificate signed by the Concord Township Board of Trustees in the following form:

Concord Township Zoning Map,  
Delaware County, Ohio, duly adopted by the  
Concord Township Board of Trustees

\_\_\_\_\_  
Date

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

Concord Township Board of Trustees

**Section 5.03 - NEW TERRITORY:** All territory which hereafter may become a part of Concord Township, Delaware County, Ohio, by any method and all territory in a Farm Residential District (FR-1) on the effective date of this Resolution shall be classed automatically as lying in and being in a Farm Residential District (FR-1) until each classification shall have been changed according to this Resolution and map as provided by law.

**Section 5.04 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:** Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- a) Where district boundaries are indicated approximately following the center lines of streets or highways, street lines or highway right-of way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance as indicated on the zoning map. If no distance is given, the dimension shall be determined by the use of the scale shown on said zoning map.
- d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad lines.
- e) Where the boundary of a district follows a stream or other body of water, the center line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- f) Where the boundary of a district follows a metes and bounds description approved as a part of a rezoning or annexation of any territory, said metes and bounds description shall have control over all of the foregoing.
- 8) Questions concerning the exact location of district boundary lines shall be determined by the Zoning Inspector, subject to the owners' right of appeal to the Board of Zoning Appeals as provided herein.

**Section 5.05 - ZONING MAP:** The Concord Township Zoning Map shall be maintained by the Zoning Inspector in a fireproof safe or container. Working copies of the same shall be accessible to the public at all reasonable times.

## **ARTICLE VI - APPLICATION OF RESOLUTION**

**Section 6.01 - CONFORMANCE REQUIRED:** Except as otherwise provided herein, no structure (temporary or permanent) or part thereof shall be moved on the site, erected, converted, enlarged, reconstructed, or structurally altered, nor shall any structure or land be used or occupied, other than in strict conformance with all the use regulations and development regulations established by this Resolution for the district in which the structure or land is located. All structures, controlled by this Resolution and legally existing before the effective date of this Resolution that become nonconforming as a result of the new front yard, side yard and/or rear yard (corner lot i.e. street frontage) set back requirements of this Resolution, may be converted, enlarged, reconstructed or structurally altered, and no variance shall be required unless the request is to construct said structures closer to the front right-of-way line than the existing setback distance or closer to the side or rear lot lines than permitted by this Resolution.

**Section 6.02 - AGRICULTURE:** Except as otherwise provided herein, nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning permit shall be required for any such use, building or structure.

Notwithstanding the foregoing, in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under section 711.13.1 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, agricultural uses and structures are subject to the terms and conditions of this Resolution in the following manner:

- a) Agricultural activities are prohibited on lots of one (1) acre or less.
- b) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but less than five acres are subject to all setback lines, height, and size regulations set forth in this Resolution.
- c) Dairying and animal and poultry husbandry on lots greater than one acre but less than five acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Ohio Revised Code are subject to the provisions of this Zoning Resolution. After thirty-five per cent of the lots are so developed, lawfully existing dairying and animal and poultry husbandry shall be considered nonconforming use of land, and buildings or structures pursuant to section 519.19 of the Ohio Revised Code and are thereafter prohibited.

### **Section 6.03 – Township Zoning Not to Affect Public Utilities, Railroads, Liquor Sales, or Oil and Gas Production; Exception for Telecommunications Towers:**

Except as otherwise provided in Section 6.031 of the Concord Township Zoning Resolution, this zoning resolution confers no power on any Board of Township Trustees or Board of Zoning Appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.

### **Section 6.031 TELECOMMUNICATIONS TOWERS**



**I. Towers Permitted: Limitations-** Public utilities or other functionally equivalent telecommunications providers may site a telecommunications tower as a permitted use in any zoning district except those expressly zoned for residential use. The areas zoned for residential use shall be deemed to be all land located within the following districts: Planned Residential and Conservation District (PRCD), Farm Residential (FR- I), Residential 2 (R-2), Multi-Family (R-6), and Planned Residential (PRD).

A. Local zoning authority shall not extend to the regulation of maintenance or use of such a tower or to any change or alteration that would not substantially increase the tower's height.

B. The local zoning authority over proposed telecommunications towers shall apply only to a particular tower, only upon provision of a notice of objection to that particular tower. No blanket zoning authority exists over telecommunications towers in residential districts unless and until a written notice of objection has been timely filed.

**II. Towers proposed within areas zoned for residential use-**Telecommunications towers may be regulated in areas zoned for residential use upon receipt of an objection pursuant to the regulations of ORC 519.211(B)(2). The provisions of this Resolution concerning telecommunications towers are not intended to replace or modify ORC 519.211, but instead are intended only to incorporate ORC 519.211 and its terms into this Resolution.

**A. Notice-** Notice shall comply with ORC 519.211 (B)(3).

**B. Procedure if Objections are filed-**

Upon the timely receipt by the Concord Township Board of Trustees of an objection to a proposed telecommunications tower, the board of Trustees shall proceed as provided in ORC 519.211 (B)(4)(a).

**C. Procedure if No Objections are Filed-**Telecommunications towers shall be permitted as a use exempt from any local zoning authority in residential zoned areas if no objections are timely filed as provided in Section ORC 519.211 (B) (4) (b).

**III. Local Zoning Authority-** If objections are timely filed consistent with ORC 519.211 (B) for a proposed telecommunications tower in a district zoned for residential use then the telecommunications towers shall only be permitted as a conditional use by the Board of Zoning Appeals, provided that the all of the following conditions of this section are met.

**A. Conditional Use- Application and Requirements** – Consistent with the procedures set forth in Section 28.07 of this Resolution, an application for conditional uses shall be filed with the Board of Zoning Appeals. The application shall include:

- 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.
  - 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.

**B. Conditional Use Procedure by Board of Zoning appeals on Receipt of Application -**

Consistent with the procedures set forth in Sections 28.07 and 28.08 of this Resolution, the Board of Zoning Appeals shall provide notice of, conduct a public hearing and render a

decisions on the conditional use requested in the application filed pursuant to Section 6.031 (III) (A) of this Resolution.

**C. General Requirements for all Telecommunications Towers in Residential Zones-**

a.) 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 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 smoke stacks, water towers, electric transmission towers, existing antenna support structures or other telecommunications towers, utility buildings and structures over 48 feet in height.

b.) The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued.

**D. Development Standards for all Telecommunications Towers in Residential Districts-**

a.) 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.

b.) 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:

- 1.) Towers proposed for and designed to support the co-location of a total of two antenna facilities – 115 feet;
- 2.) Towers proposed for and designed to support the co-location of a total of three antenna facilities – 130 feet; and
- 3.) Towers proposed for and designed to support the co-location of four or more antenna facilities – 145 feet.

c.) 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.

d.) 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.

- e.) 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.
- f.) The tower base shall be located no closer to a street right-of-way than permitted in Article XXI herein.
- g.) 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 the Township.
- h.) 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 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. The storage of any equipment must be contained inside the screened area.
- i.) 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 Administrations (FAA) or the Federal Communications Commission (FCC). Any required illumination shall be fully disclosed on the site plan.
- j.) Unless otherwise approved by the Board of Zoning Appeals, the tower shall be of a monopole design, disguised at the top as a pine tree.
- k.) No advertising is permitted anywhere on the tower.
- l.) 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.
- m.) 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.
- n.) 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.
- o.) 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.

**IV. Towers on Township Property-** With the prior consent of the Concord Township Trustees obtained through resolution, a telecommunications carrier may site a telecommunications tower on township owned property not zoned for residential use pursuant to Section 6.031 (I). Additionally, with the prior consent of the Concord township Trustees obtained through resolution, a telecommunications carrier may site a telecommunications tower on township owned property zoned for residential use, but only after obtaining a conditional use permit pursuant to Sections 6.031 (II) and (III) and all requirements of Section 6.031 (III)(C)and (D) have been fully met.

**V. Co-location on an Existing Tower or Concealed Inside an Existing Structure** - If a telecommunications carrier desires to co-locate a telecommunications antenna on an existing telecommunications tower or concealed inside an existing structure in an area zoned residential and such a co-location will result in a substantial change in the height of the tower, a Certificate of Zoning Compliance may be obtained provided that the requirements found in the following provisions are met: 6.031 (III) (A) (3), (C) and (D). A substantial change in height shall mean the addition of more than 40 feet to the existing tower or structure.

#### **6.032 REGULATION OF PUBLIC UTILITIES ENGAGED IN CERTAIN TYPES OF TRUCKING, BUSES AND TAXIS**

Pursuant to ORC 519.211 (C), ORC Sections 519.02 to 519.25 confer power on a Board of Township Trustees to regulate the location, erection, construction, reconstruction, change, alteration maintenance, removal, use or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road or highway in the state of Ohio, and with respect to the use of land by any such public utility for the operation of its business to the extent that any exercise of such power is reasonable and not inconsistent with chapters 4901, 4903, 4904, 4921, and 4923 of the Ohio Revised Code. For the purposes of this Resolution, all such uses shall be considered commercial uses and shall be located in commercial or industrial districts if approved by the Board of Township Trustees. The Board of Trustess has no power with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants.

Any company engaged in the transport of persons or property that is lawfully established at the time of the adoption of this amendment shall be permitted to continue, but any expansion of such existing use shall conform to the regulations of this resolution.

**Section 6.04 - STRUCTURES UNDER CONSTRUCTION AND NEW CONSTRUCTION** Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a structure upon which construction was begun before the effective date of this Resolution. The Zoning Inspector may require proof in the form of an affidavit or other similar documents that the originally intended use of the structure has not been changed. The foundation shall have been started within six months from the effective date of this Resolution. The ground story framework, including structural parts of the second floor, shall have been completed within one (1) year and the entire structure completed within two (2) years after the effective date of this Resolution.

**Section 6.05 - ISSUED ZONING PERMITS:** Any new proposed construction for which a zoning permit is issued shall have been started within six (6) months of issuance of said permit, and the ground story framework, including structural parts of a second floor, shall have been completed within one (1) year after the issuance of the zoning permit; provided, however, that any project or structure originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the Township and with the original request for the permit. In no case shall the timetable for phased construction be more than two years.

In the case of phased construction, if the above schedule is not met, any prior right as a nonconforming use is lost and zoning permits for new construction are void.

## **Article VII PLANNED RESIDENTIAL CONSERVATION DISTRICT (PRCD)**

### **Section 7.01 PURPOSE**

The Planned Residential Conservation District (PRCD) is created pursuant to Section 519.021 (C) of the Ohio Revised Code to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in public utility services, and encourage innovation in the planning and building of all types of development. The PRCD achieves this purpose by allowing the development of conservation subdivisions that:

- a.) permanently preserve and integrate open space within residential developments;
- b.) offer landowners alternatives to standard tract development of their land;
- c.) establish a less sprawling, more efficient use of land, streets and utilities;
- d.) preserve natural topography in wooded areas;
- e.) create usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and
- f.) encourage creativity in design through a controlled process of review and approval of the development plan and related documents.

### **Section 7.02 OVERLAY AREA**

The PRCD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes and overlays all land that is currently zoned Farm Residential (FR-1) on the effective date of this amendment to the Concord Township Zoning Resolution. The effective date of the amendment referenced in this Section is June 27,2005.

### **Section 7.03 EFFECT OF PRCD OVERLAY DESIGNATION**

All land currently zoned Farm Residential (FR-1) is eligible for PRCD overlay zoning as of the effective date of this amendment and as also shown on the Concord Township Zoning District Map dated June 27, 2005, which map is hereby adopted as the official Zoning District Map as part of this amendment.

The Farm Residential Zoning District and the zoning regulations thereunder shall continue to apply to all property within the PRCD unless the Township approves an application of an owner of property within the FR-1 District to subject the owner's property to the provisions of the PRCD.

Such an application shall be made in accordance with the provisions of Article VII of the Concord Township Zoning Resolution and shall include a development plan in compliance with the provisions of said Article.

Upon receiving such an application, the Township shall determine whether the application and development plan comply with the provisions of Article VII. This determination shall not be considered to be an amendment to the Township zoning resolution for purposes of 519.12 of the Ohio Revised Code, but may be appealed pursuant to Chapter 2506 of the Revised Code.

If the Township makes a final determination that the plan included in the application does not comply with the PRCD regulations of Article VII of this Resolution, the Commission shall deny the application. The applicant can file a 2506 appeal pursuant to ORC 519.021 (C).

If the Township determines that the application and development plan comply with the provisions of Article VII, it shall approve the application, and cause the zoning map to be changed so that the Farm Residential District no longer applies to such property, with the property being thenceforth located in

the PRCD and subject to the regulations thereunder. The approval of the application and development plan and the removal of the prior Farm Residential Zoning District from the zoning map is an administrative, ministerial act and shall not be considered to be an amendment to the Concord Township Zoning Resolution.

**Section 7.04 PERMITTED USES**

1. Single Family detached residential dwelling units.
2. Common wall single family attached dwellings.
3. Two family dwellings.
4. Multi family dwellings, provided they comprise no more than 20% of the total allowable density.
5. Open Space- Upon approval of the final development plan by the Township, the following types of activities are permitted within open space, including but not limited to:
  - a.) Bocce, baseball, basketball, softball, football, volleyball, badminton, golf, soccer, swimming, tennis, ice or roller skating, rollerblading, skateboarding, Frisbee, bird watching, horseshoes, canoeing, rowing, jogging, walking, gardening, and bicycling. If open space is intended to be used as a commercial venture, it shall be so stated in the development plan and approved by the Township. All open space lands shall be permanently owned as provided in Section 7.08.
  - b.) Accessory service buildings and structures incidental and pertinent to permitted uses in paragraph a.) above, where said accessory service buildings and structures are necessary to the pursuit of a permitted recreational use on the premise.
  - c.) Natural (Open Space) Area- restricted to passive uses such as fishing, swimming, hiking, canoeing, and such other recreation that does not alter any of the natural features of the area. Agriculture may be used as natural open space, provided it does not permit hog operations, poultry, fur bearing farms or feed lots.

**Section 7.05 DESIGNING A CONSERVATION SUBDIVISION**

A conservation subdivision is an open space development designed in accordance with the following suggested process:

- A. Suggested Design Process:**
  1. Delineate primary conservation areas. Preserve as natural open space.
  2. Delineate secondary conservation areas; preserve selected areas as common (improved) or natural open space.
  3. Draw house footprints outside the conservation areas. Draw the number of houses based upon the permitted density calculations, with lot lines.

**B. Suggested Design Guidelines:**



1. In order to reduce visual impact, dwellings should typically be located along the edges rather than in the center of open fields if they will be seen from existing public roads. Avoid new construction on prominent hilltops or ridges.
2. Front dwellings on internal roads, not on external roads.
3. 85% or more of the total number of house lots should have a direct view of common open space.
4. Retain or replant native vegetation adjacent to wetlands and surface waters.
5. Preserve existing hedge and tree lines to the extent practicable.
6. Preserve scenic views and vistas.
7. Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
8. Preserve historic or archaeological sites (i.e. earthworks, burial grounds).
9. Landscape or retain vegetation in common areas with native trees and shrubs.
10. Place shade trees along internal roads at fifty-foot intervals on at least one side of the road.
11. Provide active recreational areas in suitable locations.
12. Include a viable pedestrian circulation system, meaning a minimum of a five foot wide asphalt bike and walking path throughout the development.
13. Protect natural drainage swales and creeks. No construction of buildings inside the 100 year floodplain.
14. Provide permanent open space, according Section 7.07 B.

**Section 7.06 PROCEDURE TO CREATE A CONSERVATION SUBDIVISION**

**A. Prepare an Existing Features (Site Analysis) Map.**

**B. Submit Existing Features (Site Analysis) Map without fee-** The applicant shall submit the existing features (site analysis) map for a tract(s) of land to be considered as a conservation subdivision with the Concord Township Zoning Commission, and schedule an agreeable time to jointly visit the site for an on-site walkabout.

**C. On-Site Walkabout-** The applicant, the Zoning Inspector, one member of the Zoning Commission and one member of the Board of Township Trustees may visit and view the site, at which time the primary and secondary conservation areas shall be identified. Members of the

public in attendance wishing to walk the site shall execute a release of liability in favor of the Township, the applicant, and the property owner.

**D. Conceptual Development Plan-** At the completion of the on-site walkabout a conceptual development plan should be quickly sketched on the existing features (site analysis) map by the applicant or his consultant for impromptu comments from those in attendance. Based upon such comments, a formal development plan can be prepared for public hearing. No binding decisions or votes are made at the on-site walkabout.

**E. Prepare Application and Final Development Plan-** Applicant shall prepare and submit a formal application and final development plan, with fifteen (15) copies and fees, to the Concord Township Zoning Commission. The Zoning Commission shall schedule a public hearing. Notice of the hearing shall be given to directly abutting property owners by regular mail. The failure of delivery of such notice shall not invalidate any action taken on the application. The Zoning Commission may request the Delaware County Regional Planning Commission (DCRPC) to comment. The DCRPC's review is administrative. The Zoning Commission's review is also administrative.

The applicant may, if he chooses, submit a preliminary development plan to test the appropriateness of his design and his general attention to the development standards of Section 7.07 prior to submitting a final development plan. Such preliminary development plan may be reviewed by the Zoning Commission and/or the Trustees, who may comment on the record to the applicant. If the Township holds public hearings to review the preliminary development plan they shall comply with Ohio's open meeting law and abutting property owners shall be notified.

The final Development Plan shall be drawn to a scale of at least 1" = 100', and shall include in text and map form the following:

1. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
2. A preliminary drainage plan with a letter of feasibility from a licensed professional engineer.
3. An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually preserve the required open space.
4. The proposed uses of the site, including the limitations or controls to be placed on each.
5. All design guidelines from Section 7.05.
6. Location of buildings and structures.
7. Streets, roadways, pathways, sidewalks and parking areas.
8. Existing utility easements and proposed new easements to the extent known.
9. Proposed lot sizes.

10. Minimum setback and spacing requirements.
11. Recreational facilities.
12. Preserved open space areas and a description of proposed open space improvements.
13. All commonly owned structures.
14. A landscape plan that depicts and identifies all proposed landscaping and entrance features, including those specified herein. The landscape plan shall identify typical elevations and cross sections of landscape features, with the names of plants, shrubs or trees intended to be used.
15. Dwelling unit types, the total number of dwelling units proposed for the site density, and the method and manner used to calculate density.
16. Primary conservation areas as defined in Article IV.
17. Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown. No structure (other than approved drainage structures as shown on The Development Plan or other approved structures, such as a park shelter house) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Delaware County.
18. The extent of environmental conservation by indicating the location of all woodland preservation areas and natural topography preservation areas.
19. Architectural design guidelines including materials, colors and typical renderings for structures and proposed procedures for controlling architectural design elements.
20. Signs, with specific renderings of the elevations.
21. The proposed provisions for water supply, fire hydrants, sewage disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness.
22. A preliminary traffic impact analysis based upon new trip generation.
23. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
24. Identification and location of all land dedicated to schools, parks and other public facility sites within or adjacent to the site.
25. The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities. If the proposed timetable for development includes developing the land (including open space) in phases, all phases shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.

26. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
27. Unless specifically superceded by the standards contained in Article VII or those standards approved in the Development Plan, the development shall comply with the requirements contained in the General Development Standards contained in Article XXI of this Resolution applicable to all zoning districts of the Concord Township Zoning Resolution. Except for density, and the percentage of required open space, the applicant may request a divergence by the Township from the development standards set forth in Article VII or Article XXI. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved "per plan."
28. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained as well as the open space.
29. The various plans that make up the Development Plan shall bear the seal of a professional engineer, surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio, and shall stamp their individual plans.

**F. Public Hearing-** The Concord Township Zoning Commission, after giving proper notice, shall hold a public hearing on the request within a reasonable period of time after receipt of the application, final development plan and submission of fees.

**G. Action by The Concord Township Zoning Commission-** The Concord Township Zoning Commission may approve divergences they find are warranted by the design and amenities incorporated in the development plan. The Zoning Commission shall recommend approval of the application for the PRCD and final development plan provided it determines that the application and plan comply with the standards of Section 7.07 and the process of Article VII. If the Zoning Commission finds that the development plan does not meet the standards of Section 7.07 and the provisions of Article VII, or that divergences requested are not warranted, they shall deny the plan or the divergences. This completes the Zoning Commission's actions, and they shall forward the development plan to the Township Trustees for their review.

**H. Action by the Concord Township Trustees-** Upon receipt of the development plan and the Zoning Commission's recommendations, the Trustees shall hold a properly advertised public hearing. Notice of the hearing shall be given to directly abutting property owners by regular mail. The Trustees can either uphold, modify, or overturn the recommendation of the Zoning Commission. A simple majority is required by the Trustees to uphold or modify the Zoning Commission's recommendation. A unanimous decision of the Board of Trustees is required to overturn the Zoning Commission's recommendation.

**I. Subdivision Plat-**No zoning certificate shall be issued for any structure in any portion of a PRCD for which a plat is required by the Delaware County Subdivision Regulations unless and until:

1. The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, the Delaware County Commissioners and then recorded.
2. A full size and an 11"x 17" copy of the recorded plat have been filed with the zoning inspector.

No modification of the provisions of the Final Development Plan, or part thereof, as finally approved shall be made unless the provisions of subsection 7.09 are followed. The applicant shall submit the subdivision plat to the Zoning Inspector for review in order to assure the notes and agreed conditions on the Development Plan are not compromised by final engineering.

**J. Zoning Certificate-**After the Final Development Plan is approved and any required final Subdivision Plat is recorded, the Zoning Inspector may issue a zoning permit upon payment of the required fees and submission of the detailed landscaping plan for each lot. The zoning permit for a PRCD development shall be for a period not to exceed three (3) years or that period approved in the final development plan. If significant construction, meaning the physical placement of roads or foundations, has not begun within three (3) years after final development plan approval is granted or within the time period approved in the final development plan, then the Final Development Plan approval shall be void. In such case, the PRCD zoning and map amendment remain in place, but a development plan must be resubmitted for approval.

#### **Section 7.07 PRCD DEVELOPMENT PLAN STANDARDS**

**A. Minimum tract size for a PRCD Subdivision-** 10 acres.

**B. Open Space-** At least fifty percent (50%) of the gross tract acreage shall be designated as permanent open space, not to be further developed, unless an exception as provided in 7.07 (C) (2) and (3) is granted by the Township. Open space locations and uses shall be identified on the development plan and shall be subject to the approval of the Township. Open space shall be owned, administered and maintained as identified on the development plan pursuant to Section 7.08. With prior consent through resolution of the Board of Trustees of Concord Township, land may be transferred to the Township for public purposes if approved as a part of the final development plan. Uses of land transferred to the Township for public purposes must be approved as a part of the final development plan and may include, but are not limited to, trails, active recreation and spray irrigation fields. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Township Trustees. Land dedicated to public purposes may count toward the open space requirement if approved on the development plan.

1. At least fifteen percent (15%) of the minimum required open space shall be suitable for active recreation purposes in order to preserve a reasonable proportion of natural open space on the site, but no more than fifty percent (50%) shall be utilized for that purpose. The development plan shall specify the purposes for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the development plan.
2. In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included.
3. The required open space may be used for underground drainage fields for

individual or community septic systems, and for "spray fields" for spray irrigation purposes in a "land application" sewage disposal system as approved per the development plan.

4. Primary conservation areas, plus storm water management detention/retention ponds, plus constructed wetlands acting as detention basins, plus sewage treatment areas may count in their combined aggregate for up to 50% of the required open space.
5. Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the development plan and, if required, shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the development plan.

### **C. Determining The Number of Dwelling Units Permitted, and the Percent of Open Space**

The number of dwelling units is dependent on the provision of centralized sanitary sewer as defined in Article IV as follows:

1. For land not serviced by centralized sewer, multiply the number of gross acres times sixty-six hundredths (0.66) dwelling unit per gross acre to obtain the maximum number of permitted dwelling units. Provide 50% of the gross acreage in permanent open space.
2. For land served by centralized sanitary sewer, multiply the gross acreage to be developed by seventy-five hundredths (0.75) dwelling unit per gross acre to obtain the maximum number of dwelling units permitted. Provide 50% of the gross acreage in open space.
3. Density Exception: For land served by centralized sanitary sewer and where the existing features (site analysis) map shows that the sum of all steep slopes, floodplains, wetlands, and/or overhead electric transmission line easements comprises less than 10% of the gross land acreage, the Township shall allow a density exception to a maximum of (0.85) dwelling units per gross acre with 40% of the gross acreage in open space, in return for which the applicant shall commit to the reforestation, seeding of native plants and creation of ponds in these open spaces. This additional density is granted in order to offset the costs of reforestation, plantings, water features, regrading and exceptional horticultural techniques needed to recreate adequate natural landscape buffers, and secondary conservation areas that do not exist naturally in order to meet the intent of a conservation subdivision under Article VII.

**D. Sewage Disposal**- For centralized sanitary sewer usage, a feasibility letter shall be provided by the Delaware County Sanitary Engineer indicating that sewer service is available with the capacity needed. For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from either the Delaware General Health District or the Ohio EPA.

**E. Perimeter Setback**- No building shall be constructed within 50 feet of the external boundary of the conservation subdivision.

- F. Storm Water**- No features shall be designed which are likely to cause erosion or flooding.
- G. Subdivision standards**- Public streets and all drainage improvements shall conform to the subdivision standards for Delaware County Ohio or as otherwise approved per the final development plan.
- H. Pavement standards for condominium drives**-All condominium drives that are not dedicated for public maintenance shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Delaware County Engineer's Location and Design Manual, or shall have a design life of 20 years.
- I. Pavement standards for parking lots**- Parking lots and private driveways do not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within 50 feet of the edge of the public paved road.
- J. Paths**- A five foot wide asphalt walking or bike path is required for conservation subdivisions of more than 15 lots. Paths shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed strip. The Township may require paved or unpaved walkways to connect residential areas and open spaces.
- K. Street Trees**- Deciduous, broad leaf street trees with a minimum caliper of three inches (3") at planting shall be planted ( or retained) at least every fifty (50) lineal feet along at least one side of the street(s).
- L. Minimum Front Setbacks**- Dwelling Units and garages shall be set back a minimum of forty (40) feet from the street right-of-way.
- M. Minimum lot size**- Twelve thousand (12,000) square feet for single family detached dwellings on fee simple ownership lots, or as otherwise approved on the final development plan. Attached dwelling units or detached condominiums as approved per the final development plan.
- N. Minimum Lot Width** at the building line-
- 1.) 80' lot widths may be used for a maximum of 30% of the total single family lots.
  - 2.) 90' lot widths may be used for a maximum of 30% of the total single family lots.
  - 3.) 100' or wider lots shall be used for at least 40% of the total single family lots. or as otherwise approved per final development plan.
- O. Minimum Side yards**- Twelve and one-half (12 ½) feet each side for single family and common wall single family units and their garages, with no encroachments. For multi family or non residential structures the minimum separation between buildings units shall be thirty (30) feet.
- P. Driveway Setbacks**- Two feet from side lot line. Side-load garages shall provide at least 24 feet of paved apron, exclusive of the 2 foot side lot line for single family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the final development plan.

- Q. Minimum Rear yard-** 30 feet for single family detached dwellings on fee simple ownership lots and attached garages. Fifteen (15) feet for accessory buildings. Attached units or detached condominiums as approved per the final development plan.
- R. Building Height Requirement-** No principal building in this district shall exceed forty-five (45) feet in height, as defined under “building, height” in Article IV of the Concord Township Zoning Resolution.
- S. Minimum Dwelling Unit Floor Area-** Eleven hundred (1100) square feet per dwelling unit.
- T. Street lighting-** if provided must be of white light, maximum height 16 feet, with a cutoff downward cast fixture.
- U. Landscaping** - All yards, front, side and rear, shall be landscaped. All improved common open space shall be landscaped per the approved development plan. A landscape plan for the common open space and streetscape within road right-of-way shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, and shall be submitted with and approved as a part of the final development plan.
- V. Parking** – Off-street parking shall be provided. Construction traffic may park in the street, but only on one side so as to allow for safe access by emergency equipment. Off-street parking shall comply with the provisions of Article XXI of the Concord Township Zoning Resolution, or as approved per the development plan.
- W. Signs-**All signs shall be in accordance with Article XXII of the Concord Township Zoning Resolution, or as approved per plan.
- X. Other Requirements-** Unless specifically supplemented by the standards contained in Article VII, or those standards approved by divergence in the development plan, the development shall comply with all the General Development Standards applicable to all zoning districts as set forth in Articles XXI, XXII and XXIII of the Concord Township Zoning Resolution.
- Y. Supplemental Conditions and Safeguards-** If the Township determines that additional landscaping is needed to buffer existing land uses they may require such as part of the development plan approval.
- Z. Divergences-** The Township, as a part of development plan approval, may grant divergences from any standard or requirement in this Section with the exception of density, and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the development plan submittals with a request that the proposed divergence be approved “per plan”.

## **Section 7.08 OWNERSHIP AND MAINTENANCE OF OPEN SPACE**

- A. **Ownership of Open Space**  
Different ownership and management options apply to the permanently



protected common open space created through the development process. The common open space shall remain in perpetuity and may be owned as identified in Section 7.08. A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

Ownership Standards. Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Township.

1. Offer of Dedication. The Township shall have the first offer of undivided common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Township may, but is not required to accept undivided common open space provided: 1) such land is accessible to all the residents of the Township; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township agrees to maintain such lands. Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.
2. Homeowners Association. The undivided common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following provisions:
  - a) The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
  - b) The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
  - c) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
  - d) The association shall be responsible for maintenance of insurance and taxes on the undivided common open space. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.

- e) The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.
- f) In the event of transfer, within the methods herein permitted, of undivided common open space land by the homeowners association, or the assumption of maintenance of undivided common open space land by the Township, notice of such pending action shall be given to all property owners within the development.
- g) The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
- h) The homeowners association may lease common open lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such lease agreement shall provide:
  - 1) That the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season).
  - 2) That the undivided common open space shall be maintained for purposes set forth in the approved final development plan.
  - 3) That the operation of common open space may be for the benefit of the residents only, or may be open to all residents of the Township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Township, all residents of the Township shall have access to such identified paths/walkways.
- i) The lease shall be subject to the approval of the homeowner's association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorders office and notification shall be provided to the Township Trustees within 30 days of action by the Board.

3. Condominiums. The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.

4. Dedication of Easements. The Township may, but shall not be required to accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners associations, provided:

- a) Such land is accessible to Township residents;
- b) There is no cost of acquisition other than incidental transfer of ownership costs;
- c) A satisfactory maintenance agreement is reached between the developer, association and the Township.

5. Transfer of Easements to a Private Conservation Organization. With the permission of the Township, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:

- a) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
- b) The conveyance contains whatever provisions are agreed to between the Township Trustees, the owner and the organization.

6. Third Party Ownership. With the approval of the Township, open space may be owned by a third party if protected by either: (i) an open space easement which permanently and irrevocably transfers the development rights from the open space land to a homeowners or condominium association, the Township or a conservation organization; or (ii) unmodifiable deed restrictions that permanently restrict the use of the open space to those uses identified in the approved development plan. Open space land to be transferred to a third party other than a Homeowners Association, condominium association or the Township shall also be located in a reserve with an open space notation on a recorded final plat.

#### B. Maintenance of Open Space

- 1. The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under the homeowner association bylaws to place liens on the property of residents who fall delinquent in payment of dues or assessments.
- 2. In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies

of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice, add to the deficiencies and may give an extension of time within which they shall be cured.

If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said (30) days or any extension thereof, the Township Trustees may pursue the enforcement as a zoning violation.

### **Section 7.09 Extension or Modification of Final Development Plan**

- A. An extension of the time limit for the approved Final Development Plan may be granted by the Concord Township Zoning Commission without public hearing provided they find that such extension is not in conflict with the public interest.
- B. A request for minor changes to the Final Development Plan may be approved by the Township. Requests for minor changes shall initially be made to the Township Zoning Commission, who shall make a recommendation and pass it on to the Trustees. In approving such requests, the Township may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.
- C. In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:
  - 1. A change in the use or character of the development;
  - 2. An increase in overall coverage of structures;
  - 3. An increase in the density or overall number of dwelling units;
  - 4. An increase in the problems of traffic circulation or public utilities;
  - 5. A reduction in approved open space;
  - 6. A reduction of off-street parking and loading space;
  - 7. A reduction in required pavement widths;
  - 8. A reduction of the acreage in the PRCD.

In approving such requests, the Township may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.

## **ARTICLE VIII FARM RESIDENTIAL DISTRICT (FR -1)**

**Section 8.01 - PURPOSE:** There is hereby created within Concord Township a Farm Residential District to permit construction of low density single family residences and permit other non-urban types of residential and agricultural activities so that the basically rural character of these areas may be preserved and maintained. In addition, the development of these lands shall be in accordance with the ability of the land to support development without central sewerage disposal and / or central water facilities, to prevent pollution of such lands and aquifers by excessive development, and to protect the aquifer recharge areas.

**Section 8.02 - APPLICATION:** All lands in Concord Township not otherwise zoned shall be controlled by the provisions of this Article.

All lots in subdivisions which are located within the limits of Concord Township and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Delaware County, Ohio, on the effective date of this Zoning Resolution shall be considered legal residential lots, and nothing in this Resolution shall be construed to prohibit the use thereof

**Section 8.03 - PERMITTED USES:** Within the Farm Residential District, the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Single-family dwellings as defined in Article IV of this Resolution (Limited to one single-family dwelling unit per lot of record).
- b) Accessory buildings and accessory uses including swimming pools and private garages.
- c) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- d) Agricultural, subject to the following restrictions:
  - 1) Farm markets shall be permitted in this district provided that at least fifty (50%) percent of the gross income from the market is derived from sale of produce raised on farms owned and operated by the market operator in a normal crop year, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. All farm market structures must conform to the standards set forth in Section 8.06 (m) of this Resolution.
  - 2) Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products, and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.
  - 3) Agricultural activities shall in all cases, be subject to the provisions contained in Ohio Revised Code Section 519.21 as restated in Section 6.02 of this Resolution.
- e) Manufactured/Mobile homes for temporary residential use and temporary structures of a nonresidential character may be used incident to construction work on the premises, or on adjacent public projects, or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions

for sanitary waste disposal, solid waste disposal and water supply, as lie or she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.

- f) Conservation subdivisions, pursuant to the provisions of Article VII.
- g) Religious Land Uses- Church, place of worship, place of religious assembly, religious institution, and parsonage provided:
  - 1.) Parking, landscaping, lighting and signage conform to Article XXI, XXII, and XXIII.
  - 2.) There is adequate area for water supply and wastewater disposal if located on site, or the religious institution shall connect to public centralized water and sanitary sewer.
  - 3.) All aspects of public health, safety and welfare are provided for (meets building code, life safety code, electrical code, etc.)
- h) Public buildings and/or uses which are supported in whole or part by taxes or by special public assessment. Such uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, wastewater treatment and pumping facilities.
- i) Adult Family Homes, as defined in Article IV of this Resolution.
- j) Child Day care provided in home for six (6) or fewer children who are not members of the immediate resident family, provided the day care is accessory to the use of the dwelling as the provider's residence and further provided that such day care qualifies as a Type B family day care home as defined in Ohio Revised Code Section 5104.01.
- k) Common Access Driveway Subdivision as defined by the Delaware County Subdivision Regulations.
- l) Class A Home Occupations, as provided in Article XXI, Section 21.12 of this Resolution.

**Section 8.04 - CONDITIONAL USES:** Within this zoning district, the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals (BZA) pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his/her agent shall be required to apply to the BZA for a continuation and/or modification of such use(s). A designation by the BZA that a permit is permanent and shall run with the land does not affect the right of authorities to seek redress for failure to comply with conditions imposed. No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector.

- a) Class B and C Home Occupations, as defined in Article XXI, Section 21.12 of this Resolution, which are clearly incidental and secondary to residential use. Such home occupations shall be, conducted by the resident of a permitted dwelling, subject to the requirements of Article XXI Section 21.12 of this Resolution.

b) Borrow Pits provided the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Township Trustees, Board of County Commissioners and/or the County Engineer to ensure compliance with the restrictions and conditions imposed to ensure regrading, reseeded and general restoration of the area including haul roads. All applications or plans submitted incident thereto shall be reviewed by the Delaware County Engineer and his comments shall be included in the record regarding the matter.

c) Veterinary Service or Boarding Kennels, provided that the building or structure dedicated to the use is located at least two hundred (200) feet from any lot line. subject to the following conditions:

- 1.) No building or structure used for the purpose of an animal shelter shall be located closer than four hundred (400) feet from the lot line of any residence, church, school or any institution of human care.
- 2.) Full compliance with the regulations of the Delaware County General Health District.
- 3.) Suitable fencing and/or screening shall be provided as approved by the Concord Township Board of Zoning Appeals.
- 4.) Such use can be safely conducted in a manner designed not to cause any interference with the right of quiet enjoyment by the residents of adjoining properties.
- 5.) Minimum lot size is five (5) acres.
- 6.) Outside runs are not within 400 feet of a residence.

d) Group homes or Residential Care Facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary, the following conditions shall be imposed by the Board of Zoning Appeals:

- 1.) The facility shall comply with Section 8.06 of this Resolution, Development Standards.
- 2.) No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.
- 3.) No Group Home should be located within a one (1) mile radius of another such facility.

e.) Model Homes, the same being defined as residential type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builder's/developer's sales force. Model homes shall be subject to the following restrictions:

- 1) Hours of operation: All model homes shall be closed between 9:00 P.M. and 9:00 A.M.

- 2) Lighting: All exterior lighting must be down-lighting, so that no light shall be cast onto adjoining residential properties. All off street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.
- 3) Parking: All model homes shall provide off street paved parking for the public. Such off street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home.
- 4) Screening and trash receptacles: A landscape drawing shall be required and shall show adequate landscape and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
- 5) Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety percent of the lots therein.

f.) Cemetery, provided:

- 1.) Internment shall not be within 300' of a dwelling house, unless the owner of such dwelling house gives his consent, or unless the entire tract appropriated is a necessary addition to or enlargement of a cemetery already in use, as further provided in ORC 1721.03.
- 2.) A mausoleum shall not be within three hundred feet of any property line.
- 3.) A Crematory or other structure shall not be within one thousand (1000) feet of any property line.
- 4.) Every cemetery company or association shall cause a plat of its grounds and of the lots laid out by it to be made and recorded or filed in the offices of the county recorder in accordance with ORC 1721.09.

**Section 8.05 - PROHIBITED USES:**

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited.
- b) Outdoor storage of inoperable or unlicensed motor vehicles for a period exceeding seven (7) consecutive days is prohibited unless such vehicles are stored on the premises within a building so as not to be visible from any adjoining property or public road.
- c) No motor home, trailer, camper, boat nor equipment of any type shall be parked in front of the building line on any lot within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this Resolution or the restrictions on the plat or subdivision.
- d) No motor home, trailer or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days in any six month period. No more than one (1) motor home, trailer, or camper may be occupied for such a period on any lot of record.



e) Except for permanently sited manufactured homes as defined in Article IV, or for manufactured or mobile homes as specifically permitted in Section 8.03 herein, no manufactured home or mobile home shall be placed or occupied in the FR-1 district. Industrialized units as defined in Article IV and designed for placement on a permanent foundation are acceptable.

f) No trash, debris, refuse or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.

**Section 8.06 DEVELOPMENT STANDARDS:** All lands and uses within the Farm Residential District shall be developed in strict compliance with standards hereinafter established:

- a) Minimum Lot Area is 1.5 acres, exclusive of all easements and right-of-ways used for residential purposes except for Conservation Subdivisions, where minimum lot area is as approved under Article VII.
- b) Lot Frontage - All lots in this district used for residential purposes shall have a minimum frontage of the following:
  - 1. Less than 5 acres-
    - a.) 200 feet of contiguous frontage on an improved public street or approved private street; or
    - b.) 200 feet of frontage on an approved Common Access Driveway; or
    - c.) Sixty (60) feet of frontage (flag lot) on the terminus (last lot) of a CAD; or
    - d.) 60 feet of frontage (flag lot) on an improved public street. Two side-by- side flag lots may be divided provided they use a Shared Access Point (driveway) as permitted by the Delaware County Regional Planning Commission. No more than two contiguous flag lots may be so created.
  - 2. 5 acres or more-
    - a.) 300 feet of contiguous frontage on an improved public street or approved private street; or
    - b.) 300 feet of frontage on an approved Common Access Driveway; or
    - c.) Sixty (60) feet of frontage (flag lot) on the terminus (last lot) of a CAD; or
    - d.) 60 feet of frontage (flag lot) on an improved public street. Two side-by- side flag lots may be divided provided they use a Shared Access Point (driveway) as permitted by the Delaware County Regional Planning Commission. No more than two contiguous flag lots may be so created.

Any lot whose access is by a 60 foot right-of-way within a common access drive or 60 foot access strip (a flag lot) created after the effective date of this amendment shall have a minimum width at the building setback line as listed in this Section 8.06(b) (1) and (2) of this Resolution .

In no case shall the lot frontage at the right-of-way line be less than 60 feet. The frontage distance at the right of way shall be maintained and shall not decrease to less

than the distance of the frontage at any point between the right of way and the front building setback line.

Any lot which at the building setback line is separated or removed from the public road by more than one other lot of land shall be accessed only by a common access drive (CAD) as defined in the Delaware County Subdivision Regulations.

In the event a lot fronts on more than one public road, such lot shall meet the frontage requirements in this Section on one of the public roads.

- c) Structure Height Limits - No structure in this district shall exceed thirty-five (35) feet in height measured from the average finished grade at the base of the tallest face of the building. Barns, silos, grain handling conveyors, grain bins, church spires, domes, flag poles and elevator shafts, as permitted, are exempted from any height regulation and may be erected to any safe height. No windmill, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said lot.
- d) Building Dimensions (Floor Space Requirements) - Each single family dwelling hereafter erected or structurally altered in this district shall have a living area of not less than one thousand (1000) square feet when construction is complete. All such living areas shall be exclusive of basements, porches and garages.
- e) Setback Line - No building shall be located closer to the center line of the adjacent public or private road than permitted in Article XXI, Section 21.08 of this Resolution.
- f) Side Yard Setback Line - No building shall be located closer than twenty-five (25) feet to any side lot line.
- g) Rear Yard Setback Line - No building except accessory buildings shall be located closer than fifty (50) feet to the rear line of any lot. No accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) Maximum Lot Coverage - The maximum ground floor area of all buildings shall not exceed twenty-five (25%) percent of the lot area.
- i) Parking - Off-street parking shall be provided whenever possible at the time of construction of the main structure or building with adequate provisions for ingress and egress according to the standards set forth in Article XXI. On- street parking shall not restrict the safe flow of traffic.
- j) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent" or "For Lease" sign advertising the lot on which the said sign is located. Such sign shall not exceed four (4) square feet in area on either side. The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect

one sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or lot for sale.

- k) Exterior Lighting- All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- l) Landscape - All yards, front, side and rear, shall be landscaped, and all organized open spaces or nonresidential use areas shall be landscaped. Such landscape plans shall meet the requirements of Article XXIII.
- m) Agricultural Roadside Sale or Farm Market Structure - No roadside sale or farm market structure shall contain more than 400 square feet, a front yard set back of not less than 50 feet, a side yard setback of not less 25 feet, and a rear yard setback of not less than 30 feet. Ingress and egress shall allow at least 150 feet visibility for traffic in all directions. Parking shall accommodate at least 6 and not more than 10 vehicles.
- n) Public Safety – Applicants requesting subdivision or lot split approval will be subject to the recommendations of the fire department regarding fire hydrant placement and emergency vehicle access to said lot(s).
- o) Performance Standards - All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11 of this Resolution.
- p) Accessory building – No part of any accessory building shall be located in the front yard.

## **ARTICLE IX - RESIDENTIAL DISTRICT (R -2)**

**Section 9.01 - PURPOSE:** There is created in Concord Township a Residential District R-2 intended to provide areas for single family suburban type residential development in many areas currently subdivided and as shown on the Zoning Map at the time of the adoption of this Resolution. These areas are intended to provide space for new residential development of a suburban character on lands which are served with central sewer and water.

**Section 9.02 - APPLICATION:** The provisions of this article of the Zoning Resolution shall apply to all lands of the township zoned Residential District (R-2).

**Section 9.03 - PERMITTED USES:** Within the Residential District (R-2), the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Single family dwellings (Limited to one single family dwelling per lot of record).
- b) Accessory buildings and accessory uses including private garages and swimming pools.
- c) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- d) Manufactured/Mobile homes for temporary residential use and temporary structures of a nonresidential character may be used incident to construction work on the premises, or on adjacent public projects, or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he or she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.
- e) Roadside sales of agriculturally grown products shall be permitted in this district provided that at least fifty percent of the gross income from the market is derived from sale of produce raised on farms owned or operated by the market operator, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a conditional use permit.

**Section 9.04 - CONDITIONAL USES:** Within the R-2 zoning district, the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals (BZA) pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit and the subsequent owner(s) or his/her agent shall be required to apply for a continuation and/or modification of such uses to the BZA. A designation by the BZA that a permit is permanent and shall run with the land does not affect the right of authorities to seek redress for

failure to comply with the conditions imposed. No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector.

- a) Customary Home Occupations, which are clearly incidental and secondary to residential use, conducted by the resident of a permitted dwelling are subject to the requirements of Section 21.12.
- b) Churches or other places of worship, provided they occupy a lot of not less than five (5) acres plus one (1) acre for each one hundred (100) permanent seats over three hundred (300) in the main assembly area.
- c) Permanent structure or improvements used for a farm market provided that at least fifty (50) percent of the gross income from the market is derived from sale of produce raised on farms owned or operated by the market operator.
  - 1) The market shall be required to provide adequate off-street parking as required for a retail business in Article XXI of this Resolution and shall comply with all development standards of this district.
- d) Model Homes, the same being defined as residential type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builder's/developer's sales force. Model homes shall be subject to the following restrictions:
  - 1) Hours of operation: All model homes shall be closed between 9:00 P.M. and 9:00 A.M.
  - 2) Lighting: All exterior lighting must be down lighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.
  - 3) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home.
  - 4) Screening and trash receptacles: Landscape drawing shall be required and shall show adequate landscape and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
  - 5) Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety percent of the lots therein.

**Section 9.05 - PROHIBITED USES:**

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.

- b) Outdoor storage of inoperable, unlicensed motor vehicles for a period exceeding (14) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer, boat, motor home, nor equipment of any type shall be parked in front of the front building line on any lot within this district for a period exceeding forty eight (48) hours in any 10 day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this Resolution or the restrictions on the plat or Subdivision.
- d) No vehicle that infringes on the residential character of the neighborhood, including but not limited to commercial-size trucks, buses and tractor-trailers, shall be parked on any lot for a period exceeding fourteen (14) days.
- e) No trash, debris, unused property or discarded materials which create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.
- f) No motor home, mobile home, or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days. No more than one motor home, trailer, or camper may be occupied for such a period on any lot of record.
- g) Except as specifically permitted in Section 9.03 herein, no manufactured/mobile home shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code and designed for placement on a permanent foundation are acceptable.
- h) Agricultural activities as prohibited in Section 6.02 of this Resolution.

**Section 9.06 - DEVELOPMENT STANDARDS:** All land and uses within the Residential District (R-2) shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Area - Residential lots which are served with approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of less than one and a half (1.5) acres but at least twenty-nine thousand (29,000) square feet, exclusive of all easements and right-of-ways. All other lots, not so serviced, shall meet the minimum lot size of one and a half (1.5) acres, exclusive of all easements and right-of-ways.
- b) Lot Frontage - All lots developed within this district having an area of less than one and a half (1.5) acres shall have a minimum lot frontage of seventy five (75) feet on an adjoining approved easement, street or road. All other lots shall have the minimum lot width prescribed in Section 8.06 of this Resolution and all measurements of such width shall be in conformity with that article.
- c) Structure Height Limits - No structure in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Church spires, domes, flag poles, and elevator shafts, as permitted, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said lot.
- d) Building Dimensions (floor Space Requirement) - Each single family dwelling hereafter erected or structurally altered in this district shall have a living area of not less than one-thousand

(1000) square feet when construction is complete. All such living areas shall be exclusive of basements, porches and garages.

- e) Setback Line - No building shall be located closer to the center line of the adjacent public or private road than permitted in Section 21.08. All accessory buildings should be parallel or behind building line.
- f) Side Yard Setback Line - No building shall be located closer than ten (10) feet to any side lot line. No accessory building or garage shall be located closer than five (5) feet to any side lot line.
- g) Rear Yard Setback Line - No building shall be located closer than twenty-five (25) feet to the rear lot line of any lot, and no accessory building shall be located closer than ten (10) feet to said rear lot line.
- h) Maximum Lot Coverage - Maximum building ground floor coverage shall not exceed twenty-five (25%) percent of the lot area.
- i) Parking - Off-street parking shall be provided at the time of construction of the main structure or building with adequate provisions for ingress or egress according to the standards set forth in Article XXI.
- j) Signs - Except as provided under the provisions of this Article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent" or "For Lease" sign advertising the lot on which the said sign is located. Such sign shall not exceed four-(4) square feet in area on either side. The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or lot for sale.
- k) Exterior Lighting - All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- l) Landscaping - All yards, front, side and rear, shall be landscaped, and all organized open spaces or nonresidential use areas shall be landscaped. Such landscape plans shall meet the requirements of Article XXIII.
- m) Type of construction - All new buildings and structural alterations to existing buildings shall be of similar construction and architecturally compatible with the buildings in the surrounding neighborhood.
- n) Roadside Sale Structure - No roadside sale structure shall contain more than 400 square feet, a front yard set back of not less than 50 feet, a side yard setback of not less 25 feet, and a rear yard setback of not less than 30 feet. Ingress and egress shall allow at least 150 feet visibility for traffic in all directions. Parking shall accommodate at least 6 and not more than 10 vehicles.
- o) Performance Standards - All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.
- p.) Accessory Building- No part of any accessory building shall be located in the front yard.

## **ARTICLE X - MULTI-FAMILY RESIDENTIAL DISTRICT (R-6)**

**Section 10.01 - PURPOSE:** There is created in Concord Township a Multi-Family Residential District R-6 intending hereby to promote a variety of housing types while still preserving and enhancing the health and safety of the inhabitants of Concord Township. This district is limited to those areas zoned R-6 as shown on the Zoning Map at the time of adoption of this Resolution.

**Section 10.02 - APPLICATION:** The provisions of this article of the Zoning Resolution shall apply to all lands of the township zoned Multi-Family Residential (R-6).

**Section 10.03 - PERMITTED USES:** Within the Multi-Family Residential District (R-6), the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Residential structures may be either single family or multi-family.
- b) Temporary structures such as mobile office and temporary buildings of a nonresidential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees.

Said temporary structure shall be removed no later than ten (10) days after expiration of said permit. No temporary structure shall be occupied as a residence.

- c) Accessory buildings and accessory uses including private garages.
- d) Projects specifically designed for watershed protection, conservation of soil or water or flood control.
- e) Roadside sales of agricultural products shall be permitted in this district, provided however, that at least fifty (50%) percent of the gross income from the market is derived from sale of products which are produced on lands farmed by the proprietor of said sales stand, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a conditional use permit.

**Section 10.04 CONDITIONAL USES:** Within this zoning district, the following uses may be permitted subject to the conditions and restrictions imposed by the Board of Zoning Appeals (BZA) pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his/her agent shall be required to apply for a continuation and/or modification of such use(s) to the BZA. A designation by the BZA that a permit is permanent and shall run with the land does not affect the right of authorities to seek redress for failure to comply with conditions imposed. No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector.



- a) Customary Home Occupations, which are clearly incidental and secondary to residential use, conducted by the resident of a permitted dwelling are subject to the requirements of Section 21.12.
- b) Group homes or residential care facilities in which not more than six (6) persons are provided with room, board, specialized care, rehabilitative services, and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary, the following conditions shall be imposed by the Board of Zoning Appeals:
  - 1) No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.
- c) Model Homes, the same being defined as residential type structures used as sales offices by builders/developers and to display the builder's/developers product. The same may be furnished within, since its purpose is to display to prospective buyers the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builders/developers sales force. Model homes shall be subject to the following restrictions:
  - 1) Hours of operation: All model homes shall be closed between 9:00 P.M. and 9:00 A.M.
  - 2) Lighting: All exterior lighting must be downlighting so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.
  - 3) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home.
  - 4) Screening and trash receptacles: Landscape drawing shall be required and shall show adequate landscape and screening from adjoining residential lots together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
  - 5) Termination of use: The use of model homes within a residential subdivision or, with any single phase of a multi-phase subdivision shall terminate when building permits have been issued for ninety percent of the lots therein.
- d) Private schools or Colleges, provided that the institution occupies a minimum of twenty (20) acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff, and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals, and such plan shall provide screening adjacent to residential areas.
- e) Kindergarten or Child Care Facilities, provided the facility occupies a minimum of three acres. The building shall be architecturally compatible with the neighborhood, and provisions shall be made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc., or adjacent yards.

- f) Churches or other places of worship, provided they occupy a lot of not less than one (1) acre plus one (1) acre for each one hundred (100) permanent seats over one hundred (100) in the main assembly area.
- g) Permanent structure or improvements used for a farm market provided that at least fifty (50) percent of the gross income from the market is derived from sale of produce raised on farms owned or operated by the market operator. The market shall be required to provide adequate off-street parking as required for a retail business in Article XXI of this resolution and shall comply with all development standards of this district.

**Section 10.05 - PROHIBITED USES:**

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- b) Outdoor storage of inoperable or unlicensed motor vehicles for a period exceeding fourteen (14) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer, boat, motor home nor equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No motor home, mobile home nor camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days. No more than one motor home, trailer, or camper may be occupied for such a period on any lot of record.
- e) Agricultural activities as prohibited in Section 6.02 of this Resolution.
- f) No trash, debris, unused property, or discarded materials which create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.
- g) Except as specifically permitted in Section 10.03(b) herein, no manufactured/ mobile home shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code and designed for placement on a permanent foundation are acceptable.

**Section 10.06 - DEVELOPMENT STANDARDS:** In addition to other provisions of this Resolution, the following standards for arrangement and development of lands and buildings are required in the Multi-Family Residential District:

- a) Lot Area - The maximum density for development shall be four (4) dwelling units per acre where served with an approved central water and sewer system. All lots not so serviced shall meet the minimum lot standards prescribed by the provisions of Article VIII of this Zoning Resolution.
- b) Lot Frontage - Except as hereinafter set forth, all lots within this zoning district shall have the following minimum contiguous frontage:

Less than 2 acres	200 feet
2 acres but less than 5 acres	250 feet
5 acres or larger	300 feet

Lots having less than the above listed minimum frontages on the right-of-way line of the adjoining approved road or street must have a width of sixty feet forward of the front building line which is equal to that minimum lot frontage requirement. In no case shall the lot frontage at the right-of-way line be less than sixty (60) feet, and width of sixty (60) feet shall not be decreased at any point forward of the front building line of the principal residence located on the premises. If an irregularly shaped lot (e.g. pie shaped) located on a curve or cul-de-sac widens to the minimum lot width within seventy-five (75) feet of the nearest right-of-way line of the adjoining roadway, the requirement is to conform with setback lines for principal structures on adjoining lots.

- c) Structure Height Limits - No structure in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns 7 silos, grain handling conveyors, church spires, domes, flag poles and elevator shafts are exempted from any height regulation and may be erected to any safe freight. No windmill, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said lot.
- d) Building Dimensions (floor space requirements) - Each single family dwelling hereafter erected in this district shall have a ground floor living area of not less than nine hundred and fifty (950) square feet. All such living areas shall be exclusive of basements, porches or garages.

All apartments or other multi-family structures constructed within this district shall contain the following minimum living area, to wit:

One (1) bedroom unit	800 square feet
Two (2) bedroom unit	900 square feet
Three or more bedroom units	1 000 square feet

- e) Setback Line - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.08.
- f) Side Yard Setback Line - No building or use shall be located closer than twenty-five (25) feet to any side lot line.
- g) Rear Yard Requirements - No principal dwelling shall be located closer than fifty (50) feet to the rear lot line, and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) Maximum Lot Coverage - On no lot in this zoning district shall structures and paving cover more than fifty (50%) percent of the lot area. Structures shall cover no more than twenty-five (25%) percent of the lot.
- i) Parking - Off-street parking within this district shall be in compliance with Article XXI.
- j) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For sale" or "For Rent" or "For Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

- k) Landscape - All yards, front, side and rear, shall be landscaped, and all organized open spaces or residential use areas shall be landscaped. Such landscape plans shall meet the requirements of Article XXIII.
- l) Exterior Lighting - All exterior lighting fixtures shall be shaded as necessary to avoid casting direct light upon any adjoining property.
- m) Roadside Sale Structure - No roadside sale structure shall contain more than 400 square feet, a front yard set back of not less than 50 feet, a side yard setback of not less 25 feet, and a rear yard setback of not less than 30 feet. Ingress and egress shall allow at least 150 feet visibility for traffic in all directions. Parking shall accommodate at least 6 and not more than 10 vehicles.
- n) Public Safety - Those receiving subdivision or lot split approval will be subject to the recommendations of the fire department regarding fire hydrant placement and emergency vehicle access to said lot(s).
- o) Performance Standards - All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.
- p.) Accessory Building- No part of any accessory building shall be located in the front yard.

## **ARTICLE XI - PLANNED RESIDENTIAL DISTRICT (PRD)**

**Section 11.01 - PURPOSE:** The Township, recognizing that with increased residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residential District intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Concord Township.

**Section 11.02 - APPLICATION:** The provisions of this article of the Zoning Resolution may be applied only to lands of the Township that have been approved for a zoning map amendment to PRD. An owner of the land in the township that is served by centralized water and sanitary sewer may submit an application of change to PRD zoning under the provisions of this Article. The action of the Township upon an application processed pursuant to this section shall be considered a legislative act, subject to referendum.

**Section 11.03 - PERMITTED USES:** Within the Planned Residential District (FRD), the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Residential structures may be either single family or multi-family.
- b) Nonresidential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
- c) Public or Private golf courses, country clubs, fishing lakes or similar recreational uses with all buildings and club houses incident thereto including restaurant to serve members and/or users of the facility.
- d) Temporary structures such as mobile office and temporary buildings of a nonresidential character may be used incident to construction work on the premises, or on adjacent public projects, or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit.

**Section 11.04 - CONDITIONAL USES:** Within the PRD zoning, district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals (BZA) pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his/her agent shall be required to apply for a continuation and/or modification of such use(s) to the BZA. A designation by the BZA that a permit is permanent and shall run with the land does not affect the right of authorities to seek

redress for failure to comply with conditions imposed. No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector.

- a) Customary Home Occupations, which are clearly incidental and secondary to residential use, conducted by the resident of a permitted dwelling are subject to the requirements of Section 21.12.
- b) Group homes or residential care facilities in which not more than six (6) persons are provided with room, board, specialized care, rehabilitative services, and supervision in a family environment. All such facilities shall have all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary, the following conditions shall be imposed by the Board of Zoning Appeals:
  - 1) The facility shall comply with Section 11.07, Development Standards.
  - 2) No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.
  - 3) No Group Home should be located within a one (1) mile radius of another such facility.
- c) Model Homes, the same being defined as residential type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builder's/developer's sales force. Model homes shall be subject to the following restrictions:

Hours of operation: All model homes shall be closed between 9:00 P.M. and 9:00 A.M.

  - 2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.
  - 3) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home.
  - 4) Screening and trash receptacles: Landscape drawing shall be required and shall show adequate landscape and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
  - 5) Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety percent of the lots therein.

#### **Section 11.05- PROHIBITED USES**

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.

- b) Outdoor storage of inoperable or unlicensed motor vehicles for a period exceeding fourteen (14) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No motor home, trailer, camper, boat nor equipment of any type shall be parked in front of the front building line on any lot within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this Resolution, or the restrictions in the plat, deed, or development plan.
- d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days. No more than one motor home, trailer, or camper may be occupied for such a period on any lot of record.

Except as specifically permitted in Section 11.03 (d), no manufactured/mobile home shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code and designed for placement on a permanent foundation are acceptable.

- e) Agricultural activities as prohibited in Section 6.02 of this Resolution.
- f) No trash, debris, unused property, or discarded materials which create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.

**Section 11.06 – PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lots to this PRD district shall follow the procedures hereinafter set forth:

- a) Application - The owner or owners of lots within the Township may request that the zoning map be amended to include such lots in the Planned Residential District in accordance with the provisions of this Resolution.

The applicant is encouraged to engage in informal consultations with the Zoning Commission prior to formal submission of a development plan and request an amendment of the zoning map, understanding that no statement by officials of the Township shall be binding upon either.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Zoning Commission with the application, which plan shall include in text and drawing form the following:
  - 1) The proposed boundaries, size and location of the Planned Residential District drawn to scale.
  - 2) The general development character of the lot including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum setback requirements, structure location, and other development features including landscape.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.

- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable. Include a list of owners and addresses whose property is contiguous to and directly across from the applicant's property according to the most recent County Auditor's tax list.
  - 7) The proposed size, location, and use of nonresidential portions of the lot including usable open areas, parks, paths, school sites, and other areas with their suggested ownership.
  - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
  - 10) The ability of the applicant to carry forth his/her plan by control of the land and the engineering feasibility of the plan. If the applicant is not the owner, the applicant must have written authorization from the owner.
  - 11) Specific statements of divergence from the development standards in Article XXI or existing county regulations or standards and the justification therefor. Unless a variation from these development standards is specifically approved, the same shall be complied with.
  - 12) Evidence of the applicant's ability to post a bond if the plan is approved ensuring completion of public service facilities to be constructed within the project by the developer.
- c) Criteria for Approval - In approving an application for a Planned Residential District, the reviewing authority shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent, and general standards of this Zoning Resolution.
  - 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
  - 3) If the proposed development advances the general welfare of the township and the immediate vicinity.
- d) Effect of Approval - The Development Plan as recommended for approval by the Zoning Commission and approved by the Township Trustees shall constitute all amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio.

Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3)



years, the approval shall be voided and the land shall automatically revert to the previous District unless the application for time extension is timely submitted and approved.

- e) Extension of Time or Modification - An extension of the time limit or a modification of the approved development plan may be approved by the Zoning Commission and the Township Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Township Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 11.06 (d) as hereinbefore set forth.
  
- f) Site Plans Required - In the Planned Residential District (PRD), no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this Resolution. The subdivision plat shall be in accord with the approved development plan and shall include:
  - 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; casements, access points to public right-of-way; and land reserved for non-highway service use with indication of the nature of such use.
  - 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the lot to be developed for nonresidential uses.
  - 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.
  
- g) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector or his/her designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved. The Board of Trustees may, from time to time, establish fees to be deposited for each administrative review in order to defray the costs associated with such review.

**Section 11.07 – DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required in the Planned Residential District:

- a) Intensity of Use - The maximum density shall be one and one-half (1 1/2) dwelling units per gross acre within the area to be developed, unless the physical boundaries of land or existing developments adjacent thereto on adjoining lands establish an atmosphere inconsistent with the above maximum density of one and one half (1 1/2) dwelling units per gross acre. Increased densities of one-half dwelling unit per quality item may be approved by the Concord Zoning

Commission and Township Trustees if it is determined that any of the following quality items are included in the development plan:

- 1) If the property is directly adjacent and easily accessible to major thoroughfares.
- 2) If the property is directly adjacent and easily accessible to publicly controlled and maintained community recreational facilities or service.
- 3) If the developer provides usable parks or public open or recreational space as part of the design of the development.
- 4) If pedestrian or bike trails are provided as part of the design of the development.
- 5) The retention and protection of natural or historic areas.

The Zoning Commission may recommend and Township Trustees may approve zoning incentives of up to one-half (1 /2) unit per gross acre for each of the above standards of quality found to exist; however, the total density for the entire area of the development shall not exceed three (3) units per gross acre.

For purposes of development within the Planned Residential District in Concord Township, the maximum density for development shall be as follows:

<u>Type Dwelling</u>	<u>Maximum Dwelling Units Per Gross Acre</u>
Single Family	1 1/2 (plus incentive units)
Multi-family	6

b) Arrangement of Structures

- 1) Setback Line - The physical relationships of buildings and uses and their minimum yard spaces shall be developed in compliance with the approved plan and the provisions of Article XXI unless a variance is approved.
- 2) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain bins, grain handling conveyors, church spires, domes, flag poles and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmill, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said lot.

- c) Building Dimension (Floor space requirements) - Each single family dwelling hereafter erected in this district shall have a living area not less than one thousand (1000) square feet. All such living areas shall be exclusive of basements, porches or garages.

All multi-family buildings constructed within this district shall contain the following minimum living area, to wit:

One (1) bedroom unit	800 square feet
Two (2) bedroom unit	950 square feet
Three or more bedroom units	1000 square feet

- d) Landscape - All yards, front, side and rear, shall be landscaped, and all organized open spaces or nonresidential use areas shall be landscaped. Such landscape plans shall be submitted with the zoning application and shall meet the requirements of Article XXIII
- e) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
- f) Parking - Off-street parking shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, provisions of Article XXI shall be incorporated when appropriate.
- g) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent" or "For Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed four (4) square feet in area on either side.

The owner or developer of a subdivision or similar area, upon the conditions and for the time period established by the Zoning Commission, may erect one sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or lot for sale.

- h) Construction and Maintenance of Improvements Within Right-of-Way: Unless otherwise specifically required by applicable law, the construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscape improvements, sidewalks and/or driveways approaches shall be the responsibility of the abutting property owner.
- i) Special Additional Conditions - The Township Zoning Commission may recommend and the Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscape, development, improvement, and maintenance of common open space any other pertinent development characteristics.
- j) Exterior Lighting - All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.
- k.) Performance Standards - All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.
- l.) Accessory building- No part of any accessory building shall be located in the front yard.

**ARTICLE XII - RESERVED FOR FUTURE USE**

**ARTICLE XIII- NEIGHBORHOOD BUSINESS DISTRICT (B-1)**

**Section 13.01 - PURPOSE:** It is the intent of Concord Township to create a commercial district which together with the regulation of future areas and rehabilitation of existing facilities will provide the atmosphere and opportunities to develop small neighborhood shopping areas which are pleasant, safe, and convenient to the neighborhood yet not designed to serve the public at large. All business and merchandise shall be contained totally within a building.

**Section 13.02 - APPLICATION:** The provisions of this article shall apply to all lands of the township zoned Neighborhood Business District (B-1).

**Section 13.03 - PERMITTED USES:** Within the Neighborhood Business District (B-1), the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Retail Stores primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods including grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, dairy product stores, retail bakeries, drug stores, florists, eating places, self-service laundromats, laundry and dry-cleaning shops, beauty shops, barber shops or any other like retail establishment consistent with the above listed uses.
- b) Office facilities for providing personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, architects, and engineers.
- c) Offices of credit agencies, personal credit institutions, or loan offices.
- d) Offices of veterinarians, provided that the exterior building walls are soundproofed to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood.
- e) Churches or other places of worship, provided they occupy a lot of not less than five (5) acres plus one acre for each one hundred (100) permanent seats over three hundred (300) in the main assembly area.
- f) Temporary structures such as manufactured/mobile offices and temporary buildings of a nonresidential character may be used incident to construction work on the premises, or on adjacent public projects, or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal, and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No temporary structure shall be occupied as a residence.
- g) Apartments in areas over or adjacent to the commercial storeroom or office facility, provided that apartments constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages, to wit:

One (1) bedroom unit	800 square feet
Two (2) bedroom unit	950 square feet
Three or more bedroom units	1000 square feet

Customary Home Occupations, which are clearly incidental and secondary to residential use, conducted by the resident of a permitted dwelling are subject to the requirements of Section 21.12.

- h) Other businesses similar in nature or character as determined by the Zoning Commission.

**Section 13.04 - CONDITIONAL USES:** Within this zoning district, the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals (BZA) pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his/her agent shall be required to apply for a continuation and/or modification of such use(s) to the BZA. A designation by the BZA that a permit is permanent and shall run with the land does not affect the right of authorities to seek redress for failure to comply with conditions imposed. No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector.

- a) Businesses offering live entertainment and/or dancing. The business shall be located at least 100 feet from any residential district, and it shall be soundproofed to the maximum extent by using existing technology with noise emissions not creating a nuisance to the surrounding neighborhood.
- b) Car washes, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
- c) Businesses offering outdoor dining. The outdoor dining area shall be located at least 100 feet from any residential district with noise not creating a nuisance to the surrounding neighborhood.
- d) Drive-in or drive-through facilities for restaurants, financial institutions, and other similar type businesses.

**Section 13.05 - PROHIBITED USES:**

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- b) Outdoor storage of any inoperable, unlicensed or unused motor vehicles or trailers detached from semi-tractors shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
- c) Unless specifically permitted by the Board of Zoning Appeals as a conditional use in this district, no trailer, boat, no motor home or equipment of any type shall be parked ' in front of the front building line on any lot within this district. If a building is located on the lot, the building line shall be considered to be the front wall of the structure even if said building is located behind the minimum building line established by this Zoning Resolution or the restrictions in the plat or deed.
- d) Except as specifically permitted in Section 13.03(f), no mobile home or mobile office structure shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code and designed for placement on a permanent foundation are acceptable.

- e) The sale, repair or servicing, display or storage of automobiles, trucks, trailers, campers, boats, motor homes, mobile homes/ offices or manufactured homes/ offices.

**Section 13.06 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lots to this B- I district shall follow the procedures hereinafter set forth:

- a) Application - The owner or lessee of lots within the township may request that the zoning map be amended to include such lots in the Neighborhood Business District in accordance with the provisions of this Resolution.

The applicant is encouraged to engage in informal consultations with the Zoning Commission or the Board of Zoning Appeals if the request is for a conditional use prior to formal submission of a development plan, understanding that no statement by officials of the Township shall be binding upon either.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Zoning Commission or the Board of Zoning Appeals for a conditional use with the application; the plan shall include in text and drawing form the following:
  - 1) The proposed boundaries, size and location of the Neighborhood Business District drawn to scale.
  - 2) The general development character of the lot including the limitations or controls to be placed on all uses and all items as required under Section 13.07 Development Standards with lot sizes, minimum setback requirements, structure location, and other development features including landscape.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) The proposed provisions and location for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas. Include a list of owners and addresses whose property is contiguous to and directly across from the applicant's property according to the County Auditor's most recent tax list.
  - 7) The proposed size, location, and use of nonresidential portions of the lot including usable open areas, parks, paths, school sites, and other areas with their suggested ownership.
  - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a

manner calculated to give township officials definitive guidelines for approval of future phases.

- 10) The ability of the applicant to carry forth his/her plan by control of the land and the engineering feasibility of the plan. If the applicant is not the owner, the applicant must have written authorization from the owner.

**Section 13.07 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution, all lots and uses within the Neighborhood Business District shall be developed in compliance with the following standards:

- a) Building Size - Main and accessory structures shall not occupy more than 50% of the gross lot area nor in total gross floor area exceed 80% of the gross lot area.
- b) Lot Size - No minimum lot size shall be required; however, the lot size shall be adequate to provide the yard spaces and off-street parking as hereinafter required.
- c) Lot Width - No minimum lot width shall be required; however, all commercial tracts shall have access to public streets and shall be of such width as to provide required yard spaces and off-street parking.
- d) Building Heights - No building shall exceed two (2) stories or forty (40) feet in height.
- e) Setback Line - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.08.
- f) Side Yard Setback Line - Side yards shall be required adjacent to residential uses not less than one-fourth (1/4) of the sum of the height and depth of the buildings but in no case less than twenty-five (25) feet from the adjacent residential district.
- g) Rear Yard Setback Line - No building or use shall be located closer than fifty (50) feet to any rear lot line when commercial areas are adjacent to residential areas.
- h) Landscape - Landscape shall comply with Article XXIII. All commercial areas adjacent to residential areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from the view of adjacent residential areas. All such shrubby shall be properly trimmed, and all screening shall be maintained in a neat and tidy manner.
- i) Parking - Off-street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
- j) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- k) Exterior Lighting - No area lighting or lighting of buildings or storage areas shall be permitted which causes unreasonable illumination of adjacent properties.
- l) Freight Loading Area - When any use within this district requires the pickup and delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided, shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.



- m) Construction and Maintenance of Improvements Within Right-of-Way - Unless otherwise specifically required by applicable law, the construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements 7 landscape improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting properly owner.
- n) Roadside Sale Structure- The structure shall be no larger than 400 square feet, have a front yard setback of not less than 50 feet, have a side yard setback of not less than 25 feet, and have a rear yard setback of not less than 30 feet. Ingress and egress shall allow at least 150 feet visibility for traffic in all directions. Parking shall accommodate at least 6 and not more than 10 vehicles.
- o) Performance Standards - All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.

**ARTICLE XIV - COMMUNITY BUSINESS DISTRICT (B-2)**

**Section 14.01 - PURPOSE:** it is the intent of Concord Township to create a commercial district which together with the regulation of future areas and rehabilitation of existing facilities will provide the atmosphere and opportunities to develop shopping areas which will provide a full range of services and products to the township and the surrounding communities.

**Section 14.02 - APPLICATION:** The provisions of this article shall apply to all lands of the township zoned Community Business District (B-2).

**Section 14.03 - PERMITTED USES:** Within the Community Business District (B-2), the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) The permitted uses in the B- I District. All business and merchandise shall be contained totally within a building.
- b) Private community facilities such as libraries, offices or educational facilities.
- c) Hospitals, medical facilities, nursing homes and convalescent homes.
- d) Medical, dental and optical laboratories.
- e) Kindergarten or child care facilities.
- f) Public or Private golf courses, country clubs, fishing lakes or similar recreational uses with all buildings and club houses incident thereto including restaurant to serve members and/or users of the facility.
- g) Vehicle repair within a building.
- h) Apartments in areas over or adjacent to the commercial storeroom or office facility, provided that apartments constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages, to wit:

One (1) bedroom unit	800 square feet
Two (2) bedroom unit	950 square feet
Three or more bedroom units	1000 square feet

Customary Home Occupations, which are clearly incidental and secondary to residential use, conducted by the resident of a permitted dwelling are subject to the requirements of Section 21.12.

- i) Other businesses similar in nature or character as determined by the Zoning Commission.

**Section 14.04 - CONDITIONAL USES:** Within this zoning district, the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals (BZA) pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his/her agent shall be required to apply for a continuation and/or modification of such use(s) to the BZA. A designation by the BZA that a permit is permanent and shall run with the land does not affect the right of authorities to seek redress

for failure to comply with conditions imposed. No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector.

- a) Businesses offering live entertainment and/or dancing. The business shall be located at least 100 feet from any residential district, and it shall be soundproofed to the maximum extent by using existing technology with noise emissions not creating a nuisance to the surrounding neighborhood.
- b) Car washes, provided that water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
- c) Businesses offering outdoor dining. The outdoor dining area shall be located at least 100 feet from any residential district with noise not creating a nuisance to the surrounding neighborhood.
- d) Hunt clubs and sportsman's clubs where firearms are discharged.

**Section 14.05 - PROHIBITED USES:**

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- b) Outdoor storage of any inoperable, unlicensed or unused motor vehicles or trailers detached from semi-tractors shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
- c) Unless specifically permitted by the Board of Zoning Appeals as a conditional use in this district, no trailer, boat, motor home nor equipment of any type shall be parked in front of the front building line on any lot within this district. If a building is located on the lot, the building line shall be considered to be the front wall of the structure even if said building is located behind the minimum building line established by this Zoning Resolution or the restrictions in the plat or deed.
- d) Except as specifically permitted in Section 13.03(f), no mobile home or mobile office structure shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code and designed for placement on a permanent foundation are acceptable.

**Section 14.06 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lots to this B-2 district shall follow the procedures hereinafter set forth:

- a) Application - The owner or lessee of lots within the township may request that the zoning map be amended to include such lots in the Community Business District in accordance with the provisions of this Resolution. The applicant is encouraged to engage in informal consultations with the Zoning Commission or the Board of Zoning Appeals if the request is for a conditional use prior to formal submission of a development plan, understanding that no statement by officials of the Township shall be binding upon either.
- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Zoning Commission or the Board of Zoning Appeals for a conditional use with the application; the plan shall include in text and drawing form the following:
  - 1) The proposed boundaries, size and location of the Community Business District drawn to scale.

- 2) The general development character of the lot including the limitations or controls to be placed on all uses and all items as required under Section 14.07 Development Standards with lot sizes, minimum setback requirements, structure location, and other development features including landscape.
- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions and location for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically.
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas. Include a list of owners and addresses whose property is contiguous to and directly across from the applicant's property according to the County Auditor's most recent tax list.
- 7) The proposed size, location, and use of nonresidential portions of the lot including usable open areas, parks, paths, school sites, and other areas with their suggested ownership.
- 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth his/her plan by control of the land and the engineering feasibility of the plan. If the applicant is not the owner, the applicant must have written authorization from the owner.

**Section 14.07 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution, all lands and uses within the Community Business District shall be developed in strict compliance with the following standards:

- a) **Building size:** Main and accessory structures shall not occupy more than 50% of the gross lot area nor in total gross floor area exceed 80% of the gross lot area.
- b) **Lot Size:** No minimum lot size shall be required; however, the lot size shall be adequate to provide the yard spaces and off-street parking as herein required.
- c) **Lot Width:** No minimum lot width shall be required; however, all commercial tracts shall have access to public streets and shall be of such width as to provide required yard spaces and off-street parking.
- d) **Building Heights:** No building shall exceed two (2) stories or forty (40) feet in height.
- e) **Setback Line** - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.08.

- f) Side Yard Setback Line: Side yards shall be required adjacent to residential uses not less than one-fourth (1 /4) of the sum of the height and depth of the buildings but in no case less than twenty-five (25) feet from the adjacent residential district.
- g) Rear Yard Setback Line: No building or use shall be located closer than fifty (50) feet to any rear lot line when commercial areas are adjacent to residential areas.
- i) Landscape: Landscape shall comply with Article XXIII. All commercial areas adjacent to residential areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from the view of adjacent residential areas. All such shrubbery shall be properly trimmed, and all screening shall be maintained in a neat and tidy manner.
- j) Parking : Off-street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
- j) Signs: Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- k) Exterior Lighting: no area lighting or lighting of buildings or storage areas shall be permitted which causes unreasonable illumination of adjacent properties.
- l) Freight Loading Area: When any use within this district requires the pickup and a delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided, shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- m) Construction and Maintenance of Improvements Within Right-of-Way: Unless otherwise specifically required by applicable law, the construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscape improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner.
- n) Roadside Sale Structure: The structure shall be no larger than 400 square feet, have a front yard setback of not less than 50 feet, have a side yard setback of not less than 25 feet, and have a rear yard setback of not less than 30 feet. Ingress and egress shall allow at least 150 feet visibility for traffic in all directions. Parking shall accommodate at least 6 and not more than 10 vehicles.
- o) Performance Standards: All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.

**ARTICLE XV - GENERAL BUSINESS DISTRICT (B-3)**

**Section 15.01 - PURPOSE:** It is the intent of Concord Township to provide uses which are necessary for the economic vitality of the Township but may be inappropriate in other districts. Special consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs.

**Section 15.02 - APPLICATION:** The provisions of this article shall apply to all lands of the township zoned General Business District (B-3).

**Section 15.03 - PERMITTED USES:** Within the General Business District (B-3), the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Automobile service stations, automobile repair shops, and automobile painting shops.
- b) Automobile washing establishments provided that surface water from such use shall not drain onto adjacent property, over a public sidewalk, over a public road, or into a natural waterway, and that adequate on site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
- c) Motel or hotel.
- d) Drive-through convenience stores and drive-in restaurants provided that all outside food service areas shall be at least one hundred (100) feet from any residential zone.
- e) Apartments in areas over or adjacent to the commercial use, provided that apartments constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages, to wit:

One (1) bedroom unit	800 square feet
Two (2) bedroom unit	950 square feet
Three or more bedroom units	1000 square feet

Customary Home Occupations, which are clearly incidental and secondary to residential use, conducted by the resident of a permitted dwelling are subject to the requirements of Section 21.12.

- f) Temporary structures such as mobile offices and temporary buildings of a nonresidential character may be used incident to construction work on the premises, or on adjacent public projects, or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit. No temporary structure shall be occupied as a residence.
- g) Other businesses similar in nature or character as determined by the Zoning Commission.

**Section 15.04 - RESERVED FOR FUTURE USE**

**Section 15.05 - PROHIBITED USES:**

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- b) Outdoor storage of any inoperable, unlicensed or unused motor vehicles or trailers detached from semi-tractors shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
- c) Unless specifically permitted by the Board of Zoning Appeals as a conditional use in this district, no trailer, boat, motor home nor equipment of any type shall be parked in front of the front building line on any lot within this district. If a building is located on the lot 7 the building line shall be considered to be the front wall of the structure even if said building is located behind the minimum building line established by this Zoning Resolution or the restrictions in the plat or deed.
- d) Except as specifically permitted in Section 15.03(f), no mobile home or mobile office structure shall be placed or occupied in this district. Modular structures in compliance with file Ohio Building Code and designed for placement on a permanent foundation are acceptable.

**Section 15.06 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lots to this B-3 district shall follow the procedures hereinafter set forth:

- a) Application - The owner or lessee of lots within the township may request that the zoning map be amended to include such lots in the General Business District in accordance with the provisions of this Resolution.

The applicant is encouraged to engage in informal consultations with the Zoning Commission prior to formal submission of a development plan, understanding that no statement by officials of the Township shall be binding upon either.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Zoning Commission with the application; the plan shall include in text and drawing form the following:
  - 1) The proposed boundaries, size and location of the General Business District drawn to scale.
  - 2) The general development character of the lot including the limitation controls to be placed on all uses and all items as required under Section 15.07 Development Standards with lot sizes, minimum setback requirements, structure location, and other development features including landscape.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) The proposed provisions and location for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically.

- 6) The relationship of the proposed development to existing and probable uses of surrounding areas. Include a list of owners and addresses whose property is contiguous to and directly across from the applicant's property according to the County Auditor's most recent tax list.
- 7) The proposed size, location, and use of nonresidential portions of the lot including usable open areas, parks, paths, school sites, and other areas with their suggested ownership.
- 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth his/her plan by control of the land and the engineering feasibility of the plan. If the applicant is not the owner, the applicant must have written authorization from the owner.

**Section 15.07 - DEVELOPMENT STANDARDS** - : In addition to any other provisions of this Resolution, all lands and uses within the General Business District shall be developed in compliance with the following standards:

- a) **Building Size:** Main and accessory structures shall not occupy more than 50% of the gross lot area nor in total gross floor area exceed 80% of the gross lot.
- b) **Lot Size:** No minimum lot size shall be required; however, the lot size shall be adequate to provide the yard spaces and off-street parking as herein required.
- c) **Lot Width:** No minimum lot width shall be required, however, all commercial tracts shall have access to public streets and shall be of such width as to provide required yard spaces and off street parking.
- d) **Building Heights:** No building shall exceed two (2) stories or forty (40) feet in height.
- e) **Setback Line** - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.08.
- f) **Side Yard Setback Line:** Side yards shall be required adjacent to residential uses not less than one fourth (1/4) of the sum of the height and depth of the buildings but in no case less than twenty-five (25) feet from the adjacent residential district.
- g) **Rear Yard Setback Line:** No building or use shall be located closer than fifty (50) feet to any rear lot line when commercial areas are adjacent to residential areas.
- h) **Landscape:** Landscape shall comply with Article XXIII. All commercial areas adjacent to residential areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from the view of adjacent residential areas. All such shrubbery shall be properly trimmed, and all screening shall be maintained in a neat and tidy manner.



- i) Parking: Off-street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
- j) Signs: Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- k) Exterior Lighting: no area lighting or lighting of buildings or storage areas shall be permitted which causes unreasonable illumination of adjacent properties.
- l) Freight Loading Area: When any use within this district requires the pickup and delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided, shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- m) Construction and Maintenance of Improvements Within Right-of-Way: Unless otherwise specifically required by applicable law, the construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscape improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner.
- n) Roadside Sale Structure: The structure shall be no larger than 400 square feet, have a front yard setback of not less than 50 feet, have a side yard setback of not less than 25 feet, and have a rear yard setback of not less than 30 feet. Ingress and egress shall allow at least 150 feet visibility for traffic in all directions. Parking shall accommodate at least 6 and not more than 10 vehicles.
- o) Performance Standards: All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.

## **ARTICLE XVI - OUTSIDE STORAGE AND WAREHOUSE DISTRICT (B-4)**

**Section 16.01 - PURPOSE:** It is the intent of Concord Township to provide uses which are necessary for the economic vitality of the Township but may be inappropriate in other districts. Special consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs.

**Section 16.02 - APPLICATION:** The provisions of this article shall apply to all lands of the township zoned Outside Storage and Warehouse District (B-4).

**Section 16.03 - PERMITTED USES:** Within the Outside Storage and Warehouse District (B-4), the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Establishments for the display, storage, rental, or sale of automobiles, motorcycles, trucks, boats, trailers, farm equipment, contractor equipment, and recreational vehicles and the facilities normally associated with their servicing.
- b) Storage buildings with multiple rental units
- c) Wholesale business, storage, and warehousing.
- d) Truck terminals and freight yards.
- e) Garden centers.
- f) Retail lumber and building material yards.
- g) Temporary structures such as mobile offices and temporary buildings of a nonresidential character may be used incident to construction work on the premises, or on adjacent public projects, or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees.  
  
Said temporary structure shall be removed no later than ten (10) days after expiration of said permit. No temporary structure shall be occupied as a residence.
- h) Other businesses similar in nature or character as determined by the Zoning Commission.

### **Section 16.04 - RESERVED FOR FUTURE USE**

### **Section 16.05 - PROHIBITED USES**

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- b) Outdoor storage of any inoperable, unlicensed or unused motor vehicles or trailers detached from semi-tractors shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.

- c) Unless specifically a permitted use or permitted by the Board of Zoning Appeals as a conditional use in this district, no trailer , boat, motor home nor equipment of any type shall be parked in front of the front building line on any lot within this district. If a building is located on the lot, the building line shall be considered to be the front wall of the structure even if said building is located behind the minimum building line established by this Zoning Resolution or the restrictions in the plat or deed.
- d) Except as specifically permitted in Section 16.03(g), no mobile home or mobile office structure shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code and designed for placement on a permanent foundation are acceptable.

**Section 16.06 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lots to this B-4 district shall follow the procedures hereinafter set forth:

- a) Application - The owner or lessee of lots within the township may request that the zoning map be amended to include such lots in the Outdoor Storage and Warehouse District in accordance with the provisions of this Resolution.

The applicant is encouraged to engage in informal consultations with the Zoning Commission prior to formal submission of a development plan, understanding that no statement by officials of the Township shall be binding upon either.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Zoning Commission with the application; the plan shall include in text and drawing form the following:
  - 1) The proposed boundaries, size and location of the Outdoor Storage and Warehouse District drawn to scale.
  - 2) The general development character of the lot including the limitations or controls to be placed on all uses and all items as required under Section 16.07 Development Standards with lot sizes, minimum setback requirements, structure location, and other development features including landscape.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) The proposed provisions and location for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas. Include a list of owners and addresses whose property is contiguous to and directly across from the applicant's property according to the County Auditor's most recent tax list.
  - 7) The proposed size, location and use of open areas, parks, paths, school sites, and other areas with their suggested ownership.

- 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth his/her plan by control of the land and the engineering feasibility of the plan. If the applicant is not the owner, the applicant must have written authorization from the owner.

**Section 16.07 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution, all lands and uses within the Outdoor Storage and Warehouse District shall be developed in strict compliance with the following standards:

- a) **Building Size:** Main and accessory structures shall not occupy more than 50% of the gross lot area nor in total gross floor area exceed 80% of the gross lot area.
- b) **Lot Size:** No minimum lot size shall be required; however, the lot size shall be adequate to provide the yard spaces and off-street parking as herein required.
- c) **Lot Width:** No minimum lot width shall be required; however, all commercial tracts shall have access to public streets and shall be of such width as to provide required yard spaces and off-street parking.
- d) **Building Heights -** No building shall exceed two (2) stories or forty (40) feet in freight.
- e) **Setback Line -** No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in section 21.08.
- f) **Side yard Setback Line:** Side yards shall be required adjacent to residential uses not less than one-fourth (1/4) of the sum of the height and depth of the buildings but in no case less than twenty-five (25) feet from the adjacent residential district.
- g) **Rear Yard Setback line -** No building or use shall be located closer than fifty (50) feet to any rear lot line when commercial areas are adjacent to residential areas.
- h) **Landscape:** Landscape shall comply with Article XXIII. All commercial areas adjacent to residential areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from the view of adjacent residential areas. All such shrubbery shall be properly trimmed, and all screening shall be maintained in a neat and tidy manner.
- i) **Parking:** Off-street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
- j) **Signs:** Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- k) **Exterior Lighting:** no area lighting or lighting of buildings or storage areas shall be permitted which causes unreasonable illumination of adjacent properties.

- 1) Freight Loading Area: When any use within this district requires the pickup and delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided, shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
  
- m) Construction and Maintenance of Improvements Within Right-of-Way: Unless otherwise specifically required by applicable law, the construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscape improvements, sidewalks and/or driveways approaches shall be the responsibility of the abutting property owner.
  
- n) Roadside Sale Structure: The structure shall be no larger than 400 square feet, have a front yard setback of not less than 50 feet, have a side yard setback of not less than 25 feet, and have a rear yard setback of not less than 30 feet. Ingress and egress shall allow at least 150 feet visibility for traffic in all directions. Parking shall accommodate at least 6 and not more than 10 vehicles.
  
- o) Performance Standards: All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.

## **ARTICLE XVII - INDUSTRIAL DISTRICT (M-1)**

**Section 17.01 - PURPOSE:** The Township recognizes that a well planned and balanced community must provide its residents with the opportunities for business development and jobs. It is the intention to provide reasonable conditions by which desirable small scale industry may operate so that the health and safety of the residents of the township may be preserved.

**Section 17.02 - APPLICATION:** The provisions of this article shall apply to all lands of the township zoned Industrial District (M- 1).

**Section 17.03 - PERMITTED USES:** Within the Industrial District (M-1), the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Wholesale business when all products are stored within the building.
- b) Warehouse or storage activities when all materials are within a building.
- c) Business offices.
- d) Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals.
- e) Other businesses similar in nature or character as determined by the Zoning Commission.

**Section 17.04 - CONDITIONAL USES:** Within this zoning district, the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals (BZA) pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his/her agent shall be required to apply for a continuation and/or modification of such use(s) to the BZA. A designation by the BZA that a permit is permanent and shall run with the land does not affect the right of authorities to seek redress for failure to comply with conditions imposed. No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector.

- a) Manufacturing activities when all operations and materials are within a building.
- b) Service or repair activities when all operations and materials are within a building.
- c) Research facilities when all operations and material are within a building.
- d) The outdoor storage, display, or sale of raw materials, supplies, equipment or products.
- e) Recycling facilities when all materials and operations are within a building.

**Section 17.05 - PROHIBITED USES:**

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- b) Unless specifically permitted by the Board of Zoning Appeals as a conditional use in this district, no trailer, boat, motor home nor equipment of any type shall be parked in front of the front building line on any lot within this district. If a building is located on the lot, the building line shall be considered to be the front wall of the structure even if said building is located behind the minimum building line established by this Zoning Resolution or the restrictions in the plat or deed.
- c) Residential use of any kind.
- d) Concrete or asphalt plants.
- e) Petroleum and chemical processing, storage, and distribution.
- f) Freight or trucking terminals.
- g) Junk yards and salvage yards.
- h) Waste processing, recycling plants, and landfills for hospital or industrial byproducts.
- i) Except as specifically permitted in Section 17.03(d), no mobile home or mobile office structure shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code and designed for placement on a permanent foundation are acceptable.

**Section 17.06 - PROCEDURE:** In addition to any other procedures set out in this

Resolution, all applications for amendments to the zoning map to rezone lots to this M-1 district shall follow the procedures hereinafter set forth:

- a) Application - The owner or lessee of lots within the township may request that the zoning map be amended to include such lots in the Industrial District M- 1 in accordance with the provisions of this Resolution.

The applicant is encouraged to engage in informal consultations with the Zoning Commission or the Board of Zoning Appeals if the request is for a conditional use prior to formal submission of a development plan, understanding that no statement by officials of the Township shall be binding upon either.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Zoning Commission or the Board of Zoning Appeals if the request is for a conditional use with the application; the plan shall include in text and drawing form the following:
  - 1) The proposed boundaries, size and location of the Industrial District M- 1 drawn to scale.
  - 2) The general development character of the lot including the limitations or controls to be placed on all uses and all items as required under Section 1 7.07 - Development Standards with lot sizes, minimum setback requirements, structure location, and other development features including landscape.

- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions and location for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically.
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas. Include a list of owners and addresses whose property is contiguous to and directly across from the applicant's property according to the County Auditor's most recent tax list.
- 7) The proposed size, location, and use of open areas, parks, paths, school sites, and other areas including their suggested ownership.
- 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (1.3) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth his/her plan by control of the land and the engineering feasibility of file plan. If file applicant is not the owner, the applicant must have written authorization from the owner.

**Section 17.07 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution, all lands and uses within the Industrial District M-1 shall be developed in compliance with the following standards:

- a) Lot Area - A minimum lot of one net acre shall be required.
- b) Lot Frontage - All lots within this zoning district shall have a minimum contiguous frontage on a public road of 150 feet; the shall be of sufficient width to provide required yard spaces and off-street parking.
- c) Structure Height Limits - No structure shall exceed two (2) stories or thirty-five feet in height.
- d) Building size - No building in this district shall contain more than twenty thousand (20,000) square feet of floor space.
- e) Setback Line - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.08.
- f) Side Yard Setback Line - Side yards shall be required adjacent to residential uses not less than one - fourth (1/4) of the sum of the freight and depth of the buildings but in no case less than twenty-five (25) feet to any side lot line.



- g) Rear Yard Setback Line - No building or use shall be located closer than fifty (50) feet to any rear lot line.
- h) Maximum Lot Coverage - On no lot in this zoning district shall buildings and paving be constructed which cover more than fifty (50) percent of the lot area. Buildings shall cover no more than twenty-five (25) percent of the lot.
- i) Landscape - All yards, front, side, and rear shall be landscaped, and all organized open spaces or areas shall be landscaped as required in Article XXIII.
- j) Parking - Off-street parking shall be provided within this district in compliance with the provisions of Article XXI.
- k) Signs - Signs identifying or advertising uses within this district shall be in compliance with the regulations imposed by Article XXII.
- l) Exterior Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed so that the light intensity or brightness shall not be objectionable to surrounding areas.
- m) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- n) Roadside Sales - No roadside sale structure shall contain more than 400 square feet, a front yard set back of not less than 50 feet, and a side yard setback of not less 25 feet, a rear yard setback of not less than 30 feet. Ingress and egress shall allow at least 150 ft visibility for traffic in all directions. Parking shall accommodate at least 6 and not more than 10 vehicles.
- o) Construction and Maintenance of improvements Within Right-of-Way- Unless otherwise specifically required by applicable law, the construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscape improvements, sidewalks and/or driveways approaches shall be the responsibility of the abutting property owner.
- p) Performance Standards - All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.

## **ARTICLE XVIII - GENERAL INDUSTRIAL DISTRICT (M -2)**

**Section 18.01 - PURPOSE:** The Township recognizes that a well planned and balanced community must provide its residents with the opportunities for business development and jobs. It is the intention to provide reasonable conditions by which desirable large industry may operate so that the health and safety of the residents of the township may be preserved.

**Section 18.02 - APPLICATION:** The provisions of this article shall apply to all lands of the township zoned General Industrial District (M-2).

**Section 18.03 - PERMITTED USES:** Within the General Industrial District (M-2), the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) The permitted uses in the M- 1 District. All products and activities shall be contained totally within a building.

**Section 18.04 - CONDITIONAL USES:** Within this zoning district, the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals (BZA) pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his/her agent shall be required to apply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to seek redress for failure to comply with conditions imposed. No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector.

- a) Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of this Industrial District.
- b) Quarries and other activities providing for the removal, processing and sale of natural resources.
- c) Temporary structures such as mobile offices and temporary buildings of a nonresidential character may be used incident to construction work on the premises, or on adjacent public projects, or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than two times. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence.
- d) Petroleum and chemical processing, storage, and distribution.
- e) Recycling facilities when all materials and operations are within a building.
- f) Other businesses similar in nature or character as determined by the Board of Zoning Appeals.

**Section 18.05 - PROHIBITED USES:**

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- b) Unless specifically permitted by the Board of Zoning Appeals as a conditional use in this district, no trailer, boat, motor home nor equipment of any type shall be parked in front of the front building line on any lot within this district. If a building is located on the lot, the building line shall be considered to be the front wall of the structure even if said building is located behind the minimum building line established by this Zoning Resolution or the restrictions in the plat or deed.
- c) Residential use of any kind.
- d) Waste processing or recycling plants or landfills for hospital or industrial byproducts.
- c) Junk-yards and salvage yards.
- f) Except as specifically permitted in Section 18.04(c), no mobile home or mobile office structure shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code and designed for placement on a permanent foundation are acceptable.

**Section 18.06 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lots to this M-2 district shall follow the procedures hereinafter set forth:

- a) Application - The owner or lessee of lots within the township may request that the zoning map be amended to include such lots in the General Industrial District M-2 in accordance with the provisions of this Resolution.

The applicant is encouraged to engage in informal consultations with the Zoning Commission or the Board of Zoning Appeals if the request is for a conditional use prior to formal submission of a development plan, understanding that no statement by officials of the Township shall be binding upon either.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Zoning Commission or the Board of Zoning Appeals if the request is for a conditional use with the application- the plan shall include in text and drawing form the following:
  - 1) The proposed boundaries, size, and location of the General Industrial District M-2 drawn to scale.
  - 2) The general development character of the lot including the limitations or controls to be placed on all uses, and all items as required under section 18.07 - Development Standards with lot sizes, minimum setback requirements, structure location and other development features including landscape.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) The proposed provisions and location for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.

- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically.
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas. Include a list of owners and addresses whose property is contiguous to and directly across from the applicant's property according to the County Auditor's most recent tax list.
- 7) The proposed size, location, and use of the lot including usable open areas, parks, paths, school sites, and other areas with their suggested ownership.
- 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth his/her plan by control of the land and the engineering feasibility of the plan. If the applicant is not the owner, the applicant must have written authorization from the owner.

**Section 18.07 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution, all lands and uses within the Central Industrial District M-2 shall be developed in compliance with the following standards:

- a) Lot Area - No minimum lot size shall be required; however, the lot size shall be adequate to provide the yard spaces and off-street parking as herein required.
- b) Lot Frontage - No minimum lot width shall be required; however, all lots shall have access to public streets and shall be of such width as to provide required yard spaces and off-street parking.
- c) Structure Height Limits - No structure shall exceed two (2) stories or forty (40) feet in height.
- d) Building Size - Main and accessory structures shall not occupy more than 50% of the gross lot area nor in total gross floor area exceed 80% of the gross lot area.
- e) Setback Line - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.08.
- f) Side Yard Setback Line - Side yards shall be required adjacent to residential uses not less than one-fourth (1 /4) of the sum of the height and depth of the buildings but in no case less than fifty (50) feet to any side lot line.
- g) Rear Yard Setback Line - No building or use shall be located closer than fifty (50) feet to any rear lot line.
- h) Landscape - All yards, front, side, and rear shall be landscaped, and all organized open spaces or areas shall be landscaped as required in Article XXIII. All commercial areas adjacent to residential areas shall provide a screening of shrubbery or artificial fence so as to hide trash collection areas and service areas from the view of adjacent residential areas. All such

shrubby shall be properly trimmed, and all screening shall be maintained in a neat and tidy manner.

- i) Parking - Off-street parking shall be provided within this district in compliance with the provisions of Article XXI.
- j) Signs - Signs identifying or advertising uses within this district shall be in compliance with the regulations imposed by Article XXII.
- k) Exterior Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed so that the light intensity or brightness shall not be objectionable to surrounding areas.
- l) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided, shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- m) Roadside Sales - No roadside sale structure shall contain more than 400 square feet, a front yard set back of not less than 50 feet, and a side yard setback of not less 25 feet, a rear yard setback of not less than 30 feet. Ingress and egress shall allow at least 150 ft visibility for traffic in all directions. Parking shall accommodate at least 6 and not more than 10 vehicles.
- n) Construction and Maintenance of improvements Within Right-of-Way: Unless otherwise specifically required by applicable law, the construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscape improvements, sidewalks and/or driveways approaches shall be the responsibility of the abutting property owner.
- o) Performance Standards - All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.

**ARTICLE XIX - PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)**

**Section 19.01 - PURPOSE:** The Township recognizing that with increased urbanization and population growth comes increased demands for well organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the Township hereby provides for the Planned Commercial and Office District, intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health and safety of the inhabitants of Concord Township.

**Section 19.02 - APPLICATION:** The provisions of this article of the Zoning Resolution may be applied only to lands of the Township that have been approved for a zoning map amendment to PCD. An owner of the land in the township that is served by centralized water and sanitary sewer may submit an application of change to PCD zoning under the provisions of this Article. The action of the Township upon an application processed pursuant to this section shall be considered a legislative act, subject to referendum.

**Section 19.03 - PERMITTED USES:** Within the Planned Commercial and Office District (PCD), the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

- a) Commercial and office establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan.
- b) Community facilities such as libraries, offices or educational facilities operated by a public agency or government.
- c) Commercial establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants, travel trailer parks and overnight parking or any other allied activity.
- d) Hospitals, medical facilities, nursing homes and convalescence homes.
- e) Medical, dental, optical, and psychological services.
- f) Kindergarten or child care facilities.
- g) Other Commercial ventures not provided by this or other sections of this Resolution if approved as part of the plan.
- h) Wholesale Business, storage and warehouse.
- i) Apartments or residences, when the same are specifically designed as part of the architecture of the structure in a village setting. All living units constructed within this district shall contain the following minimum floor space, to wit:

One (1) bedroom unit	800 sq. ft.
Two (2) bedroom unit	950 sq. ft.
Three or more bedroom units	1000 sq. ft.

Customary Home Occupations, which are clearly incidental and secondary to residential use, conducted by the resident of a permitted dwelling are subject to the requirements of Section 21.12.

- j) Temporary structures such as mobile offices and temporary buildings of a nonresidential character may be used incident to construction work on the premises, or on adjacent public projects, or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No temporary structure shall be occupied as a residence.

**Section 19.04 - RESERVED FOR FUTURE USE**

**Section 19.05 - PROHIBITED USES:**

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.
- c) Except as provided in the plan of development, not trailer, boat, motor home nor equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the lot the building line shall be considered to be the front wall of the structure even if said structure is located behind the minimum building line established by this Resolution, the restrictions in the plat or deed or the development plan.
- d) Except as specifically permitted in Section 19.030) or in the approved development plan, no mobile home or mobile office structure shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code and designed for placement on a permanent foundation are acceptable.

**Section 19.06 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lots to this PCD district shall follow the procedures hereinafter set forth:

- a) Application - The owner(s) or lessee(s) of a lot(s) within the Township may request that the zoning map be amended to include such lots in the Planned Commercial and Office District in accordance with the provisions of this Resolution.
- b) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the County Regional Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by officials of the Township or the Regional Planning Commission shall be binding upon either.

- c) Development Plan - Ten (10) copies of the development plan shall be submitted with the application, which plan shall include in text and map form:
- 1) The proposed boundaries, size and location of the Planned Commercial and Office District drawn to scale.
  - 2) The general development character of the lots including the limitations or controls to be placed on all uses with lot sizes, minimum setback requirements, structure location and other development features including landscape.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable. Include a list of owners and addresses whose property is contiguous to and directly across from the applicant's property according to the most recent County Auditor's tax list.
  - 7) The proposed size, location and use of parks and other public facility sites, if any, and their proposed ownership.
  - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - 9) If the proposed timetable for development includes developing the land in pleases all pleases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in text form in a manner calculated to give township officials definitive guidelines for approval of future pleases.
  - 10) The ability of the applicant to carry forth his/her plan by control of the land and the engineering feasibility of the plan. If the applicant is not the owner, the applicant must have written authorization from the owner.
  - 11) Specific statements of divergence from the development standards in Article XXI or existing county regulations or standards and the justification therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with.
  - 12) Evidence of the applicant's ability to post a bond if the plan is approved ensuring completion of public service facilities to be constructed within the project by the developer.
- e) Criteria for Approval - In approving an application for a Planned Commercial and office District, the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.



- 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
  - 3) If the proposed development advances the general welfare of the township and the immediate vicinity.
- e) Effect of Approval - The Development Plan as recommended for approval by the Zoning Commission and approved by the Township Trustees shall constitute an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio.

Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are property recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the previous District unless the application for time extension is timely submitted and approved.

- f) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be recommended by the Zoning Commission and approved by the Township Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Township Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 19.06 (d) as hereinbefore set forth.

- g) Plat Required - In the Planned Commercial and Office District (PCD), no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this Resolution. The subdivision plat shall be in accord with the approved development plan and shall include:

- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
- 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the lot to be developed for nonresidential uses.
- 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one year after the recording of said plat.

In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

- h) Administration Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector or his/her designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved. The Board of Trustees may, from time to time, establish fees to be deposited for each administrative review in order to defray the costs associated with such review.

**Section 19.07 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this resolution, the following standards are required in this district:

- a) Setbacks: The physical relationship of the structure or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXI unless a variance is approved.
- b) Building Height Limits: No building or structure in this district shall exceed four (4) stories or forty five (45) feet in height. See Section 21.02 for exceptions.
- c) Building Dimensions: Buildings may contain such area of floor space as is approved in the development plan.
- d) Landscape: Article XIII applies. All yards, front, side and rear, shall be landscaped, and all organized open spaces or nonresidential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.
- e) Site Development: To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.
- f) Parking: Off-street parking shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.
- g) Signs: Except as provided under the provisions for home occupations or as controlled by Article XXII of this Resolution and except as recommended by the Zoning Commission and approved by the Trustees, no signs shall be permitted in this district except a 'For Sale" or 'For Rent or 'For Lease" sign advertising the lot on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each of 2 sides.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period recommended by the Zoning Commission and approved by the Trustees, erect one sign not exceeding 48 square feet in area on each of 2 sides advertising said subdivision, development or lot for sale.

- h) Construction and Maintenance of Improvements Within Right-of-Way: Unless otherwise specifically required by applicable law, the construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscape improvements, sidewalks and/or driveways approaches shall be the responsibility of the abutting property owner.
- i) Performance Standards: All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.

- j) Special Conditions: The Township Zoning Commission and/or the Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscape, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

## **ARTICLE XX – PLANNED INDUSTRIAL DISTRICT**

**Section 20.01 - PURPOSE:** in the creation of the Planned Industrial District the intention and desire of the Township is to provide those reasonable conditions under which well planned industrial areas can develop for the greatest benefit of the entire Township such that the health and safety of all inhabitants of Concord Township may be preserved.

**Section 20.02 - APPLICATION:** The provisions of this article of the Zoning Resolution may be applied only to lands of the Township that have been approved for a zoning map amendment to PID. An owner of the land in the township that is served by centralized water and sanitary sewer may submit an application of change to PID zoning under the provisions of this Article. The action of the Township upon an application processed pursuant to this section shall be considered a legislative act, subject to referendum.

**Section 20.03 - PERMITTED USES:** Within the Planned Industrial District (PID), the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted.

- a) Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District Regulations.
- b) Commercial establishments normally associated with and designed to serve the industrial establishments or their employees and approved as part of the development plan such as financial institutions, restaurants, gasoline service stations, automobile repair establishments, recreation or other personal enrichment facilities provided such establishments or facilities are established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments developed as part of the approved plan for the Planned Industrial District.
- c) Temporary structures such as mobile offices and temporary buildings of a nonresidential character may be used incident to construction work on the premises or on adjacent public projects, or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he / she deems necessary. The fees for such permit and renewals thereof shall be established by the Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No temporary structure shall be occupied as a residence.

### **Section 20.04 - RESERVED FOR FUTURE USE**

#### **Section 20.05 - PROHIBITED USES:**

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- b) Except as provided in the development plan, the outdoor storage of any inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited.
- c) Except as provided in the plan of development, no trailer, boat, motor home nor equipment of any type shall be parked in front of the front building line on any lot within this district.

If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure even if said structure is located behind the minimum building line established by this Resolution, the restrictions in the plat or deed or the development plan.

- d) Residential uses of any kind.
- e) Except as specifically permitted in Section 20.03(c) or in the approved development plan, no mobile home or mobile office structure shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code and designed for placement on a permanent foundation are acceptable.

**Section 20.06 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lots to this district shall follow the procedures hereinafter set forth:

- a) Application - The owner(s) or lessee(s) of lots within the Township may request that the zoning map be amended to include such tracts in the Planned Industrial District in accordance with the provisions of this Resolution.
  - 1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the County Regional Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by officials of the Township or Regional Planning Commission shall be binding upon either.
- b) Development Plan - Ten (10) copies of the development plan shall be submitted with the application, which plan shall include in text and map form:
  - 1) The proposed boundaries, size and location of the Planned Industrial District drawn to scale.
  - 2) The general development character of the tract including the limitations or controls to be placed on all uses with lot sizes, minimum setback requirements, structure location and other development features including landscape.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable. Include a list of owners and addresses whose property is contiguous to and directly across from the applicant's property according to the most recent County Auditor's tax list.
  - 7) The proposed size, location and use of parks and other public facility sites, if any, and their proposed ownership.
  - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.

- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), should be fully described in text form in a manner calculated to give Township Officials definitive guidelines for approval of future phases.
  - 10) The ability of the applicant to carry forth his/her plan by control of the land and the engineering feasibility of the plan. If the applicant is not the owner, the applicant must have written authorization from the owner.
  - 11) Specific statements of divergence from the development standards in Article XXI or existing county regulations or standards and the justification therefor. Unless a variation from these development standards is specifically approved, the same shall be complied with.
  - 12) Evidence of the applicant's ability to post a bond if the plan is approved ensuring completion of public service facilities to be constructed within the project by the developer.
- c) Criteria for Approval - In approving an application for a Planned Industrial District, the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with file purpose, intent and general standards of this Zoning Resolution.
  - 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
  - 3) If the proposed development advances the general welfare of the township and the immediate vicinity.
- d) Effect of Approval - The Development Plan as recommended by the Zoning Commission and approved by the Township Trustees shall constitute an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio.
- Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the previous District unless the application for time extension is timely submitted and approved.
- e) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be recommended by the Zoning Commission and approved by the Township Trustees. Such approval shall be given only upon a finding of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Township Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 20.06 (d) as hereinbefore set forth.
- f) Plat Required - In the Planned Industrial District (PID), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this

Resolution. The subdivision plat shall be in accord with the approved development plan and shall include:

- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities- easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon and the activities of occupants.
  - 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.
- g) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Board and the Board of Township Trustees or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved. The Board of Trustees may, from time to time, establish fees to be deposited for each administrative review in order to defray the costs associated with such review.

**Section 20.07 - DEVELOPMENT STANDARDS:** In addition to any development standards imposed or approved as part of the plan of development, the following standards shall apply:

- a) Setbacks - The physical relationship of the structure or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XM unless variance therefrom is approved.
- b) Building Height Limits - No building or structure in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Elevator shafts, aerials and antennas may be constructed to any safe height.
- c) Building Dimensions - Buildings may contain such area of floor space as is approved in the development plan.
- d) Landscape - Article XIII applies. All yards, front, side, and rear, shall be landscaped, and all organized open spaces shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.
- e) Site Development - To the maximum extent possible all natural drainage course, vegetation, and contours in excess of six percent (6%) shall be maintained.
- f) Parking - off-street parking shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.

- g) Signs - Except as controlled by Article XXII of this Resolution, no sign shall be permitted in this district except a "For Sale" or "For Rent" or "For Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each of 2 sides.

The owner or developer of a subdivision or similar area may upon the conditions and for the time period established by the Zoning Commission, erect one sign not exceeding 48 square feet in area on each of 2 sides advertising said subdivision<sup>2</sup>development or lot for sale.

- h) Construction and Maintenance of Improvements Within Right-of-Way - Unless otherwise specifically required by applicable law, the construction and maintenance improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscape improvements, sidewalks and/or driveways approaches shall be the responsibility of the abutting property owner.
- i) Performance Standards - All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.
- j) Special Conditions - The Township Zoning Commission and/or Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed- landscape, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.



**ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS**

**Section 21.00 - GENERAL:** It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of the type or classification of development. They are designed to ensure that the general welfare of citizens of Concord Township are protected and enhanced. These development standards apply throughout the township. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district, the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth in this Resolution or prescribed or agreed to by the land owner in any rezoning or variance.

**Section 21.01 - PARKING:** Whenever parking areas are to be provided as required by the provisions of this Zoning Resolution, the following conditions shall apply:

- a) Dimensions - All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aisle ways of sufficient width to permit easy and smooth access to all parking spaces.
- b) Paving - Except in the Farm Residential Zoning District (FR-1), all common parking areas and adjacent aisles or driveways shall be paved with asphaltic material or concrete.
- c) Driveways - See Section 21.09. All driveways serving parking lots for five (5) or more vehicles shall be not less than twenty (20) feet in width but adequate in width to permit easy access to parking spaces.
- d) Parking Area Location - No parking lot or parking areas shall be located nearer than six (6) feet away from the side or rear line of the tract on which the structure is located, and parking in front of the main structure may be permitted only if not more than forty (40%) percent of the front setback area outside of the right-of-way is occupied by parking. All parking spaces required herein shall be located on the same lot with the building or use served. The parking lot shall be situated so that no vehicle will be required to back on to a public street or road.
- e) Required Off-Street Parking Spaces - The user of any lot shall provide off-street parking for all employees, customers, visitors and invitees. The following table shall specify the minimum parking areas to be provided:

	USE	REQUIRED PARKING
1)	Single Family Residential (FR-1), (R-2)	4 per dwelling unit
2)	All other residential	3 per dwelling unit
3)	Hotels, motels, lodges (without public meeting facilities)	1 per rental unit plus 1 per employee on largest shift plus 1 for each four seats in the dining room or restaurant area.
4)	Hotels, motels, lodges, exhibition halls and public assembly areas (except churches)	1 per rental unit plus 1 per employee on the largest shift plus 1 per 75 sq. ft. of floor area used for exhibition or

assembly purposes plus 1 per  
4 seats in any restaurant  
therein.

- 5) Churches or places of public assembly 1 for each three seats or 1 for each forty-five (45) sq. ft. of assembly area, whichever is greater
- 6) Hospitals 1 1/2 for each bed plus 1 for each employee on the largest shift
- 7) Nursing Homes 1 for each 2 beds plus 1 for each employee on the largest shift
- 8) Museums, Libraries, etc. 1 for each 400 sq. ft. of area open to public plus 1 for each employee on the largest shift
- 9) Primary or elementary schools 4 for each classroom
- 10) Secondary schools, colleges, trade 4 for each classroom plus 1 for each four (4) students.
- 11) Restaurants 1 for each two (2) seats plus 1 for each employee on the largest shift. Not less than 25 parking Spaces shall be provided.
- 12) Offices 1 for each 400 sq. ft. of floor area plus 1 for each employee.
- 13) Funeral Homes 1 for each 25 sq. ft. of public area.
- 14) Retail 5 plus 1 for everyone four hundred (400) sq. ft. of floor space.
- 15) All industrial, Warehousing 20 plus 1 for each two (2) employees plus 1 for each vehicle maintained on the premises.

Any application for initial construction or use or for the expansion of any structure or use shall include plans for adequate off-street parking as required herein.

**Section 21.02 - HEIGHT LIMITATIONS:** The building height limitations set forth in this Resolution shall not apply to church spires, domes, chimneys, cooling towers, elevator shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers, or necessary mechanical appurtenances which may be erected to any safe and lawful height. Windmills, aerials, antennas or towers if otherwise permitted may be constructed to a height not greater than the distance from the center of the base thereof to the nearest property line of said lot.

**Section 21.03 - STRUCTURE SEPARATION:** Structure separation and fire resistance rating of exterior walls shall be in compliance with the latest edition of the Ohio Basic Building Code or the local building code, whichever has jurisdiction for the use, group, and structure type being considered.

**Section 21.04 - SANITARY SEWER REQUIREMENTS AND POLLUTION CONTROL:** All uses shall be conducted in conformance with the regulations promulgated by the Environmental Protection Agency and the Delaware County Department of Health and/or County Sanitary Engineer. Prior to issuance of any zoning permit, evidence of compliance with said regulations shall be presented to the Zoning Inspector.

**Section 21-05 - WATER IMPOUNDMENTS:** All water impoundments such as ponds, lakes or swimming pools shall be constructed and developed in compliance with the following standards:

- a) Except adjacent to Class "A" Roadway, no impoundment shall be located closer than twenty-five (25) feet to the right-of-way or fifty-five (55) feet of the center line of any adjacent approved road. No impoundment shall be located closer than fifty (50) feet to the right-of-way of a Class "A" Roadway.
- b) No impoundment shall be located in the front yard in any district except the FR-1 district except upon issuance of a conditional use permit pursuant to Article XXVIII of this Resolution or as approved in plans of development or approved subdivision plats.
- c) All installed swimming pools, or the entire property upon which the pool is located, shall be walled or fenced to prevent uncontrolled access by all individual from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height and shall be maintained in good condition with a gate and lock.

**Section 21.06 - DRAINAGE:** All construction within this township shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submitting of drainage plans is not specifically required, every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or subservient properties is maintained or improved.

In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

**Section 21.07 - FLOOD PLAIN REGULATIONS:** Certain limited areas of the Township lie within the flood plain of the Scioto River and its tributaries. Inundations of those areas during periods of high water can impose great loss of property value unless controls are imposed to ensure that land use within those areas consider such risks and minimize the impact of such flooding. In an effort to control such uses and in the best interest of the township, the following regulations shall be imposed and apply to all land use districts within the flood plain:

- a) Any owner of property who wishes to engage in the development thereof (development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling

operations located within the land in the flood plain within the township subject to a 1 % or greater chance of flooding in any given year) shall, prior to engaging in such development, present to the Township Zoning Inspector a copy or other written evidence of the development permit issued by the Delaware County Building Inspector evidencing that the owner has complied with the Amended flood Damage Prevention Control Regulations of the Delaware County Building Code, Section 301(2) adopted December 28, 1987. Compliance with said Amended flood Damage Prevention Control Regulations adopted by the Board of County Commissioners of Delaware County, Ohio, shall constitute satisfactory compliance with these flood plain regulations of Delaware County.

- b) The Delaware County Building Department maintains on file for public examination current maps delineating the boundaries within the Township of all lands designated "flood way". In the event a property owner contests the boundaries of such flood way, he shall be given reasonable opportunity to present technical evidence to support his position as provided in the Delaware County Amended Flood Prevention Control Regulations. Compliance with said regulations shall constitute compliance with the Concord Township Flood Plain Regulations contained in this Section 21.07.

**Section 21.08 - SETBACK REGULATIONS:** No building or use (except parking areas) shall be located closer to the center line of adjoining streets, roads, highways or approved private roadways than the distances set forth in the table or chart set forth hereinafter. For purposes of this chart or table and for all other purposes of the Zoning Resolution, streets, roads, highways, and approved private roadways shall be classified in one of the three following classes:

- a) CLASS A - Roadways designated by Concord Township, Delaware County, Ohio as CLASS A roads and the following listed roads within the township, to wit: S.R. 257, U.S. 42, S.R. 745, Home Road and any other roads as later designated by the Trustees of the Township.
- b) CLASS B - Any other through public street or road or any private roadway approved by the County Engineer connecting two or more public roads.
- c) CLASS C - Dead-end roads exiting at a cul-de-sac or approved turn-around when the lot configuration or approved plan precludes future extension of said roadway or any branch therefrom to create a connecting street between two or more existing or future streets or roads.

MINIMUM SETBACK DISTANCES

All distances are measured from the centerline of the existing or proposed roadway to the nearest building or use, except parking areas or signs which may be located within the setback area as regulated by Section XXI of this Resolution.

<u>USE CLASSIFICATION</u>	<u>ROAD CLASSIFICATION</u>		
	CLASS A	CLASS B	CLASS C
FR-1 -Farm Residential	130	90	90
R-2 - Residential	130	90	60
R-6 - Multi-Family	130	90	90
PRD - Planned Residential**	130	90	90
B- I - Neighborhood Business	130	90	90
B-2 - Community Business	130	90	90
B-3 - General Business	130	90	90
B-4 - Outside Storage & Warehouse	130	90	90
PCD Planned Commercial**	130	90	90
PID Planned Industrial**	130	90	90
M- I -Industrial	130	130	100
M-2 - General Industrial	130	130	100

\*\* Or as approved in the development plan.

**Section 21.09 - DRIVEWAY REGULATIONS:** It is important that driveways serving any property or use be constructed in a manner which ensures access by emergency vehicles and the free and safe flow of traffic from public streets or roads. The following standards are required for such driveways:

a) All driveways (any use): In addition to the conditions or specifications imposed in subsections (b) or (c), and by the Delaware County Design, Construction and Surveying Standards, Article VIII-**WORK IN ROAD RIGHT OF WAY OR EASEMENTS**, the following specifications are required for all driveways, regardless of the use served thereby:

- 1) The first phase of any construction project shall be the construction of a driveway of aggregate to provide off-street parking for construction vehicles and to prevent tracking dirt onto the public roadway.
- 2) At the point the driveway intersects the public road, it shall comply with the governmental agency (State, County or township) which controls the public roadway. Drainage pipes shall be a minimum of twelve (12) inches in diameter and should be sized to handle a five-year storm.
- 3) If the driveway leaves the public road on an upgrade, the design and construction shall include a vertical curve or saddle to prevent the flow of surface drainage from said driveway onto the traveled portion of the public road.
- 4) If any driveway crosses a drainage swale, stream or ditch, the same should be bridged by pipe or such structure as required to permit the unobstructed passage of all surface water generated by a five-year storm. Any pipe should be sufficient length to extend not less than three (3) feet beyond the toe of the slope of the fill over said pipe unless a properly designed headwall is installed to protect the end of such a pipe. Any bridge or structure

spanning a stream or ditch shall be designed by a Professional Engineer. No bridge should be less than twelve (12) feet in width.

- 5) If a fill is placed over any drainage structure or placed to alter the grade of any driveway, the vertical slopes on said fill shall be no steeper than a two-to-one slope. All fill areas shall be scalped of vegetation and excavated to load-bearing soil before fill material is placed over it. Such fill shall be free of all humus and organic material and should be compacted to a density of ninety-five (95) percent proctor. The fill shall be of sufficient width to include a compacted berm beside the graveled or paved area of reasonable width to facilitate safe passage of vehicles. Guardrails or barriers shall be installed when necessary to create safe conditions.
  - 6) Drainage ditches shall be constructed as necessary parallel to said driveway; such ditches should be graded to a good and sufficient outlet. Siltation control should be placed in any ditch, and such siltation should not flow to roadside ditches along public roads.
  - 7) All curves in the driveway shall have a minimum radius of fifty (50) feet to permit unhindered passage of public safety vehicles including fire vehicles and all other vehicles reasonably expected to utilize the same.
  - 8) All trees, overhanging branches or other obstructions to the free passage of public safety vehicles shall be removed. A twelve (12) feet overhead clearance and a two (2) feet clearance on each side of the driveway shall be maintained.
  - 9) A sixteen (16) feet wide open area shall be maintained at the road end of the driveway to allow emergency and fire vehicles to turn in and out.
  - 10) Driveway maximum grade, up or down, beginning at the public roadway shall not exceed eight (8) percent for the first twenty-five (25) feet.
  - 11) Visibility at the intersection of driveways and streets shall be maintained and shall comply with Section 23.03 concerning landscape- Driveway and Street intersection.
  - 12) No driveway shall be located so that it enters a public road within one hundred (100) feet of the intersection of any two (2) public roads unless there are two (2) driveways serving the lot, one of which is more than one hundred (100) feet and the other not less than forty (40) feet from said intersection.
- b) Residential Driveways: In addition to the conditions imposed by Section 21.09(a) previously set forth, the following standards are required for driveways serving, residential structures or uses:
- 1) Driveways serving individual residential structures shall not be less than ten (10) feet in width and shall be constructed over an aggregate base and load-bearing subsoil. The depth and aggregate size of the base shall be determined by a professional engineer.
  - 2) If a residential driveway serving two (2) or more residences is over five hundred (500) feet in length, widened paved passing areas at least fifteen (15) feet in width shall be provided at reasonable intervals, not more than three hundred (300) feet distance from each other, to permit the free passage to traffic over said drive.
  - 3) Dust control shall be provided on an "as needed" basis.

- c) Commercial, Industrial, Public Facility and Apartment Complex Driveways: In addition to the conditions imposed by Section 21.09(a) previously set forth, the following standards are required for driveways serving all commercial and industrial uses and apartment complexes containing ten (10) or more units and served by a common parking area:
- 1) Driveways shall be not less than twenty (20) feet in width.
  - 2) Driveway base and surface shall be designed by a professional engineer to sufficient depth for anticipated use and access by public safety vehicles.
  - 3) The finished surface of the driveway shall be hard-surfaced and may be of any Ohio Department of Transportation approved materials.

**Section 21.10 - Industrialized or Manufactured Structures (modulars, trailers or mobile homes or offices)**: For the purpose of this Resolution, a modular home, modular office or modular industrial unit shall be defined as an industrialized unit which is made or assembled in manufacturing facilities on or off the building site for installation or assembly, and said unit shall have been inspected and certified to be in compliance with the Ohio Building Code. All such units shall be approved for their appropriate zoning district, the same as a site built structure. All local, state, and federal requirements and permits shall be required. Any other industrialized or manufactured unit shall be considered a temporary structure, trailer, or mobile home, mobile office, or mobile industrial unit and shall be limited in placement by this Resolution.

**Section 21.11 - PERFORMANCE STANDARDS**: No use shall be conducted within any district which fails to maintain the following standards:

- a) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards regulated by the Occupational Safety and Health Administration and environmental protection agencies shall be met. Burning of waste materials in open fire is prohibited.
- b) Air Pollution - No construction of air emission services can occur without required State and local permits, and no emission of air pollutants shall be permitted which violate the Clean Air Act and its latest amendments.
- c) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
- d) Dust and Erosion - Dust or silt shall be minimized through landscape or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicants shall meet the required standards of the Delaware County Engineer. Compliance with State storm water standards for construction is required.
- c) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, stream, or into the ground of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment shall be permitted. The regulations of the environmental protection agencies shall be met.
- f) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. No use shall be operated so as to produce the

continuous, frequent, or repetitive emission of noise which exceeds 65 decibels beyond the lot line on which the use is located.

- f) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The regulations of the environmental protection agencies shall be met.

**Section 21.12 - CUSTOMARY HOME OCCUPATIONS:** Customary Home Occupations, which are clearly incidental and secondary to residential use, conducted by the resident of a permitted dwelling are subject to the following restrictions:

- a) The purpose of the home Occupation Section of this Resolution is to establish regulations which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential uses of any residential dwelling unit and to limit the scope of the nonresidential use to that of an accessory use. Said uses should be clearly subordinate and incidental to the residential use of the property in order to protect the character of the surrounding residential neighborhood, while recognizing that with changing technology, computerization, networking and the changing job market that traditional workplaces are also changing. These regulations are intended to recognize this trend and to allow accessory home occupations that are located and conducted in such a manner that existence of the home occupation is not detectable, except for possibly a permitted nameplate on the outside of the dwelling unit.

Three classes of Home Occupations are established by these regulations:

- 1) Class A - Those uses that have little or no impact on the surrounding residential area are permitted by right and require no permit to operate.
  - 2) Class B - Those uses that have potential to have limited impact on the surrounding residential area and therefore are permitted only by conditional use permit which may be granted by file Board of Zoning Appeals.
  - 3) Class C - Those uses that have potential to have limited impact on certain types of residential areas and are therefore permitted in only certain residential districts by conditional use permit which may be granted by the Board of Zoning Appeals,
- b) Class A Home Occupations which are permitted Uses - No Permit Required: The following Home Occupations shall be Class A home Occupations and no permit is of Zoning Appeals:
- 1) Professional office - A service-oriented business use. Subject to the following requirements:
    - i) Clients or customers will not be present on file site.
    - ii) Product or merchandise may not be stored or warehoused on the site in excess of 100 cubic feet of area.
    - iii) No signage identifying the Home Occupation is permitted.
  - 2) Home Craft Businesses - Including, but not limited to artists, sculptors, and dressmakers. Subject to the following requirements:



- i) No signage identifying the home occupation is permitted.
  - ii) Sufficient off-street parking space for clients shall be provided.
- c) Class B Home Occupations - Conditionally Permitted Uses - Permit Required: The following Home Occupation shall be Class B Home Occupations and a Conditional Use Permit is necessary from the Board of Zoning Appeals:
- 1) Bed and Breakfast - subject to the following requirements:
    - i) The person(s) operating the bed and breakfast must also be the owner(s) of and reside in the dwelling.
    - ii) No more than 40% of the floor area of the principal dwelling may be used for guest sleeping accommodations.
    - iii) No more than six guest rooms with a maximum of two adults and two children per guest room are permitted.
    - iv) One off-street parking space shall be provided for each guest room. Said parking shall not be provided in the front yard.
    - v) Signs: One sign identifying the bed and breakfast residence shall be permitted on the premise as follows:
      - a) A sign no larger than two square feet in area may be located on the residence's wall or the sign may be hung from the porch; or
      - b) A freestanding sign no larger than two square feet in area, with a maximum height of five feet above grade, a minimum of a ten foot setback from any right-of-way, and a minimum side yard setback of three feet.
      - c) The sign may not be illuminated, except indirectly.
    - vi) Meals provided by the Bed and Breakfast are limited to the Bed and Breakfast's guest.
  - 2) Day Care for six or less individuals - Care for adults or children subject to the following requirements:
    - i) If used for children, 60 square feet of fenced outdoor play space is required per child, and the play area must be at the side or rear of the house.
    - ii) Signs: The requirements of Class C, 1 c apply.
  - 3) Professional services - Including, but not limited to barbers, beauticians, automobile detailing and photographers. Subject to the following requirements:
    - i) No appointments shall be scheduled between the hours of 9:00 p.m. and 8:00 a.m.
    - ii) One off-street parking space for customers or clients shall be provided

- iii) Signs: one sign identifying the service shall be permitted on the premise as follows:
  - a) A sign no larger than two square feet in area may be located on the residence's wall or the sign may be hung from a porch; or
  - b) A free-standing sign no larger than two square feet in area, with a maximum height of five feet above grade, a minimum of a ten foot setback from any right-of-way, and a minimum side yard setback of three feet.
  - c) The sign may not be illuminated.
- 4) Trade Businesses - Including, but not limited to electricians, plumbers, and carpenters. The residence may be a base of operation for the business, but the conduct of any phase of the trade on the property is prohibited. Subject to the following requirements:
  - i) One truck or van under one ton which is related to the Home Occupation may be stored on site, if enclosed in a garage.
  - ii) Signs: One sign identifying the Home Occupation shall be permitted on premise as follows:
    - a) A sign not larger than two square feet in area may be located on the residence's wall or the sign may be hung from a porch.
- d) Class C - Home Occupations-Conditionally Permitted Uses - Permit Required- The following Home Occupations shall be Class C Home Occupations and a Conditional Use Permit is necessary from the Board of Zoning Appeals: The use must comply with all applicable requirements.
  - 1) Day Care for 7 to 12 individuals - Care for adults or children. Subject to the following requirements:
    - i) If used for children, 100 square feet of fenced outdoor play space is required per child, and the play area must be at the side or rear of the house.
    - ii) A drop off area for two cars must be provided.
    - iii) Sign: One sign identifying the home occupational shall be permitted on the premises as follows:
      - a) A sign no larger than two square feet in area may be located on the residence's wall, or the sign may be hung from a porch.
      - b) The sign may not be illuminated.
    - iv) All required applicable permits for a Day Care Facility shall be obtained and maintained by the dwelling owner.
  - 2) Repair Services - including, but not limited to electronics, small appliances, small engines, and bicycle repair. Subject to the following requirements:
    - i) Sufficient parking space for customers or clients shall be provided.

- ii) Signs: One sign identifying the Home Occupation shall be permitted on the premises as follows:
    - a) A sign no larger than two square feet in area may be located on the residence's wall, or the sign may be hung from a porch.
    - b) The sign may not be illuminated.
- e) GENERAL REGULATIONS - The following regulations or standards apply to all Home Occupations in addition to requirements of particular uses or classes:
  - 1) Such occupations shall be conducted solely by the occupants of the residence. Not more than 2 nonresident persons may be employed on said premises.
  - 2) Except for Bed and Breakfasts and Day Care uses, no more than twenty-five percent (25%) of the gross area and in no event may more than 400 square feet of area of such residence be used for a Home Occupation. No more than 600 square feet of garage or an accessory building may be used for the home occupation. The home occupation shall be clearly incidental and subordinate to the residential use.
  - 3) No use shall require either internal or external alterations or involve construction features or use of electrical or mechanical equipment that would change the fire rating of the structure.
  - 4) One truck or van, under one ton, related to the Home Occupation may be stored one site if enclosed in a garage.
  - 5) The use may increase vehicular traffic flow and parking by no more than two additional vehicles at a time.
  - 6) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premise to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noise, vibration, dust, smell, smoke, glare, electrical interference, or any other hazard or nuisance to any greater extent than that experienced in an average residential neighborhood.
  - 7) A ramp to facilitate wheelchairs is permitted.
  - 8) There shall be no exterior storage, use, or activity of any kind related to the Home Occupation.
  - 9) There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries. No deliveries by tractor-trailers are permitted.
  - 10) No equipment, process or storage associated with the home occupation shall create dors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses. All activities, materials and equipment associated with the business shall be maintained totally within a building. No equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises. No equipment, process, or storage associated with a home occupation shall create a fire or explosion hazard or involve the storage or use of hazardous materials in any

concentration greater than that which would normally be found in a dwelling containing no home occupation.

- 11) Waste materials (solid, liquid or vapor) shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and Ohio EPA. Nor shall they create a burden on adjoining properties.
  - 12) No activity shall be conducted or permitted which creates a nuisance to neighboring property.
- f) **PROHIBITED USES** - The following uses are prohibited as Home Occupations:
- 1) Automotive, truck, recreational vehicle, trailer, motorcycle and boat repair or painting is prohibited; auto and truck detailing is accepted.
  - 2) Medical or dental offices or laboratories.
- g) **Invalidation of Home Occupation Conditional Use Permit:** For the purposes of this Resolution, a Conditional Use Permit issued for a Home Occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit.

#### **Section 21.13 FENCES AND WALLS**

- a.) All fences and walls shall be structurally sound and maintained in good condition.
- b.) Fences and walls shall not be permitted within any right of way.
- c.) No fence or wall shall be permitted within the sight triangle of street intersections or of driveway intersections with streets.
- d.) No fence or wall shall exceed five (5) feet in height in any Residential district not including FR-1.
- e.) All swimming pools shall be surrounded on all sides by a fence with a minimum height of four and one half (4.5) feet and with a self latching gate.

## **ARTICLE XXII - SIGN AND BILLBOARD REGULATIONS**

**Section 22.01 - PURPOSE:** The purpose of this sign regulation is to promote and protect the public health by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance, preserve the scenic and natural beauty of the communities and countryside, reduce sign distraction and obstructions that may contribute to traffic accidents, provide more open spaces and generally curb the deterioration of the natural environment.

**Section 22.02 - PERMITTED SIGNS - NO PERMIT REQUIRED:** The following signs shall be permitted in the township subject to the regulations set forth herein. No zoning permit shall be required for any sign under the terms of this section.

- a) Signs for lease, sale, rent or construction of the premises on which the sign is located. Not more than two signs shall be displayed in any lot. Such signs shall not be illuminated and shall not exceed four (4) square feet of area per side with not more than two (2) sides. Signs of the same size identifying the builder or contractor are permitted. All such signs shall be removed within thirty (30) days after occupancy.
- b) Vehicular Signs - Directional or other incidental signs pertaining to Vehicular or pedestrian control on private property shall be permitted provided that said signs are located outside the right-of-way of any public street or road, do not exceed two (2) square feet of area per side, and do not interfere or obstruct visibility when entering or leaving said property.
- c) Political Signs - The erection of political signs shall be permitted in any district of the township provided that said signs:
  - 1) do not interfere with visibility of Vehicular traffic entering or leaving the highway.
  - 2) are erected or posted not more than forty-five (45) days prior to any election, and all signs are removed within fifteen (15) days following any election.
  - 3) may be posted and removed without destruction of public or private property.
  - 4) designate the name and address of the person charged with removal of the sign.
  - 5) shall be placed outside the road right-of-way.
- d) Temporary Signs announcing special public or institutional events. Such signs shall not exceed thirty-two (32) square feet in area per side with not more than 2 sides and shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event. Such sign shall designate the name and address of the person charged with the duty of removing said sign.
- e) Signs Approved in Planned Residential District plan of development provided that the approved sign is constructed in strict compliance with the approved guidelines.
- f) Farm Signs denoting the name and address of the occupants, denoting produce or products for sale on the premises, and denoting membership in organizations. Not more than one sign of any type may be permitted, and it shall be located outside the road right-of-way. Advertising signs may not exceed thirty-two (32) square feet of area per side with not more than 2 sides, and all other signs shall be limited to four (4) square feet per side.

**Section 22.03 - PERMITTED SIGNS, PERMIT REQUIRED:** The following shall be Permitted with a zoning permit in areas clearly delineated herein and subject to the regulations set forth:

- a) Commercial or Industrial Display Signs - All display signs shall be mounted on the building which houses the business establishment advertised by such signs, except as otherwise Specifically authorized by this Resolution. Such signs shall be located on or along a wall of such building which faces a street, parking lot or service drive and shall not project above the roof line or the cap of the parapets of such building, whichever is higher. Signs may be erected on a wall which faces a street, parking lot or service drive provided that the design and construction of such extension is architecturally compatible with the building, and that such wall does not extend beyond any required building setback line and does not exceed twelve (12) feet in height or the height of the ceiling of the first floor of the building to which such extension wall is attached, whichever is less. The display area of the sign must be located either on the wall or extension; it may not be located on both.

All such signs shall be parallel to the wall on which they are installed and shall not project more than eighteen (18) inches from such wall, it being hereby intended to prohibit signs projecting outward from the wall at right angles or otherwise, except as follows:

- 1) Signs may be installed on an attached canopy, roof or marquee which projects signs beyond the building over a walk or yard provided that no part of such may extend above such canopy, roof or marquee.
- 2) One sign, not more than fifteen (15) inches in height and five (5) square feet in area and projecting outward from the building wall not more than three (3) feet, may be erected at each entrance to such building, and the area of such sign shall not be included in determining the aggregate sign area of such building.

No part of any sign shall be less than eight (8) feet above the sidewalk or ground level if such projects forward of the wall on which it is mounted to such an extent as to constitute a hazard or inconvenience to pedestrian or vehicular traffic. No part of any sign shall be closer to either end of the building face, including any wall extension on which it is erected, than eighteen (18) inches. Where more than one sign is erected on the same face of a building, there shall be a distance of at least three (3) feet between signs. Letters numerals or other graphics attached directly to the building shall generally not be considered wall signs unless they are over nineteen (19) inches high, or one inch thick, or the color contrasts with that of the building. Super-graphics (large scale painted graphic devices) and architecture] detailing which has a graphic or signage function, which are painted upon a building, shall be subject to regulation as a wall sign.

- 3) The display area of any one surface does not exceed twenty-five (25) square feet.

- b) Free-Standing Signs Identifying Commercial or office Complexes - One sign per lot supported by posts, pillars, columns or other structures identifying a commercial or office complex shall be permitted on the following conditions:

- 1) The maximum height of such sign does not exceed eight (8) feet above the average grade of the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional three (3) feet setback from the street right-of-way line, an additional one (1) foot in height shall be permitted up to a maximum of fifteen (15) feet high.
- 2) The total display area of all surfaces does not exceed fifteen (15) square feet when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For

each additional one (1) foot setback from the street right-of-way line, an additional three (3) square feet of display area will be permitted up to a maximum of forty-five (45) square feet.

- 3) The display area of any one surface does not exceed twenty-five (25) square feet.
  - 4) No part of such sign will be closer to the nearest street right-of-way line than fifteen (15) feet nor closer to any property line than the applicable building setback line if the adjoining property is in a residential district.
  - 5) The function of such sign is relevant to the use of the property on which it is located.
  - 6) Such sign will be in harmony with the buildings on the site and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.
  - 7) Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or creation of a visual distraction for such motorists.
- c) Outdoor advertising or billboards for a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all commercial and industrial districts and/or lands used for agricultural purposes subject to regulations set forth herein:
- 1) No billboard shall exceed three hundred (300) square feet in area per side nor have more than two sides.
  - 2) No billboard shall exceed fifteen (15) feet in height above the average grade of the site nor have a length in excess of four times the height of the sign face.
  - 3) The use shall comply with the general regulations set forth in other provisions of this Resolution and Article.
  - 4) All billboards shall be located in compliance with all local, state and federal regulations controlling the same. Billboards shall be licensed or permitted as may be required by local, state or federal agencies.
  - 5) All billboards shall be located behind the building setback lines established for the district in which the sign is located and shall be at least one thousand (1000) feet from any residence.
  - 6) No billboard or advertising sign shall be located nearer than twenty-five (25) feet to any side lot line.

**Section 22.04 - CONDITIONALLY PERMITTED SIGNS - PERMIT REQUIRED:** Within any commercial or industrial district or within any nonresidential portion of a residential district, the following signs may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the

land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his/her agent shall be required to apply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to seek redress for failure to comply with conditions imposed. No conditional use shall be implemented until a conditional use permit is issued by the Zoning inspector.

- a) Free Standing Signs which are defined as signs supported by or supported from posts, pillars, columns or other structures, except signs attached to buildings as described in Section 22.03(a) of this Resolution. Free standing signs heretofore lawfully erected and maintained and now in place may be maintained until such sign is destroyed, dismantled or removed. No sign shall hereafter be relocated, rebuilt, enlarged, extended or otherwise altered in any material respect. In the event of a violation of this provision, the continued maintenance of such sign shall be unlawful.

The Board of Zoning Appeals may grant a permit for the erection or maintenance of a free standing sign only upon compliance with the following requirements:

- 1) The filing of a written application for such sign, together with a scale drawing of the proposed sign showing its design, color and materials, and a site and the location of the proposed sign.
- 2) A determination by the Board of Zoning Appeals that a free standing sign is necessary to the conduct of the business, professional or commercial activity on the site, and that an attached sign would not be in harmony with the building thereon.
- 3) A determination that the proposed sign meets all of the following requirements:
  - i) The maximum light of such sign does not exceed eight (8) feet above the average grade of the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional three (3) feet setback from the street right-of-way, an additional one (1) foot in height will be permitted up to a maximum of fifteen (15) feet high.
  - ii) The total display area of all surfaces does not exceed fifteen (15) square feet when the sign is located fifteen feet from the primary frontage street right-of-way line. For each additional one (1) foot setback from the street right-of-way line, an additional three (3) square feet of display area will be permitted up to a maximum of forty-five (45) square feet.
  - iii) In any case, the display area of any one surface does not exceed twenty-five (25) square feet.
  - iv) No part of any sign will be closer to any nearest street right-of-way line than fifteen (15) feet or closer to any other property line than the applicable building setback line if the adjoining property is in a Residential District.
  - v) The function of such sign is relevant to the use of the property on which it is located.
  - vi) Such sign will be in harmony with the buildings on the site and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.



- vii) Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or creation of a visual distraction for such motorists.
- 4) In making its determination, the Board of Zoning Appeals shall take into consideration all pertinent factors relating to the compatibility of such sign with the neighborhood including, but not limited to, its size, shape, color, brightness, design and general appearance.
- 5) Not more than one (1) free standing sign may be authorized for any one business establishment. Where more than one business establishment is located on a lot having an entrance or entrances or parking area or areas used in common by the customers of such establishments, only one (1) free standing sign may be authorized for the entire lot. The existence and boundaries of such lot shall be determined by community of use rather than by file ownership thereof, it being intended by this provision to limit each shopping center or similar joint operation to one (1) free standing sign except in file case of a shopping center which is contiguous to two streets which do not intersect each other at a point adjacent to such shopping center in which case one (1) free standing fronting on each street may be authorized.

**Section 22.05 - PROHIBITED SIGNS:** The following signs and billboards shall be prohibited in Concord Township:

- a) All signs not specifically permitted by the express terms of the Concord Township Zoning Resolution.
- b) Portable signs or billboards, pennants, streamers, flashing lights, strings of lights, or air activated attraction devices.
- c) Signs or advertising erected and maintained in trees or painted or drawn upon rocks or other natural features.
- d) Except for identification signs on agricultural buildings, no sign or billboard shall be painted directly upon the wall or roof of any building or structure.
- e) No sign shall be attached to any fence within the right-of-way of any road. No sign shall be attached to any fence regardless of location without the permission of the owner of the fence.
- f) Signs mounted upon the roof of any building or structure.
- g) Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic or which interfere with, imitate or resemble an official sign, signal or device.

**Section 22.06 - GENERAL REGULATIONS:** The following regulations and restrictions shall apply to all signs located and erected within Concord Township regardless of type, style, location, design or other classification:

- a) Location - No sign shall be located within the-right-of-way of any public or private road within the township. Said sign or signs shall be located in strict compliance with this Resolution and in strict compliance with the approved development plan or restrictions imposed by the Board of Zoning Appeals.
- b) Lighting

- 1) No sign shall be illuminated to a level which causes unnaturally high light levels on adjacent property.
  - 2) No illuminating device for any sign shall be designed which permits the direct beaming of any light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic.
  - 3) No flashing, rotating or moving light source shall be permitted on any sign within this township.
  - 4) All signs, when illuminated, shall be down lighted.
- c) Height - No signs within Concord Township shall be erected to a height greater than fifteen (15) feet.
  - d) Sight Interference - No sign shall be permitted in Concord Township which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.
  - e) Stability - Display signs shall be constructed to withstand a wind pressure of at least thirty (30) pounds per square foot of surface and shall be fastened, suspended or supported so that they will not be a menace to persons or property.
  - f) Maintenance - All signs or billboards constructed or erected within Concord Township shall be maintained as follows:

All sign surfaces, supports, braces, guys and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.

- g) Traffic Safety - Colors, etc. - Display signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices.
- h) Sign Area - The aggregate sign area or display surface of all exterior signs of every nature shall not exceed three (3) square feet for each lineal foot of street frontage of such building, if a one-story building, or four (4) square feet per foot if more than one-story in height. Street frontage is defined as the total width of that side of the building which faces the street excluding any extension of a building wall beyond the building itself. in the case of a corner lot-or other situation where the building site abuts more than one public street, not including the alleys, the applicant shall specify which is the primary frontage, and signs may be permitted on the basis of the area authorized above for each lineal foot of primary street frontage and one half thereof for each lineal foot of other street frontage. The total sign area on any one side of a building shall not exceed the allowable area for such side computed in accordance with the foregoing rules. In the case of a building which does not front on a public street, as in shopping centers, the drives and parking areas adjacent to such building shall be considered as public streets for the purpose of this Resolution, provided that where any such drive or parking area abuts a Residential District, the frontage of the building on such drive or parking area shall not be considered as frontage for such propose if the distance from such building to the nearest private property in said Residential District is less than one hundred fifty (150) feet.
- i) Color - All signs shall be limited to a maximum of three different colors. Black and white shall be considered colors.

**Section 22.07 - ABANDONED SIGNS:** If any sign or billboard shall become abandoned in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned sign or billboard is defined as any sign or billboard that meets any one of the following criteria:

- a) Any sign or billboard associated with an abandoned nonconforming use.
- b) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.
- c) Any sign or billboard that is not maintained in accordance with this Resolution.

When the Zoning Inspector finds, upon investigation, that a sign or billboard has been abandoned as defined herein, he or she shall notify the owner of said sign and the owner of the land on which the sign is located, by certified mail or by personal delivery, of his/her findings. Such notice shall advise the sign owner that the sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The sign owner may appeal such decision to the Board of Zoning Appeals as provided in Article XXVIII of this Resolution.

It shall be the duty of the Zoning Inspector to maintain a photograph and file on said sign together with a written report of his/her findings for submission to the Board of Zoning Appeals upon request.

If the sign is not removed, as ordered, the failure to remove such sign shall be deemed a violation of the Zoning Resolution and may be enforced as such.

**Section 22.08 - NONCONFORMING SIGNS OR BILLBOARDS:** Any sign or billboard in existence within the Township prior to the effective date of this Article that does not conform with the provisions of this Article is considered to be nonconforming.

Any sign or billboard that does not conform to the provisions of this Article shall be allowed to continue in its nonconforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.

A nonconforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Article. Should any replacement or relocation take place without being brought into compliance, the sign or billboard shall be existing illegally.

A nonconforming sign or billboard shall be maintained or repaired in accordance with the following provisions:

- a) The size and structural shape shall not be changed or altered.
- b) The copy may be changed, provided that the copy area shall not be enlarged.
- c) In the case where damage occurs to the sign or billboard to the extent of sixty (60%) percent or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than sixty (60%) percent of the structure or its replacement value, the sign or billboard shall be repaired within thirty (30) days after notification of the sign owner by certified mail.

**Section 22.09 - PERMIT:** No signs, except as provided for in Article 22.02 of this Resolution, shall be erected prior to the issuance of a permit thereof by the Township Zoning Inspector.

- a) Fees - The applicant for a permit herein shall pay such fee as is, from time to time, prescribed by the Concord Township Trustees.
- b) Term of Permit - The zoning permit issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this Zoning Resolution or any amendment thereto.
- c) Inspection - Prior to erection, all signs or billboards erected within this township are subject to inspection, whether a permit is required or not. The Township Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of this Resolution.
- d) Removal of Signs - The Township Zoning Inspector or any Township official or employee may effect removal of any sign illegally placed within the right-of-way of any road within this township. The Zoning Inspector shall store said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within thirty (30) days after mailing of notice by the Zoning Inspector, said sign may be destroyed.

## **ARTICLE XXIII - LANDSCAPE**

**Section 23.01 - PURPOSE:** The intent of this article is to improve the appearance of vehicular use areas and property abutting public right-of-ways; to require buffering between non-compatible land uses; to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature and artificial glare.

It is further the purpose of this article to specifically promote the preservation and replacement of trees and significant vegetation removed in the course of land development, and to promote the proper utilization of landscape as a buffer between certain land uses to minimize the opportunities of nuisance.

### **Section 23.02 - APPLICATION:**

- 1) New Sites - No certificate of zoning compliance shall be issued hereafter for any site development or the construction or improvement of any building, structure or vehicular use area except where landscape for such development, construction or improvements has been approved as required by the provisions of this article. Farm Residential -single family uses shall be exempt from the requirements of Section 23.03 (D)(2), but all other requirements of this Article shall apply unless Farm Residential-single family uses are clearly exempt.
- 2) Existing Sites - No building, structure, or vehicular use area shall be constructed or expanded unless the minimum landscape required by the provisions of this Article is provided to the property to the extent of its alteration or expansion and not for the entire property of which the alteration or expansion is a part unless the alteration or expansion is substantial. Farm Residential -single family uses shall be exempt from the requirements of Section 23.03 (D) (2), but all other requirements of this Article shall apply unless Farm Residential-single family uses are clearly exempt. An alteration or expansion to an existing property is substantial when:
  - a) In the case of a building or structure expansion which does not involve additional land, the square footage of the alteration or expansion exceeds twenty-five percent (25%) of the square footage of the existing building exclusive of the alteration or expansion, and
  - b) In the case of an alteration or expansion involving both an existing building or structure and additional land, and, if applicable, additional structures or buildings, the area or square footage of the expanded or altered land or structure or building, respectively, exceeds twenty-five percent (25%) of the area or square footage of the existing land or structure or building respectively, exclusive of alteration or expansion.
  - c) "Land", as used herein, includes land used for space, parking or building purposes.

**Section 23.03 - Minimum Landscape Requirements:** This section describes the minimum requirements that shall be met in regards to perimeter landscape for non-compatible land use areas, landscape for service areas, and interior landscape for businesses, buildings, structures or other new developments of land.

- A) **Perimeter Landscape Requirements:** Unless otherwise provided, landscape material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy (70%) percent summer opacity between one foot above finished grade level to the top of the required planting, hedge, fence, wall or earth mound within four years after installation. The required landscape shall be provided either in easements in certain zones or adjacent to vehicular use areas.

1) Property Perimeter Requirements

A. When the following	B. Adjoins the following or vice versa:	C. The minimum landscaping..(within a buffer zone of this average width with 3 ft. as the least dimension) is required. See footnote #3.	D. which will contain this material to achieve opacity required.
1. Any Residential zone	Any Office Use	6 ft. adjacent to all common boundaries except street frontage	1 tree/40ft. of lineal boundary, OFT (#2) Continuous 6 ft. high planting, hedge, fence, wall or earth mound.
2. Any Residential zone	Any Commercial Use	10 ft. located as above (1-C)	Same as 1-D
3. Any Residential zone	Any Industrial Use	15 ft. located as above (1-C)	Same as 1-D
4. Any Office or Commercial Use	Any Industrial Use	15 ft. located as above (1-C)	Same as 1-D
5. Any zone (unless the property within the zone is used for vehicular sales or service) except agricultural zone	A freeway or arterial street	20 ft. for residential zones and 10 ft. for all other zones adjacent to freeway or arterial	1 tree/30 ft. OFT, plus continuous 6 ft. high planting, hedge, wall, fence or earth mound
6. Any zone except agricultural and industrial zones	Railroad (except spur tracks)	Same as 5-C adjacent to railroad boundaries	Same as 5-D

A. When the following	B. .. Adjoins the following or vice versa	C. the minimum landscaping..(within a buffer zone of this average width with 3 ft. as the least dimension) is required. See footnote #3	D. which will contain this material to achieve opacity required.
7. Any property boundary, including road or street right-of- ways	Utility sub-station, junk yards, landfills, sewage plants or similar uses	15 ft. adjacent to all boundaries except only 5 ft. for utility substations measured adjacent to the enclosure	Same as 5-D
8. Any property used for vehicular sales or service	A freeway or arterial	10 ft. adjacent to freeway or arterial	1 tree/50 ft., plus 1 low shrub/10 ft. OFT (opacity requirements do not apply) for the first 300 linear feet of easement; if an easement for the property exceeds 300 ft. in length, the remaining easement shall contain 1 tree/30 ft. OFT

- (1) Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material.
- (2) "OFT" means "or fraction thereof". Trees do not have to be equally spaced but may be grouped.
- (3) Six feet shall be the least dimension for any commercial or industrial zone with three feet as the least dimension for any other district.

2) Vehicular Use Perimeter Requirements:

A. When the following	B. Adjoins the following or vice versa	C. the minimum landscape easement of this width is required	D. ..which will contain this material, (#2) to achieve opacity required
1. Any property in any zone except FR-1 and R-2	Any vehicular use areas (see #1) on any adjacent property	4 ft. minimum to all trees from edge of paving where vehicles overhang, and 3 ft. strip that prohibits any vehicular overhang for other areas, adjacent to portion of vehicular use area that faces building on adjacent property	1 tree/40 ft. of boundary of vehicular use area, (#4) plus a 3 ft. average height continuous planting, hedge, fence, wall or earth mound
2. Any public or private street right-of-way or service road, except freeways	Any vehicular use area, (except vehicular sales or service facility) in any zone	Same as 1-C above except applies to VUA portion facing public or private street or road	1 tree/40 ft. OFT, plus a 3 ft. average height continuous planting, hedge, fence, wall or earth mound
3. Same as 2A	Any vehicular sales or service area	Same as 2-C above	1 tree/50 ft. OFT, plus 1 low shrub/10 ft. OFT (opacity requirements do not apply)

(1) A vehicular use area (VUA) is any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more of any type of vehicle, whether moving or at rest, including but not limited to parking lots, loading and unloading areas, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to a public street or road or other vehicular use elements described previously in this paragraph, and where intervening curbs, sidewalks, landscape strips, etc. do not eliminate adjacency.

(2) Grass or ground cover shall be planted on all portions of easements not occupied by other landscape material.

(3) "OFT" means "or fraction thereof".



- 3) Landscape buffer zone: The landscape buffer zone and material required adjacent to any street under this Article shall be provided by the property owner adjoining street unless the authority building the street has fully met all requirements on the street right-of-way. When adjacent to other common boundaries, the landscape buffer zone and materials:
  - a) May be placed on either adjoining lot, or astride the boundary, if both owned and being processed by the same owner; or
  - b) Shall generally be placed on the activity listed under Property Perimeter Requirement Chart, Column B and Vehicular Use Area Perimeter Chart, Column B when adjoining lots have different owners; or
  - c) May be placed astride the boundary of adjoining lots having different owners if a written agreement, signed by both owners, is filed with the Township Zoning office as a public record; or
  - d) Shall be placed on the activity or lot being processed when adjoining property is already developed with the exception of Property Perimeter Requirement Chart, lines 5 and 6 ; or
  - e) Shall not be required along the common boundary if the requirements of this Article have been fully complied with on the adjoining property in fulfillment of the requirements of this Article.
  - f) Requirements conflicts: Whenever a lot or activity falls under two or more of the categories listed in the tables, the most stringent requirements shall be enforced.
- 4) Landscape and buffer conflict: The required landscape buffer zone may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer zone more than two and one-half feet, and wheel stops or curbs shall be required.
- 5) Existing landscape material: Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the public approval authority, such material meets the requirements and achieves the objectives of this Article.
- 6) Landscape at driveway and street intersections: To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, no landscape material, except for required grass or ground cover, no fence or wall, no parked vehicles shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections:
  - a) Driveway intersection triangle - At the intersection of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge and by measuring from this point a distance of ten feet along the driveway to a point and a distance of twenty feet along the street curb to a point and connecting these points.
  - b) Street intersection sight triangle: At the street intersections, the sight triangle shall be formed by measuring at least thirty-five feet along curb lines or edge of pavement and connecting these points.

- B) Interior landscape for Vehicular Use Areas: Any open vehicular use area excluding loading and unloading and storage areas in an industrial zone or business zone and containing more than 6,000 square feet of area or twenty or more vehicular parking spaces shall provide interior landscape in addition to the previously required perimeter landscape. Interior landscape may be peninsular or island types.
- 1) Landscape Area: For each 100 square feet or fraction thereof of vehicular use area, a minimum total of five square feet of landscaped area shall be provided.
    - a) Minimum Area: The minimum landscape area permitted shall be 64 square feet with a four foot minimum dimension to all trees from the edge of pavement where vehicles overhang.
    - b) Maximum contiguous area: in order to encourage the required landscaped areas to be properly dispersed, no individual areas shall be larger than 350 square feet in size, and no individual area shall be larger than 1500 square feet in vehicular use areas over 30,000 square feet. In both cases, the least dimension of any required area shall be four feet minimum dimension to all trees from the edge of pavement where vehicles overhang. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.
  - 2) Minimum Trees: The following minimums are required based upon total ground coverage of structures and vehicular use areas:
    - a) Up to 20,000 square feet: A minimum of one tree per 5000 square feet of ground coverage and a total tree planting equal to one inch in tree trunk size for every 2000 square feet of ground coverage.
    - b) Between 20,000 and 50 7 000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to ten inches plus one half inch in tree trunk size for every 2000 square foot over 20,000 square feet in ground coverage.
    - c) Over 50,000 square feet: A minimum of one tree for every 5000 square feet of ground coverage and a total tree planting equal to twenty-five inches plus one-half inch in tree trunk size for every 4000 square feet over 50,000 square feet in ground coverage.
    - d) Trees shall have a clear trunk of at least five feet above the ground, and the remaining area shall be landscaped with shrubs or ground cover not to exceed two feet in height.
  - 3) Vehicular Overhang: Parked vehicles may hang over the interior landscape area no more than two and one-half feet, as long as concrete or other wheel stops are provided to insure no greater overhang of the landscape area.
- C) Landscape for Services Structures - Any service structure, accessory use, shall be screened whenever located in any residential zone, commercial zone, or when located on property abutting any residential zone, freeway or arterial street prohibiting driveway access. Structures may be grouped together; however, screening height requirements shall be based upon the tallest of the structures.

- 1) Location of screening: A continuous (having one hundred percent (100%) opacity) planting hedge fence, wall of earth, which would enclose any service structure on all but one side is required. The average height of the screening material shall be one foot more than the height of the enclosed structure but shall not be required to exceed ten feet in height. Whenever a service structure is located next to a building wall, perimeter landscape material or vehicular use area landscape material, such walls or screening material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscape. No interior landscape shall be required within an area screened for service structures.
  - 2) Curbs to protect screening material: Whenever screening material is placed around any trash unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved.
- D) Interior Landscape for All New Developments: All new developments regardless of type and all alterations or expansions to existing developments shall provide interior landscape in addition to the previously required perimeter landscape. Interior landscape shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site.
- 1 Preservation of existing landscape materials: All trees having trunk diameter of six inches or greater as measured twenty-four inches from ground level shall be preserved unless such trees are exempted as follows:
    - a) Trees within public rights-of-way or utility easements or a temporary construction easement approved by the County Engineer.
    - b) Trees within the ground coverage of proposed structures or within twelve feet of the perimeter of such structure or approved recreational area.
    - c) Trees within the driveway access to parking or service areas or proposed areas to service a single family home.
    - d) Trees that in the judgment of the Township Authority are damaged, diseased, or over mature, or will interfere with utility lines or are an inappropriate or undesirable species in that specific location.

It is encouraged that exempted trees subject to destruction be preserved by recycling and replanting of such trees.

Preservation of wooded areas: It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that, whenever possible, heavily wooded areas be designated as park reserves.

- 2) Planned/Residential Uses

- a) For all new development, the following landscape requirements shall apply:

<u>Use</u>	<u>Requirements</u>
Residential Uses	There shall be tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by a single family structure. Such plantings shall be required within the property lot lines of each structure.
Business and Community	In addition to the requirements of Section 23.03 (B) hereinbefore for vehicular use areas, the following shall apply: there shall be landscaped areas equal to 20 square feet for every 1000 square feet of building ground coverage area or fraction thereof. Such landscape area shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other material designed and located in a manner complementary to the overall architecture of the surrounding buildings.
Office - Institutional Uses	In addition to the requirements of Section 23.03(B) hereinbefore for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 1500 square feet of building ground coverage or fraction thereof.
Industrial Uses	In addition to the requirements of Section 23.03(B) hereinbefore for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 2000 square feet of building ground coverage or fraction thereof.

- b) Parking Lots: see Section 23.03 (B) hereinbefore.
- c) No new tree planting shall be required if existing trees and the aggregate trunk sizes of such trees meet or exceed the requirements as set forth in this Article, and providing that such trees are evenly distributed throughout the developed area and not confined either to out-of-the-way dense clusters or to the perimeter of the developed area. The minimum tree size for such tree plantings shall be no less than one and one-half inch in trunk diameter.
- d) For new development or construction, if new tree plantings are required for conformance to the landscape requirements of this Article, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If such trees landscape plan is approved, the applicant or owner shall plant such trees as may be required within one year or the next planting season after issuance of a zoning permit.

**Section 23.04 - Street Tree Planting Requirements:** The following are street tree planting requirements for all zoning districts:

- A) Requirements: It shall be required that all subdividers or developers plant trees along public streets of their developments in such a manner, type, quantity and location as approved by the Zoning Commission and as defined by the following conditions, and

that any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of development.

- 1) The tree to be planted is not an undesirable tree species as defined in the Township Tree List maintained by the Zoning Inspector.
  - 2) The minimum spacing between this and other trees is forty-five feet for large trees, thirty-five feet for medium trees and twenty-five feet for small trees. See definitions below.
  - 3) The tree location is to be at least twenty feet from street intersections and ten feet from fire hydrants or utility poles.
  - 4) A small tree is to be used when planting under or within ten lateral feet of overhead utility wires. A small or medium tree is to be used when planting within ten to twenty lateral feet of overhead utility wires.
  - 5) The developer shall be required to maintain the trees for one year after the trees are planted and to replace any tree which dies within such one year guarantee period. Upon completion of a tree planting, the landscape contractor shall contact the Township Zoning Department for a preliminary inspection. The guarantee period shall begin after approval of the Zoning Department. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the Township Inspector, shall be promptly replaced at the expense of the developer.
  - 6) The trees should be of one and the same genus and species planted continuously down each street as per this Article.
  - 7) The minimum trunk size measured at six inches above the ground for all street trees shall be no less than one and one-half inches.
  - 8) Tree sizes, in height, are defined as:
    - a) Large Tree means any tree species which normally attains a full-grown height in excess of fifty feet.
    - b) Medium Tree means any tree species which normally attains a full-grown height of between twenty-five and fifty feet.
    - c) Small Tree means any tree species which normally attains a full-grown height of under twenty-five feet.
- B) Tree Topping: No person shall, as a normal practice, top any tree within the public right-of-way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown and/or to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or trees under utility wires or other obstructions where other pruning practices are impractical are hereby exempted from this Subsection.
- C) Height of Limbs Over Sidewalks and Streets: Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven

feet above sidewalks. Tree limbs extending over streets shall be trimmed to such an extent that no portion of the same shall interfere with normal traffic flow.

- D) Tree Lawn: No person shall by any type of construction reduce the size of the tree lawn without first obtaining permission from the Zoning Commission.
- E) Violations: A person who removes, damages or causes to be removed a public tree from the tree lawn or other public place shall be required to replace the tree at his/her expense with a tree having the minimum diameter of two and one-half inches.

**Section 23.05 - Plan Submission and Approval:** Whenever any property except Farm Residential-Single Family is affected by these landscape requirements, the property owner or developer shall prepare a plan. Where such plans are part of an application for rezoning, variance, conditional use or other matters which must be approved by the Township Zoning Commission or Township Board of Zoning Appeals, such plans shall be submitted as part of the required application and other required plans. All other landscape plans shall be approved by the Township Zoning Department.

- A) Plan Content: The contents of the plan shall include the following:
  - 1) Plot plan, drawn to an easily readable scale no smaller than one inch equals twenty feet; showing and labeling by name and dimensions all existing and proposed property lines, easements, buildings and other structures, vehicular use areas including parking stalls, driveways, service areas square footage, etc., location of structures on adjoining lots, water outlets and landscape materials, including botanical names and common names, installation sizes, on center planting dimensions where applicable, and quantities for all plants used and all existing trees.
  - 2) Typical elevations and/or cross sections as may be required.
  - 3) Title block with the pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow, general orient plan so that the north is to top of plan and zoning district.
- B) Zoning Permit and Certificate of Occupancy: Where landscape is required, no zoning permit shall be issued until the required landscape plan has been submitted and approved, and no certificate of occupancy shall be issued until landscape is completed as certified by an on-site inspection by the Zoning Department unless a performance bond or irrevocable letter of credit from a banking institution has been posted. If the required landscape has not been completed and a temporary certificate of occupancy is issued, a performance bond or irrevocable letter of credit from a banking institution shall be posted at that time.
- C) Posting of Bond or Irrevocable Letter of Credit: After a bond or irrevocable letter of credit has been posted, the landscape material required in the approved landscape plan shall be installed within six months after the date of posting the bond or irrevocable letter of credit. A one month extension of the planting period may be granted by the Zoning Department upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather or unavailability of required plant material. No more than three such one month extensions may be granted. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscape plans have not been compiled with by the end of the approved planting period.

## **ARTICLE XXIX - NONCONFORMING USES**

**Section 24.01 - CONTINUANCE** - Intent: Within the districts established by this Resolution or amendments that may later be adopted there exist lots, uses of land, structures, uses of structures and uses of structures and land in combination which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. Non-conformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such use is located. The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of the enactment of this Resolution or subsequent amendment thereof may be continued although such use does not conform with this Resolution, but if any such nonconforming use is voluntarily discontinued for two years or more, any future use shall be in conformity with this Zoning Resolution.

**Section 24.02 - RESTORATION**: When a structure, the use of which does not conform to the provisions of this Zoning Resolution, is damaged by fire, explosion, flood, wind, earthquake or other calamity outside the control of the owner or occupant to the extent that the cost of restoration is more than sixty (60%) percent of its value, it shall not be restored unless in conformity with the provisions set forth in this Zoning Resolution for the district in which it is located or unless a variance is issued by the Board of Zoning Appeals pursuant to Article XXVIII; provided, however, such restoration shall be commenced within ninety (90) days of such calamity and diligently continued until completed. For the purposes of this section "value" shall be defined as the replacement cost of the structure prior to the calamity depreciated in accordance with applicable Internal Revenue Service guidelines for the structure.

**Section 24.03 - ENLARGEMENT**: No non-conforming building, structure or use may be completed, restored, reconstructed, extended or substituted except as stated in Article VI, Section 6.01 or Article XXIV, Section 24.02 or upon the granting of a variance issued by the Board of Zoning Appeals pursuant to Article XXVIII and this section.

The Board of Zoning Appeals shall have the power to permit changes and extensions of a nonconforming use as follows:

- a) A nonconforming use of less objectionable nature may be substituted for an existing nonconforming use.
- b) Any existing, legal nonconforming use which occupies only a portion of an existing structure or premises may be extended to additional portions of such structure or premises.
- c) The alteration or reconstruction of a nonconforming structure, sign or building provided that such will make the nonconforming use substantially more in character with its surroundings.
- d) The extension of a nonconforming use when such extension will substantially make the nonconforming use more in character with its surroundings.
- e) Any extension shall not be more than fifty (50%) percent greater in size than the nonconforming use that existed at the time of passage of this Zoning Resolution.

The Board of Zoning Appeals may impose such requirements and conditions as it may deem necessary for the protection of adjacent properties and the public interest.

**Section 24.04 - NONCONFORMING LOTS**: The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any lot of record existing on the effective date of this Zoning Resolution which has an area and/or lot width less than that required for such structure or

permitted use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of Article XXVIII. Such nonconforming lots must be in separate ownership and not have continuous frontage with other land in the same ownership on the effective date of this Zoning Resolution. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located. Notwithstanding the foregoing, any arrangement of land for the development and use of land and buildings previously approved by the Board of Zoning Appeals for and as a Community Development project shall be deemed to be and is hereby classified as a permitted use in the zoning district in which such land and buildings are located, provided that such land and buildings are arranged, developed and used strictly in accordance with the approved Development Plan and subject to such terms, conditions and modifications as may have been imposed by the Board of Zoning Appeals; and further subject to all other provisions of this Zoning Resolution not otherwise in conflict with such approved Development Plan or the Board's approval thereof.



## **ARTICLE XXV - ZONING INSPECTOR - ZONING PERMIT AND APPLICATIONS**

**Section 25.01 - TOWNSHIP ZONING INSPECTOR:** The Board of Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as may be necessary. It shall be the duty of the Township Zoning Inspector to enforce the terms and conditions of this Zoning Resolution, to review applications for and to issue zoning permits in accordance with the terms and conditions of this Zoning Resolution or in accordance with the decisions of the Board of Zoning Appeals, to revoke zoning permits improperly or illegally issued, and to inspect lands and structures within this Township to insure compliance with this Zoning Resolution.

**Section 25.02 - ZONING PERMIT REQUIRED:** No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure within this Township, nor shall any work be started upon the same, without first obtaining a zoning permit, and no such permit shall be issued unless the plans for the proposed building or structure fully comply with the terms and conditions of this Zoning Resolution.

No person shall commence a use or change the existing use of any land, building, or structure within this Township without first obtaining a zoning permit, and no such permit shall be issued unless the proposed use fully complies with the terms and conditions of this Zoning Resolution.

**Section 25.03 - PROCEDURES FOR OBTAINING ZONING PERMIT:** No zoning permit shall be issued by the Township Zoning Inspector until the zoning permit application shows that the property is being or is to be used in complete conformity with this Zoning Resolution and the official Zoning Map. In every case where the lot is not served and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Delaware County of the proposed method of water supply and/or disposal of sanitary wastes. No zoning permit shall be issued by the Township Zoning Inspector until the applicant for said zoning permit has submitted a plot plan of the lot upon which the applicant's use or structure is proposed. Said plan shall show the type of proposed use, structural dimensions at the ground, lot dimensions, side, front and rear yard setbacks, compliance with all applicable development standards and a signed statement that said applicant will conform with all zoning regulations then in force for said area.

Fees for zoning permits, and certificates of occupancy shall be established by the Township Trustees. This fee shall be required generally for each application, and the amount shall be established, from time to time, by the Board of Township Trustees.

**Section 25.04 - CONDITIONS OF PERMIT:** No zoning permit shall be effective for more than one (1) year from the date it is issued unless the use specified in the permit is implemented in accordance with the approved plans within said period or timetable attached to said plans.

**Section 25.05 - CERTIFICATE OF OCCUPANCY:** It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its 'I a certificate of occupancy shall have been issued by the Zoning use or structure until Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.

**Section 25.06 - TEMPORARY CERTIFICATE OF OCCUPANCY:** A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion; such permit may be renewed twice at the discretion of the Zoning Inspector.

**Section 25.07 - ZONING PERMIT (CHANGE OF USE):** No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered without a zoning permit being issued by the Township Zoning Inspector. No zoning permit shall be issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Resolution, or unless a variance or conditional use permit has been granted by the Board of Zoning Appeals.

**Section 25.08 - NONCONFORMING USES:** Nothing in this Article shall prevent the continuance of an existing and lawful nonconforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

**Section 25.09 - RECORDS:** A record of all zoning permits shall be kept on file in the office of the Township Zoning Inspector.

**Section 25.10 - COMPLAINT:** The Zoning Inspector shall investigate all complaints received from residents alleging illegal activity and shall report findings to the Township Trustees. The Inspector may require that all such complaints be submitted in writing.

## **ARTICLE XXVI - ZONING COMMISSION**

**Section 26.01 - TOWNSHIP ZONING COMMISSION:** The Board of Township Trustees hereby creates and establishes a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the Board of Trustees, and the terms of the members shall be five (5) years and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

**Section 26.02 - COMPENSATION AND EXPENSES:** The members of the Zoning Commission may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Zoning Commission may, within the limits of moneys appropriated by the Township Trustees for the purpose, employ such executives, professionals, technical assistants as it deems necessary.

**Section 26.03 - FUNCTIONS OF THE TOWNSHIP ZONING COMMISSION:** The Township Zoning Commission may, within the limits of the monies appropriated by the Board of Trustees for such purpose, employ or contract with such planning consultants, executives and/or other assistants as it deems necessary.

The Township Zoning Commission shall organize, adopt rules for the transaction of its business and keep a record of its actions and determinations. No Township Trustee shall be employed by the Township Zoning Commission.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies. And such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

In any county where there is a county or regional Planing Commission, the Zoning Commission may request such planning commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps, for the unincorporated area of the township or any portion of the same.

**Section 26.04 - ZONING SECRETARY:** To assist in the administration of this Zoning Resolution, the Township Trustees may appoint a Zoning Secretary whose duty it shall be to maintain township zoning records, confirm information in applications, process all meeting notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the Zoning Inspector, and perform such other duties relating to this Zoning Resolution as the Township Trustees may from time to time direct. The Zoning Secretary shall be compensated at rates set from time to time by the Township Trustees. The Township Clerk may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

**Section 26.05 - MEETINGS AND AGENDA OF TOWNSHIP ZONING COMMISSION:** The Zoning Commission shall meet as necessary in a public building within the township.

**Section 26.06 - MINUTES:** The minutes of each meeting of the Zoning Commission shall be kept on file in the township hall with the other zoning records.

## **ARTICLE XXVII - AMENDMENTS (ZONING CHANGES)**

**Section 27.01 - AMENDMENTS:** This article is intended to be a restatement of Section 519.12 of the Ohio Revised Code and is adopted herein for the convenience of the citizens of Concord Township. Any amendments to Section 519.12 adopted by the Ohio Legislature shall be considered adopted herein. Figure 1 charts the procedure for an amendment of this Resolution and is included for reference purposes only. Amendments 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 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 with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of the property filing an application to amend the Zoning Resolution pay a fee therefor to defray the cost of advertising, mailing, and other expenses. If the Township Trustees require such a fee, it shall be required generally for each application. The Board of Township Trustees shall, upon the passage of such resolution, certify it to the Township Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of 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 ten (10) days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission by first class mail at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment. The published and mailed notices shall set forth the time, date and place of the public hearing, and such other information as may be required by applicable law.

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

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment 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 thereof to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a date for a public hearing on such proposed amendment, 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 of Township Trustees by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and such other information as may be required by applicable law.

Within twenty (90) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board of Township Trustees shall be required.

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

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the votes 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 effect immediately.

All procedures thereafter shall be in strict compliance with the requirements of Chapter 519 of the Ohio Revised Code.

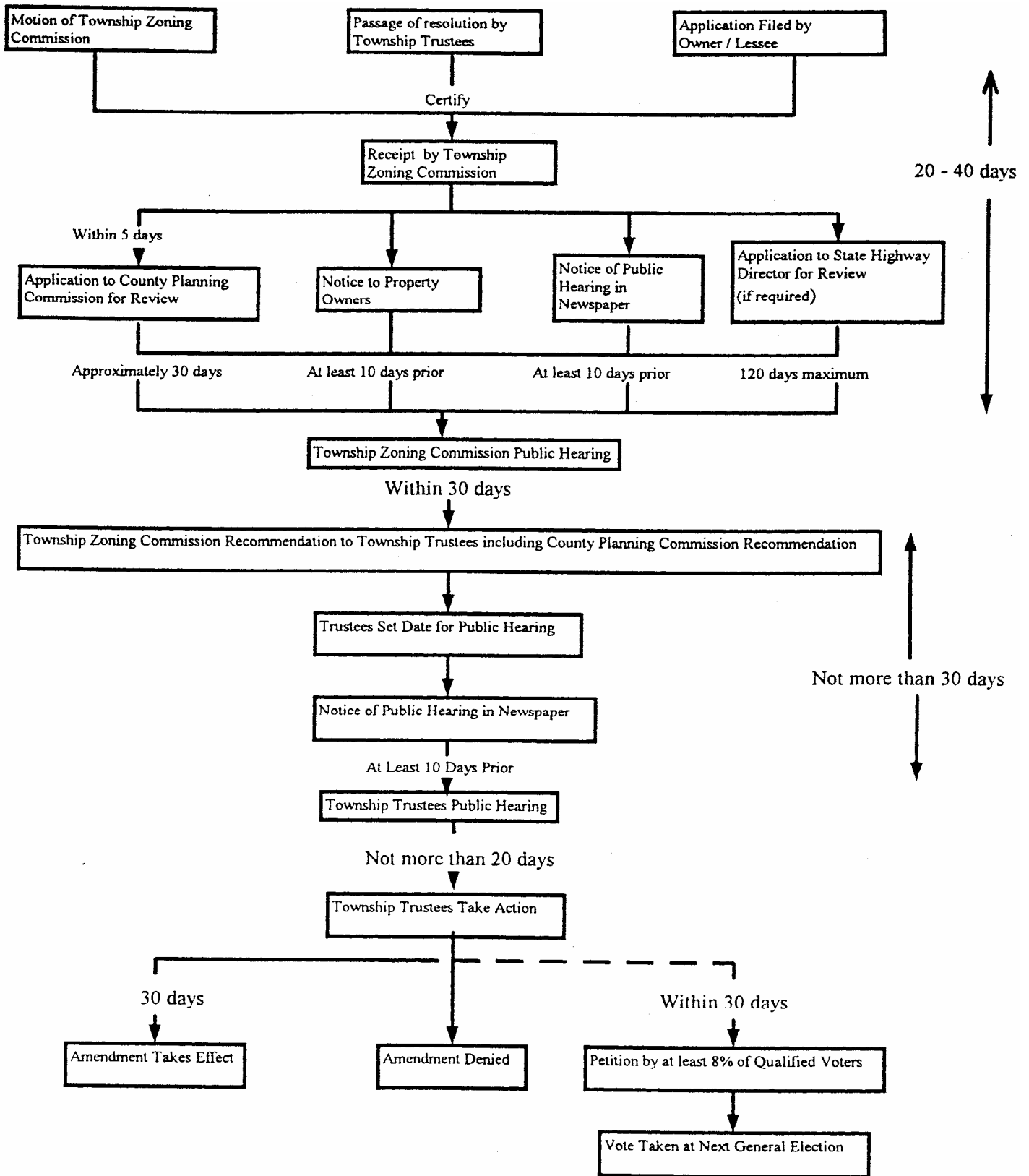


Figure 1: Procedure for Zoning District or Text Amendment of Township Zoning Resolution

**Section 27.02 - FORM OF APPLICATION:** All applications to amend this Resolution shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

**Section 27.03 - RECORD:** on any application for an amendment or supplement to the Zoning Resolution of which the applicant desires a record to be made, the applicant shall give notice to the Secretary of the Zoning Commission or the Clerk of the Board of Township Trustees, as the case may be, requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten (10) days prior to the scheduled hearing and shall deposit with his/her request cash in the amount established by the Trustees to be used to defray the expenses incurred in making the record. All expenses of transcribing the record shall be borne by the person requesting the preparation of the transcript. In all hearings wherein no timely request has been made for a record, or where a party does not request and pay for an official stenographic transcript, the notes of the Zoning Secretary of the Township Zoning Commission or of the Clerk of the Board of Township Trustees, as the case may be, shall serve as the sole transcript of such hearing.

**Section 27.04 - FEES:** The owner or lessee of property filing an application to amend or supplement this Zoning Resolution shall deposit with such application a fee in order to defray the cost of advertising, mailing and other expenses. This fee shall be required generally for each application, and the amount of such fee shall be established by the Board of Township Trustees.

**Section 27.05 - STANDARDS GOVERNING AMENDMENTS:** In determining whether any amendment should be made to this Zoning Resolution, the Township Trustees and the Township Zoning Commission shall consider the standards set forth as follows:

- a) The proposed use is in harmony with the purpose and intent of this Zoning Resolution and with the comprehensive plan of Concord Township.
- b) The proposed use is consistent with the orderly and efficient development of Concord Township, and when considered in conjunction with existing development and future development permitted under tells Zoning Resolution of properties in the general area in which the proposed use is to be located, the proposed use can be adequately served with public services and facilities including public schools, police and fire protection, public and private water resources and other utilities, and other public improvements.
- c) The proposed use will not adversely affect, be injurious to, or be detrimental to the use or properties in the general area in which the proposed use is to be located.
- d) The proposed use will not adversely affect and is in character with the general area in which the proposed use is to be located.
- e) The proposed use will not cause objectionable noise, vibrations, fumes, odors, dust, or glare or cause or have an adverse environmental impact on the general area in which the proposed use is to be located.
- f) The proposed use will comply with all appropriate zoning, building, and health regulations for the district in which the proposed use is to be located and with any and all additional regulations imposed by the Township Trustees and the Township Zoning Commission that they deem necessary for the protection of the residents of or property in the general area in which the proposed use is to be located.

## **ARTICLE XXVIII - BOARD OF ZONING APPEALS**

**Section 28.01 - BOARD OF ZONING APPEALS:** A Township Board of Zoning Appeals is hereby created. Said Board of Zoning Appeals shall be composed of five (5) members who shall be appointed by the Board of Township Trustees and who shall be residents of the unincorporated territory of the Township included in the area zoned by this Zoning Resolution. The terms of all members shall be five (5) years and so arranged that the term of one member will expire each year. Each member of the Board of Zoning Appeals shall serve until his/her successor is appointed and qualified. Members of the Board of Zoning Appeals shall be removable for the reasons specified and in compliance with the procedure established in Chapter 519 of the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

**Section 28.02 - ORGANIZATION:** The Board of Zoning Appeals shall organize, elect a chairperson and vice-chairperson, 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 Chairperson and at such other times as the Board of Zoning Appeals may determine. The Chairperson or, in his/her absence, the acting Chairperson may administer oaths, and the Board of Zoning Appeals may compel attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals 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 at the Township Hall. Attendance of three members shall constitute a quorum. The Board of Township Trustees, the township Clerk and the Zoning inspector shall be notified in advance of all meetings conducted by the Board.

**Section 28.03 - COMPENSATION AND EXPENSES:** The members of the Board of Zoning Appeals may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Board of Zoning Appeals may, within the limits of moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professionals, technical assistants and/or other assistants as it deems necessary.

**Section 28.04 - POWERS OF THE BOARD:** The Township Board of Zoning Appeals may:

- a) 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 Section 519.02 to 519.25 of the Ohio Revised Code or of any resolution adopted pursuant thereto.
- b) Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
- c) Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates are provided for in the Zoning Resolution.
- d) Revoke an authorized conditional use permit for the extraction of minerals if any condition of the certificate is violated.

The Board of Zoning Appeals shall notify the holder of the permit by certified mail of its intent to revoke the permit under division (d) of this section and of his/her right to a hearing before the Board within thirty (30) days of the mailing of the notice, if he/she so requests. If the holder requests a hearing, the Board shall set a time, date and place for the hearing and notify the holder. At the hearing, the holder may appear in person and/or be represented by his/her attorney or other representative, or he/she may present his position in writing. He/she may



present evidence and examine witnesses appearing for or against him/her. If no hearing is requested, the Board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.

In exercising the above mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

**Section 28.05 - PROCEDURE ON HEARING APPEALS** : Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by first class mail to the parties in interest, give notice of such public hearing by one publication in a newspaper of general circulation within the township at least ten (10) days prior to the date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.

**Section 28.06 - PROCEDURE ON APPLICATION FOR VARIANCE**: The Township Board of Zoning Appeals, appointed by the Township Board of Trustees, may, upon application, grant such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest.

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific lot, or by reason of exceptional topographic conditions or other extraordinary situations or conditions of such lot, or other good cause shown, and not as a result of the actions of the applicant or of the use or development of a lot immediately adjoining the lot in question, the literal enforcement of the requirements of this Resolution would cause unnecessary hardship, the Board shall have power to authorize a variance from the terms of this Resolution.

- a) **Public Notice** - Written application for a variance shall be made to the Township Zoning Inspector who shall transmit said application to the Board of Zoning Appeals. The Board of Zoning Appeals shall give written notice by first class mail to all owners of land within two hundred (200) feet of the exterior boundaries of the land for which a variance is requested. An application for a variance shall be advertised at least once, ten (10) days in advance of the time set for the public hearing, in newspapers of general circulation within the township.
- b) **Hearing & Decision** - A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless the applicant has provided sufficient evidence to warrant the granting of a variance. The burden of proof for granting a variance shall rest with the applicant. In granting any variance, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions as may be necessary in order to reduce or minimize potentially injurious effects of such variance upon other property in the neighborhood and to carry out the general purpose and intent of this Resolution. Violation of such conditions, safeguards and restrictions, when made part of the terms under which the variance is granted, shall be deemed a violation of this Resolution and may be pursued as such. The Board of Zoning appeals shall not grant a variance unless it shall, in each specific case, determine that the variance will not be contrary to the public interest and is justified due to special conditions, that the literal enforcement of this Resolution will result in unnecessary hardship and that the spirit of this Resolution will be observed and substantial justice done.

- c) Form of Application - All applications for variances under this section shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

**Section 28.07 - PROCEDURE ON APPLICATION FOR CONDITIONAL USE PERMIT:** The owner of any land or building within a zoning district within the township may apply to the Board of Zoning Appeals for authority to carry out any use designated as a Conditional Use within that district.

- a) Application - An application for a Conditional Use permit shall be submitted on such forms as designated and/or approved by the Township Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information on said application together with plot plans or drawing as necessary.
- b) Hearing - The application shall be transmitted to the Board of Zoning Appeals who shall cause a public hearing to be held.
- c) Notice - Notice of-the application for a Conditional Use permit and the hearing thereon shall be given to all property owners within two hundred (200) feet of the premises on which the use is planned. Notice shall be given by first class mail. In addition thereto, one notice of said meeting shall be published in a newspaper of general circulation within the township not less than ten (10) days prior to the scheduled hearing.
- d) Decision - The Board of Zoning Appeals shall make a decision within a reasonable period of time after the hearing. In approving a Conditional Use Permit, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions as may be necessary to comply with the standards set out in Section 28.12 of this Article in order to reduce or minimize potentially injurious effects upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution. Violation of such conditions, safeguards and restrictions, when made part of the terms under which the Conditional Use Permit is granted, shall be deemed a violation of this Resolution and may be pursued as such.

**Section 28.08 - DECISION OF BOARD:** The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution, or to effect any variance in the application of this Resolution. Every action shall be accompanied by a finding of fact, based on testimony and evidence and specifying the reason for a granting or denying of the request. A copy of the Board's decision shall be mailed to the applicant by first class mail.

**Section 28.09 - PUBLIC INFORMATION:** The record of the Board's proceeding in any matter shall be kept on file in the township office of the Township Hall, subject to the order of the Delaware County Common Pleas Court, and available for inspection by the public.

**Section 28.10 - RECORD:** For any hearing at which the applicant desires a record to be made, the applicant shall give notice not less than ten (10) days prior to the date scheduled for said hearing to the Zoning Secretary requesting that a court reporter be retained to make such record, and the applicant shall deposit with his/her request cash in the amount established by the Trustees to be used to defray the expenses of making a record. In all hearings wherein no request has been made for a record, the notes of the Zoning secretary of the Board of Zoning Appeals shall serve as the sole transcript of such hearing, unless the Board orders otherwise.

**Section 28.11 - FEES TO ACCOMPANY NOTICE OF APPEAL OR APPLICATION**

**FOR VARIANCE OR CONDITIONAL USE:** For all actions of the Board of Zoning Appeals, the Board of Township Trustees shall, from time to time, establish fees to be deposited with each application. Such fees shall be required generally for each application to defray the costs of advertising, mailing and other expenses.

**Section 28.12 - STANDARDS GOVERNING APPROVAL OF CONDITIONAL USE PERMITS:**

The Board of Zoning Appeals shall not grant any conditional use permit under this Zoning Resolution unless it finds and determines that all of the following requirements are satisfied:

- a) The proposed use is in harmony with the purpose and intent of this Zoning Resolution and with the comprehensive plan of Concord Township.
- b) The proposed use is consistent with the orderly and efficient development of Concord Township, and when considered in conjunction with existing development and future development permitted under this Zoning Resolution of properties in the general area in which the proposed use is to be located, the proposed use can be adequately served with public services and facilities including public schools, police and fire protection, public and private water resources and other utilities, and other public improvements.
- c) The proposed use will not adversely affect, be injurious to, or be detrimental to the use or properties in the general area in which the proposed use is to be located.
- d) The proposed use will not adversely affect or depreciate the market value of properties in the general area in which the proposed use is to be located.
- e) The proposed use will not cause objectionable noise, vibrations, fumes, odors, dust, or glare or cause or have an adverse environmental impact on the general area in which the proposed use is to be located.
- f) The proposed use will comply with all appropriate zoning, building, and health regulations for the district in which the proposed use is to be located and with any and all additional regulations imposed by the Board of Zoning Appeals that it deems necessary for the protection of the residents of or property in the general area in which the proposed use is to be located.
- g) The proposed use is a conditional use within the District in which it is proposed and complies with all applicable regulations.

## **ARTICLE XXIX - ENFORCEMENT**

**Section 29.01 - VIOLATIONS:** No building or structure shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used, in violation of this Zoning Resolution, or amendment or supplement to such Resolution, adopted by the Township Board of Trustees pursuant to Chapter 519, Ohio Revised Code. Each day's continuation of a violation of this section shall be deemed a separate offense irrespective of whether or not a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.

**Section 29.02 - REMEDIES :** In case any building or structure is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Chapter 519, Ohio Revised Code, or of this Zoning Resolution or amendments hereto adopted by the Board of Township Trustees under such Resolution, such Board, the prosecuting attorney of the county, the township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

**Section 29.03 - PENALTY:** Whoever violates the provisions of this Zoning Resolution and amendments hereto or Chapter 519, Ohio Revised Code, shall be fined not more than one hundred (\$100.00) dollars for each offense or the maximum fine or imprisonment as provided by law, whichever is greater.

## **ARTICLE XXX - SEVERABILITY AND REPEAL**

**Section 30.01 - SEVERABILITY** : If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid, and the invalidity of any section, sentence, or part of this Zoning Resolution in any one or more instances shall not affect or prejudice in any way the validity of this Zoning Resolution in any other instance.

**Section 30.02 - REPEAL**: This Zoning Resolution may be repealed only by complying with the requirements of Chapter 519, Ohio Revised Code, as amended.

**Section 30.03 - SUPERSEDING OF CONFLICTING RESOLUTION:** The Township Zoning Resolution, previously in effect in Concord Township, Delaware County, Ohio, adopted on November 8, 1955, and all prior amendments thereto, which are not otherwise adopted as part of this amended Zoning Resolution and in conflict with the zoning regulations as they are established herein or established hereafter, are hereby superseded in their entirety. However, all civil legal proceedings and/or all prosecutions resulting from violation of any Zoning Resolution or part thereof heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of this or any other amendment to this Zoning Resolution but shall be prosecuted to their finality the same as if amendments to this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which heretofore has been instituted or prosecuted.