

SWANTON TOWNSHIP



ZONING RESOLUTION

ZONING RESOLUTION

SWANTON TOWNSHIP

LUCAS COUNTY, OHIO

2019

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Rev. 05/19

SWANTON TOWNSHIP

ZONING RESOLUTION

ADOPTED FOR NORTHERN PART OF TOWNSHIP, MAY 7, 1968

ADOPTED FOR SOUTHERN PART OF TOWNSHIP, NOVEMBER 3, 1981

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Z33-C10	July 4, 1972	Z33-C124	October 3, 2005
Z33-C13	November 4, 1985	Z33-C125	October 16, 2006
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Z33-C96	March 24, 1997	Z33-C145	April 10, 2018
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Z33-C106	October 29, 2001		

***Major Revision/New Publication**

TABLE OF CONTENTS

		<u>Page</u>
SECTION	1	General Provisions
		1 - 1
	1.1	Authority
		1 - 1
	1.2	Purpose
		1 - 2
	1.3	Interpretation and Conflict
		1 - 2
	1.4	Compliance with Regulations
		1 - 2
	1.5	Uses Exempted from Provisions of Resolution
		1 - 3
	1.6	Validity
		1 - 4
SECTION	2	Definitions
		2 - 1
	2.1	Interpretation of Terms or Words
		2 - 1
SECTION	3	Establishment of Districts
		3 - 1
	3.1	Agricultural Districts
		3 - 1
	3.2	Residential Districts
		3 - 1
	3.3	Commercial Districts
		3 - 1
	3.4	Industrial Districts
		3 - 2
	3.5	District Map
		3 - 2
	3.6	District Boundaries
		3 - 3
SECTION	4	Use Regulations
		4 - 1
	4.1	Permitted Uses
		4 - 2
	4.2	Minimum Floor Area Requirements
		4 - 5
	4.3	Basic Yard, Area and Height Requirements
		4 - 6
	4.5	Exceptions
		4 - 7
SECTION	5	Airport Highway Overlay District
		5 - 1
	5.1	Purpose and Intent
		5 - 1
	5.2	Airport Highway Overlay District Boundaries
		5 - 2
	5.3	Review and Approval Procedures
		5 - 2
	5.4	Permitted and Additional Uses Permitted by Amendment
		5 - 2
	5.5	Excluded Uses
		5 - 2
	5.6	Accessory Buildings and Uses
		5 - 2
	5.7	Development Standards
		5 - 3
	5.8	Access to Individual Parcels
		5 - 3
	5.9	Access Permits
		5 - 3
	5.10	Access Options
		5 - 4
	5.11	Traffic Impact Study
		5 - 4
	5.12	Traffic Assessment Study
		5 - 4

TABLE OF CONTENTS (cont'd)

		<u>Page</u>
SECTION	5	Airport Highway Overlay District (cont'd)
	5.13	Architectural Review Requirements 5 - 4
	5.14	Landscape Review Requirements 5 - 5
	5.15	General Landscape Requirements 5 - 6
	5.16	Specific Landscape Requirements 5 - 6
	5.17	Landscape Maintenance and Replacement Requirements 5 - 7
	5.18	Lighting Requirements 5 - 8
	5.19	Other Requirements 5 - 8
SECTION	5A	US 20A Overlay District 5A - 1
	5A1	Purpose and Intent 5A - 1
	5A.2	US 20A Overlay District Boundaries 5A - 2
	5A.3	Review and Approval Procedures 5A - 2
	5A.4	Permitted and Additional Uses Permitted by Amendment 5A - 2
	5A.5	Excluded Uses 5A - 2
	5A.6	Accessory Buildings and Uses 5A - 3
	5A.7	Development Standards 5A - 3
	5A.8	Access to Individual Parcels 5A - 4
	5A.9	Access Permits 5A - 5
	5A.10	Access Options 5A - 5
	5A.11	Traffic Impact Study 5A - 5
	5A.12	Traffic Assessment Study 5A - 5
	5A.13	Architectural Review Requirements 5A - 6
	5A.14	Landscape Review Requirements 5A - 7
	5A.15	General Landscape Requirements 5A - 7
	5A.16	Specific Landscape Requirements 5A - 8
	5A.17	Landscape Maintenance and Replacement Requirements 5A - 9
	5A.18	Lighting Requirements 5A - 9
	5A.19	Other Requirements 5A - 10
SECTION	5B	South Berkey Southern Road (North and South SR295) Overlay District 5B - 1
	5B1	Purpose and Intent 5B - 1
	5B.2	South Berkey Southern Road (North and South SR295) Overlay District Boundaries 5B - 1
	5B.3	Review and Approval Procedures 5B - 2
	5B.4	Permitted and Additional Uses Permitted by Amendment 5B - 2
	5B.5	Excluded Uses 5B - 2
	5B.6	Accessory Buildings and Uses 5B - 3
	5B.7	Development Standards 5B - 3

TABLE OF CONTENTS (cont'd)

	<u>Page</u>
5B.8 Access to Individual Parcels	5B - 5
5B.9 Access Permits	5B - 5
5B.10 Access Options	5B - 5
5B.11 Traffic Impact Study	5B - 5
5B.12 Traffic Assessment Study	5B - 6
5B.13 Architectural Review Requirements	5B - 6
5B.14 Landscape Review Requirements	5B - 7
5B.15 General Landscape Requirements	5B - 7
5B.16 Specific Landscape Requirements	5B - 8
5B.17 Landscape Maintenance and Replacement Requirements	5B - 9
5B.18 Lighting Requirements	5B - 9
5B.19 Other Requirements	
SECTION 6 Planned Unit Development	6 - 1
6.1 General	6 - 1
6.2 Description	6 - 1
6.3 Procedure	6 - 1
6.4 "A" or "R" Districts, Planned Unit Development	6 - 2
6.5 "C" District Planned Unit Development	6 - 4
6.6 "M" District Planned Unit Development	6 - 4

TABLE OF CONTENTS (cont'd)

	<u>Page</u>
SECTION 7 Additional Uses Permitted by Amendment	7 - 1
7.1 Purpose	7 - 1
7.2 Additional Uses Permitted by Amendment and Procedures	7 - 1
SECTION 8 Off-Street Parking and Loading	8 - 1
8.1 Purpose	8 - 1
8.2 Off-Street Parking and Loading Requirements	8 - 1
8.3 Space Requirements	8 - 4
8.4 Off-Street Truck Loading Berths	8 - 7
8.5 Improvements to Parking and Loading Areas	8 - 8
SECTION 9 Supplementary District Uses, Structures and Regulations	9 - 1
9.1 General	9 - 1
9.2 Accessory Buildings	9 - 1
9.3 Blighting Factors or Causes of Blight	9 - 2
9.4 Boarding of Livestock and Domesticated Animals	9 - 3
9.5 Ditches and Drainage	9 - 3
9.6 Dumping and/or Spreading of Sewage Sludge	9 - 3
9.7 Farm Markets	9 - 4
9.8 Fencing	9 - 4
9.9 Home Occupations	9 - 4
9.10 Manufactured Homes and Manufactured Home Parks	9 - 5
9.11 Motor Vehicle Salvage Yards and Junk Yards	9 - 6
9.12 Ponds	9 - 7
9.13 Self-Service Storage Facilities	9 - 8
9.14 Shopping Centers	9 - 10
9.15 Signs	9 - 10
9.16 Site Design and Development	9 - 19
9.17 Swimming Pools	9 - 22
9.18 Sexually Oriented Businesses	9 - 22
9.19 Towers, Small Wind Turbine, and other wind-powered generators	9 - 24
9.20 Solar Collectors	9 - 25
9.21 Geothermal	9 - 26
9.22 Sweepstakes/Internet Café	9 - 27

TABLE OF CONTENTS (cont'd)

SECTION	10	Design and Development Provisions for Multi-Family, Non-Residential, Commercial And Industrial Uses	<u>Page</u> 10 - 1
	10.1	Environmental Standards	10 - 1
	10.2	Open Storage and Display of Materials and Equipment	10 - 2
	10.3	Temporary Buildings and Uses	10 - 2
	10.4	Landscaping	10 - 2
	10.5	Site Plan Review	10 - 2
SECTION	11	Nonconforming Lots, Structures and Uses	11 - 1
	11.1	Intent of Resolution Concerning Nonconformities	11 - 1
	11.2	Avoidance of Undue Hardship	11 - 1
	11.3	Single Nonconforming Lots of Record	11 - 1
	11.4	Nonconforming Lots of Record in Combination	11 - 2
	11.5	Nonconforming Uses of Land	11 - 2
	11.6	Nonconforming Structures	11 - 3
	11.7	Nonconforming Uses of Structures or of Structures and Land in Combination	11 - 4
	11.8	Expansion, Repair, and Maintenance	11 - 4
SECTION	12	Enforcement	
	12.1	Zoning Inspector	12 - 1
	12.2	Zoning Certificates	12 - 1
	12.3	Conditions Under Which Certificates are Required	12 - 2
	12.4	Application and Issuance of Zoning Certificates	12 - 2
	12.5	Fees for Zoning Certificates	12 - 3
	12.6	Violations and Penalties	12 - 4
	12.7	Violations - Remedies	12 - 4
SECTION	13	Board of Zoning Appeals	13 - 1
	13.1	Organization/Membership	13 - 1
	13.2	Meetings	13 - 1
	13.3	Powers/Duties	13 - 1
	13.4	Appeal Requirements	13 - 2
	13.5	Requirements for a Variance Request/Approval	13 - 2
	13.6	Conditions of Approval	13 - 3
	13.7	Application/Procedure	13 - 4

TABLE OF CONTENTS (cont'd)

			<u>Page</u>
SECTION	14	Amendments	14 - 1
	14.1	Authority	14 - 1
	14.2	Procedures	14 - 1
	14.3	Effective Date and Referendum	14 - 3
SECTION	15	Zoning Map	15 - 1

TABLES

TABLE	<u>PAGE</u>
4 - 1 Basic Yard (Setback), Area, and Height Requirements	4 - 6
4 - 2 Non Residential Zoning Abutting or Opposite an "A" or "R" District	4 - 7
8 - 1 Dimensions and Design	8 - 5

**SWANTON TOWNSHIP - LUCAS COUNTY, OHIO
ZONING RESOLUTION**

A RESOLUTION AMENDING THE ZONING RESOLUTION FOR SWANTON TOWNSHIP, Lucas County, Ohio, by regulating, in accordance with a comprehensive plan, the location, height, area, number and size of buildings and other structures, percentages of lot area which may be occupied, size of yards, courts and other open spaces, density of population, uses of buildings and other structures and the uses of land; and for such purposes dividing the area of the township into districts and zones of such number, shape and area as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this resolution.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF SWANTON TOWNSHIP, LUCAS COUNTY, STATE OF OHIO:

SECTION 1 GENERAL PROVISIONS

SECTION 1.1	Authority
SECTION 1.2	Purpose
SECTION 1.3	Interpretation and Conflict
SECTION 1.4	Compliance with Regulations
SECTION 1.5	Uses Exempted from Provisions of Resolution
SECTION 1.6	Validity

CROSS REFERENCES

SECTION 2	Definitions
SECTION 4	Use Regulations
SECTION 11	Non-Conforming Lots, Structures and Uses
SECTION 12	Enforcement (Permits, Violations and Penalties)
SECTION 13	Board of Zoning Appeals
SECTION 14	Amendments

SECTION 1.1 Authority

The Board of Township Trustees of Swanton Township, Lucas County, Ohio, in accordance with enabling legislation for township zoning as provided in Chapter 519 of the Ohio Revised Code hereby provides as follows:

SECTION 1 GENERAL PROVISIONS (cont'd)

SECTION 1.2 Purpose

This resolution is adopted for the purpose of protecting and promoting public health, safety, morals, comfort and general welfare; conserving and protecting property and facilitating adequate but economical provision of public improvements; and amend the Zoning Resolution of the Board of Trustees of Swanton Township, Lucas County, Ohio, effective May 20, 1968 as amended to the date of adoption of this amending Resolution, in each and every part thereof that is inconsistent with this amending Resolution.

SECTION 1.3 Interpretation and Conflict

In interpreting and applying the provisions of this Resolution, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any Resolution rules or regulations previously adopted or issued and not in conflict with any of the provisions of this Resolution; nor is it intended by this Resolution to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Resolution imposes a greater restriction upon the use of buildings, premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other Resolutions or agreements, the provisions of this Resolution shall control.

SECTION 1.4 Compliance with Regulations

1.4.1

No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located. No building, or structure shall be located within a public right-of-way or utility easement. (Revised 10/19/98, Z33-C101)

1.4.2

No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located.

1.4.3

No yard or other open space existing about any building or structure shall be so reduced in area or dimension as to make it less than the minimum required by this resolution.

1.4.4

No lot held under one ownership at the time of the effective date of this resolution shall be reduced or subdivided in any manner below the minimum area and yard provision required by this resolution.

SECTION 1 GENERAL PROVISIONS (cont'd)

SECTION 1.4 Compliance with Regulations (cont'd)

1.4.5

Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as specifically provided in Section 13.5(b), nor shall there be more than one (1) residential dwelling per lot. (Revised 9/9/96, Z33-C94 & 3/12/19, Z33-C149)

1.4.6

Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Resolution providing such exception is in harmony with the general purpose and intent of the Resolution and in accordance with the procedures and provisions specified in Section 13. Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations.

SECTION 1.5 Uses Exempted from Provisions of Resolution

1.5.1

The use of 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, including buildings or structures that are used primarily for vinting and selling wine that are located on land any part of which is used for viticulture, shall be permitted in all districts established by this Resolution, and no zoning certificate shall be required for any such building or structure, except setback requirements shall be observed.

See Table 4.1.

1.5.2

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building 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 or the use of land for essential services as herein defined shall be permitted in all districts established by this Resolution and no zoning certificate shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad.

1.5.3

The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

SECTION 1 GENERAL PROVISIONS (cont'd)

SECTION 1.5 Uses Exempted from Provisions of Resolution (cont'd)

1.5.4

The use of any land owned or leased by an industrial firm shall not be prohibited for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its plants.

SECTION 1.6 Validity

If any article, section, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

This Resolution shall become effective from and after the date of its approval and adoption as provided by law.

SECTION 2 DEFINITIONS

SECTION 2.1 Interpretation of Terms or Words

CROSS REFERENCES

SECTION 9.17 Signs and Outdoor Advertising Structures Definitions

SECTION 2.1 Interpretation of Terms or Words

For the purpose of this Resolution certain terms and words are herein defined as follows:

The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not directory.

Accessory Building: A detached subordinate building, the use of which is clearly incidental to that of the main building or the use of this land.

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Additional Uses Permitted by Amendment: A use other than a use by (or as of) right, subject to review and approval/disapproval by the Board of Township Trustees. See Section 7.

(Revised 5/24/16, Z33-C143)

Adult Arcade: Any place to which the public is permitted and/or charged an admittance fee wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of nudity or sexual or genital areas. (Revised 4/15/02, Z33-C105)

Adult Bookstore: Any establishment which utilizes ten (10) percent or more of its retail selling area for the purpose of retail sale or rental or for the purpose of display by coin-operated or slug-oriented, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, books, magazines, periodicals, films, tapes, and cassettes which are distinguished by their emphasis on adult materials or characterized by the depicting or describing of nudity or genital areas. (Revised 4/15/02, Z33-C105)

Adult Cabaret: A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties. (Revised 4/15/02, Z33-C105)

Adult Health Club: Any establishment that provides equipment and facilities for exercising and improving physical fitness where employees and/or patrons appear in a state of nudity. (Revised 4/15/02, Z33-C105)

SECTION 2 DEFINITIONS (cont'd)

Adult Material: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination or which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination. (Revised 4/15/02, Z33-C105)

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified anatomical areas or specified sexual activities, nudity, or sexual or genital areas. (Revised 4/15/02, Z33-C105)

Adult Video Store: See adult bookstore.

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

(Revised 5/24/16, Z33-C143)

Agricultural Implement Sales and Rental: The sale or rental of new or used agricultural implements and equipment to be displayed for sale on the premises.

Agricultural Product Sales: The sale of goods produced or services provided by person(s) engaged in agriculture.

Agricultural Road Side Stand: Farm market where fifty percent (50%) or more of the produce for sale is grown on farms owned or operated by the market operator.

Airport or Aircraft Landing Field: Any landing area, runway, or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxi-ways, aircraft storage, and tie down areas, hangars, and other necessary buildings and open spaces.

All-Terrain Vehicles: Self propelled motor vehicles designed for off-road usage on land and/or water. These include, but not limited to, snowmobiles, dirt-bikes, 3-wheel/4-wheel ATV's, and water ski-scooters.

Alley: A public thoroughfare less than 30 feet wide, which provides a secondary means of access to property abutting thereon.

Alteration, Structural: Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Amusement Park: A place where rides, arcades or other attractions are available for a fee, on a temporary or permanent basis.

Animal Care Facilities: Structures, buildings, or enclosures used for medical treatment, care and temporary housing of animals, receiving treatment, with temporary housing being limited to 48 hours. Uses include but not limited to veterinary clinics and animal hospitals.

SECTION 2 DEFINITIONS (cont'd)

Apartment: See **Dwelling Unit**

Apartment Hotel: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

Apartment House: See **Dwelling Unit, Multiple**

Applicant: The land owner or his authorized representative, who requests a zoning permit as authorized by this Resolution.

Application: Written request for a change in zoning classification or use authorization as provided for under this Resolution.

Auction Market: A building, structure, or site which primary use is for selling of goods, merchandise, land etc. by a bidding process.

Automobile/Truck Repair Garage: A place where services such as painting, bodywork, rebuilding, reconditioning, and major repairs are provided for automobiles and trucks.

Auto Wrecking/Salvage Yard: See **Motor Vehicle Salvage Yard**

Automotive Service Station: See **Motor Vehicle Service Station**

Basement: A story partly or wholly underground, for purposes of height measurement, a basement shall be counted as a story where one-half (1/2) its height is above average level of the adjoining ground. See Figure 2-1.

Bed and Breakfast: See **Tourist Home**.

Billboard or Poster Panels: Any sign or advertising structure used to advertise goods, products, services or facilities which are located off-site from where the sign is installed and maintained.

Blighting Factors: Means the use of land or buildings in a manner which impairs or deteriorates the allowed use by such activities as the outside storage of inoperable vehicles, junk, trash, rubbish, refuse, parts of machinery, scrap metal, or household appliances; and the deterioration of land or vacant buildings which poses a threat to the public health, safety or welfare of the Township. See also Section 9.3.

Board: Shall mean Board of Zoning Appeals.

Board of Township Trustees: The Board of Township Trustees for Swanton Township, Lucas County, Ohio.

Boarding House: A building or portion thereof, other than a hotel where meals, or lodging and meals for three (3) or more persons are provided for compensation.

Boarding of Livestock and Domesticated Animals: Stabling, housing and feeding of animals for compensation or for use in a commercial activity, exhibit or for other commercial/recreational purposes.

Boat Storage: The storage of boats, similar watercraft and marine equipment.

Borrow Pit: Borrow Pits are prohibited in Swanton Township. A borrow pit is an area where material (usually soil, gravel or sand) has been dug for use at another location without any implication of someday returning the material. (Revised 7/9/19, Z33-C150)

SECTION 2 DEFINITIONS (cont'd)

Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, property, or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building. The connecting of otherwise separate buildings by roof extensions or breezeways shall not in itself be interpreted as creating one (1) main building.

Building Area: The space remaining on a lot after the minimum open-space requirements (coverage, yards, setbacks) have been met.

Building, Community: A building used by public or private nonprofit agencies or organizations which provide social, educational and recreational activities and services to a neighborhood or community.

Building Coverage: The amount of land covered or permitted to be covered by a building measured on a horizontal plane at mean grade level and excluding uncovered porches, terraces and steps.

Building Height: The vertical distance between the average finished grade at the foundation wall to the highest point of the roof. (Revised 4/2/01, Z33-C103)

Building Line: A setback line for a main building on a platted lot.

Building, Main: A building which contains the principal use of the lot.

Building Unit Group: Two (2) or more buildings (other than dwellings) grouped upon a lot and held under one (1) ownership such as universities, hospitals and institutions.

Bus Shelter: An open structure with a roof used as a protection or shield from wind, rain, snow etc. Usually a place for persons to stay awaiting a bus or passenger vehicle.

Business: The sale, purchase, or exchange of goods or services, and the maintenance or operation of offices and recreational and amusement enterprises.

Business, General: Retail and service establishments which, in addition to catering to the community residents' and workers' daily needs for convenience goods and services, also include establishments offering comparative type shopping facilities. General business includes, but is not limited to, supermarkets and stores and for the sale of drugs, hardware, appliances, furniture, apparel, footwear, business and personal services, professional services, offices and other similar or related activities which can be grouped by design into a unified shopping center.

Business, Highway: Includes commercial uses requiring locations on major thoroughfares and at their principal intersections. Highway uses include motels, motor vehicle service stations, motor vehicle repair, restaurants, drive-in establishments, building trades and services, commercial recreation and similar commercial activities, when maintained inside an enclosed building.

Business, Neighborhood: Retail and service establishments which primarily serve local market areas and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise or other objectionable influence. To prevent congestion, local retail and service uses include only those enterprises which normally employ less than ten (10) persons. Permitted uses include drug stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and hardware and grocery stores if less than 10,000 square feet of floor area. Other small businesses of an equally restricted and local nature may be permitted, based on the discretion of the Board of Zoning Appeals.

Business Planned Center: Retail and service establishments which, in addition to catering to the

SECTION 2 DEFINITIONS (cont'd)

community residents' and workers' daily needs for convenience goods and services, also include establishments offering comparative type shopping facilities. General business includes, but is not limited to, supermarkets and stores and for the sale of drugs, hardware, appliances, furniture, apparel, footwear, business and personal services, professional services, offices and other similar or related activities which can be grouped by design into a unified shopping center.

Campground: Land used or intended to accommodate two (2) or more recreational vehicles, tents, or other individual camping units to be used as temporary housing for recreational purposes.

Cemetery/Memorial Gardens: Land used or intended to be used for the burial of the human or animal dead, including associated buildings such as chapels, mausoleums, crematories, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Child Day Care Center: Any commercial building, residential building, or other building or place administering to the needs of infants, toddlers, pre-school 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 building, place, or residence other than the child's own home. (Revised 4/15/02, Z33-C105)

Club: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Commercial: A use or activity which includes the purchase, sale, or exchange of goods or services including the display and transportation of commodities.

Commercial Vehicle: Any vehicle with a carrying capacity of over 6000 pounds and used or designed to be used for business or commercial purposes.

Commission: Shall mean the Zoning Commission of Swanton Township, Lucas County, Ohio.

Computerized Sweepstakes Device: Any computer, machine, game or apparatus which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, and which may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which provides the user with a chance to win anything of value. Machines designated for use by the State Lottery Commission are not Computerized Sweepstakes Devices for purposes of this Resolution. (Revised 7/10/12, Z33-C140)

Conditional Use (Special Exception): A use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board only when there is a specific provision for such special exception made in this resolution. A conditional use is not considered to be a nonconforming use.

Contractor Yard: A place used for the storage of heavy equipment, commercial vehicles and materials used for construction or maintenance purposes.

Covenant: A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

Cul-de-sac: A short street having one (1) end open to traffic and being terminated by a vehicle turn-around.

Curb Grade: The elevation of the established curb in front of the building measured at the center

SECTION 2 DEFINITIONS (cont'd)

of such front. Where no curb grade has been established, the County Engineer shall establish such curb grade or its equivalent for the purpose of this Resolution.

Day Care Facilities: A place other than the permanent residence, which administers to the needs of children or adults providing social, rehabilitation recreational, or educational activities on a daily basis with no provisions for residential care. Uses include, but are not limited to, adult day care, child day care, rehabilitative care and nursery schools.

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

- a) **Gross Density** - the number of dwelling units per acre of total land to be developed including right-of-ways.
- b) **Net Density** - the number of dwelling units per acre excluding right-of-ways.

Disabled Vehicle: See **Inoperable Vehicle**

Dish Antenna (Earth Station) - An accessory structure combination of:

- 1) an antenna or dish antenna designed to receive communication or other signals from orbiting satellites;
- 2) a low level noise amplifier (LNA) located at the focal point of the receiving antenna which magnifies and transfers the signal; and
- 3) a coaxial cable which carries the signal into the interior of the building.

District: An area or section of the township within which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, the requirements for off-street parking and the intensity of use are uniform. (See section 3 for Districts).

Drive-Up: Establishment or facilities where goods or services are provided from windows or in drive through areas to customers in cars or to the cars, and where the cars are temporarily stopped or standing and which commonly does, or could involve a lineup of cars waiting in line for such goods or services. Current examples of drive-up developments include but are not limited to car washes, drive-up windows at banks and at fast food restaurants.

Dwelling: Any building or portion thereof which is designed for or used exclusively for residential purposes containing one (1) or more dwelling units.

- a) **Single Family Dwelling** - a detached building containing one (1) dwelling unit and designed for or occupied by one (1) family.
- b) **Multiple Family Dwelling** - a building or portion thereof containing two (2) or more dwelling units and designed for or occupied by two (2) or more families living independently of each other.

Dwelling Unit: A group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, and eating purposes.

Easement: A grant by the property owner of the use of a part of the property by the public, a corporation or persons for specific purposes.

Electricity: energy made available by the flow of electric charge through a conductor. (Revised 2/9/10, Z33-C135)

Electric power: the product of voltage and current. (Revised 2/9/10, Z33-C135)

SECTION 2 DEFINITIONS (cont'd)

Electrical generator: a device that produces electrical energy from a mechanical energy source. The process is known as electricity generation. (Revised 2/9/10, Z33-C135)

Exception: See Conditional Use (Special Exceptions)

Extraction Industry: Prohibited in Swanton Township. The removal of soil, sand, gravel or minerals from land or water for purposes of resale or use in the commercial operation of a business or the production of a good or service. (Revised 7/9/19, Z33-C150)

Fall zone: the area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. (Revised 2/9/10, Z33-C135)

Family: One (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel herein defined.

Feeder line: any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind tower. (Revised 2/9/10, Z33-C135)

Flea Market: A building, structure or site which primary purpose is for the leasing/renting of space, stalls or areas which are used for selling goods or merchandise.

Floor Area, Non-Residential Buildings (To be used in calculating parking requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

Floor Area, Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding cellars and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Frontage: All of the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured at the set back building line, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street. See Figure 2.3.

Garage: A structure or portion thereof which is used for the storage of motor vehicles.

- a) **Private Garage** - a detached accessory building or portion of a main building used for the storage of not more than four (4) motor vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle, which shall not exceed a one (1) ton capacity.
- b) **Public Garage** - a building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.
- c) **Storage Garage** - a building or portion thereof designed or used exclusively for storage of motor driven vehicles, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

Geothermal System: Any energy system where thermal transfer is extracted from heat stored in the earth and designed to deliver a heating and cooling resource to any building/structure.

SECTION 2 DEFINITIONS (cont'd)

(Revised 5/24/16, Z33-C143)

Greenhouse: A building or structure enclosed with glass or other glazing used for the cultivation and production of plants.

Hazardous Waste: Any waste or combination of waste in solid, liquid, semisolid or contained gaseous form as defined by ORC 3734.01(j).

(Revised 5/24/16, Z33-C143)

Health Care Clinics: A health care facility which provides for diagnosis and treatment services on an emergency or outpatient basis with no provisions for residential care.

Home Occupation: An occupation carried on exclusively by the occupant(s) of a dwelling as a secondary use and does not involve the selling of a commodity other than that produced upon the premises.

Hospital: A health care facility which provides for diagnostic, medical, surgical or psychiatric treatment and care. It may include but is not limited to related facilities for educational and training facilities for health professionals.

Hotel: A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office normally supervised by a person in charge at all hours. As such, it is open to the public as distinguished from a boarding house, a lodging house, or an apartment which are herein defined.

House Trailer: See **Mobile Home, Manufactured Home**

Industrialized Unit: A factory built dwelling unit designed for assembly at the building site, bearing certification of compliance with the Ohio Basic Building Code and meeting the definition of "Industrialized Unit" as defined under Section 3781.06 of the Ohio Revised Code. For the purposes of this resolution, an industrialized unit is a dwelling.

(Revised 5/24/16, Z33-C143)

Inoperable Vehicle: Inoperable vehicle means any motor vehicles which meets one of the following requirements:

- a) It does not display a valid license plate and is in either wrecked, partially wrecked, dismantled, partially dismantled, or discarded condition, or is incapable of being driven; or
- b) It is wrecked, partially wrecked, dismantled, partially dismantled, discarded or is incapable of being driven and has remained in such condition for a continuous period of 14 days.

Institution: Buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.

Institutional Health Care Facilities: A public or nonprofit institution which provides for residential health care and maintenance for mental health or developmentally disabled persons.

Intersection: The convergence of two (2) or more public streets, alleys, private streets or places.

Junk Yard: An open area where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, packed, or handled, including building wrecking yards, but excluding uses

SECTION 2 DEFINITIONS (cont'd)

taking place entirely within an enclosed building.

Kennel: Any establishment in which dogs are kept on-site for the purposes of breeding, selling, raising, training or boarding. (Revised 4/10/18, Z33-C145)

Landfill: A site used for the disposal of solid wastes in a manner that minimizes environmental hazards by spreading or compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Land Use Plan: Shall mean the "Swanton Township Land Use Plan", as adopted by the Lucas County Planning Commission and Lucas County Commissioners.

Livestock: Any animal that is domesticated for use, pleasure, or profit.

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

Lodging House: See **Boarding House**

Lot: A parcel of land occupied or intended for occupancy by a use permitted in the zoning resolution, including one (1) main building together with its accessory buildings, yard areas, and parking spaces required by this resolution and having its principal frontage upon a public street or place. See Figure 2-3.

- a) **Lot Area** - the total horizontal area within the boundaries of a lot exclusive of all rights-of-way of any access easement, alley, public or private street.
- b) **Lot, Corner** - a lot abutting upon two (2) or more streets at their intersection.
- c) **Lot Coverage** - the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- d) **Lot Depth** - the horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.
- e) **Lot Frontage** - the horizontal distance of the boundary line of a lot abutting a street or road right-of-way. On corner or through lots, the street or building address shall be considered frontage.
- f) **Lot Interior** - a lot other than a corner lot.
- g) **Lot of Record** - a lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Lucas County, Ohio; or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the County Recorder.
- h) **Lot Width** - the horizontal distance between the side lot lines, measured at right angles to the lot depth. The minimum lot width per Section 4.3 shall be required at the right-of-way line, the legally established building setback line, and throughout the depth of the property with the exception of lots with curvilinear frontage, such as cul-de-sac lots.

SECTION 2 DEFINITIONS (cont'd)

The minimum lot width for lots with curvilinear frontage shall be required at the chord drawn between points on the side lot lines coinciding with the required front yard setback and maintained throughout the remaining depth of the property.

Major Street: A dedicated street within Lucas County which has been classified as a dual highway, dominant major street, a major street, a secondary major street, or a main county road on the Official County Highway Plan.

Major Street Plan: Toledo-Lucas County Major Street Plan which designates roadways as expressways, principal arterial, minor streets, major collectors or local collectors.

Manufactured Home: A factory built dwelling unit designed for assembly at the building site, bearing certification that it is built in compliance with the Federal Manufactured Housing Construction Safety Standards of 1974 and meets the definition of "Manufactured Home" in Section 3781.06(c)(4) of the Ohio Revised code.

(Revised 5/24/16, Z33-C143)

Manufactured Home Park: Any site, lot, parcel or tract of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes used for human habitation, either free of charge or for revenue purposes and including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such manufactured home park; and falling within the definition of a "Manufactured Home Park" in Section 3733.01 of the Ohio Revised Code.

Manufacturing: A process which combines raw materials or components into a product or which changes their physical or chemical characteristics.

- a) **General Manufacturing** - manufacturing, which by its nature and function may require large parcels, effective separation from residential and most commercial areas, confinement within enclosed buildings and screened enclosures having an opaqueness of 75% or greater, where outside storage of materials are necessary. General Manufacturing shall include but not be limited to processing of vegetables and fruit, dairy and bakery products, soft drinks and confections, textiles, glass, wood and plastic production, and fabrication, pharmaceuticals, metal fabrication, machining, tool and die, hardware and appliance production.
- b) **Heavy Manufacturing** - manufacturing which requires large acreage parcels for isolation and separation from residential and commercial development, special consideration because of the potential spill over effect on surrounding areas and the use of buildings and open areas of the parcel for processing production and storage of materials. Heavy manufacturing shall include, but not be limited to, smelting and primary metal processing, mineral extraction, metal salvage and fabrication, motor vehicles and related products, manufactured housing, household appliances manufacturing, chemical and gas manufacture, refining, manufacturing and/or processing of animals, or animal parts for food, fertilizer or other purposes including the tanning and production of leather goods and furs.
- c) **Restricted Manufacturing** - any industrial use which is conducted entirely within enclosed substantially constructed buildings; involving the use of only light machinery and equipment; does not use the open area about the buildings for the storage of materials or equipment other than for the unloading or loading operations

SECTION 2 DEFINITIONS (cont'd)

at the rear or within an enclosure which abuts a building. Restricted manufacturing shall include the manufacture of drugs, jewelry, musical instruments, sporting goods; the processing and assembly of small glass products; small household appliances; small electronic products, scientific instruments, and parts for the production of finished equipment; office, computing and accounting machines; research and laboratory testing; printing, publishing and engraving plants; and other similar products and operations.

Marine Sales and Service: The sale and service of watercraft and marine equipment.

Massage: Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating, the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance. (Revised 4/15/02, Z33-C105)

Massage Establishment: Any fixed place of business where a person offers massages to patrons for a fee which may be in connection with the provision of another legitimate service. (Revised 4/15/02, Z33-C105)

Masseur or Masseuse: Any individual who performs massages at a massage establishment. (Revised 4/15/02, Z33-C105)

Mobile Home: A transportable factory built dwelling unit built prior to June 15, 1976, effective date for enactment of the Federal Manufactured Housing Construction and Safety Standards of 1974 and bears certification of the American National Standards Institute for Mobile Homes.

Modular Home: See **Industrialized Unit**

Motel: A building or group of buildings which provide rental or temporary sleeping accommodations for automobile transients.

Motor Vehicle Sales and Rental: The sale or rental of new and used motor vehicles, motorcycles, recreational vehicles, trailers, or travel trailers, to be displayed and sold on the premises and accessory services.

Motor Vehicle Salvage: The dismantling, wrecking and/or salvage of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Motor Vehicle Salvage Yard: Any place where two (2) or more motor vehicles not in running condition, or parts thereof are stored in the open, in a fenced area, or in a partially enclosed building, and are not being restored to operation, or any land used for wrecking, storing and/or salvage of such motor vehicles or farm machinery, or parts thereof, stored in the open.

Motor Vehicle Service Station: Any premises used for supplying gasoline and oil, at retail direct to the customer, including accessories, parts and minor services or repair for motor vehicles, but not including body or fender work, painting or major motor repairs. When the aforementioned service is incidental to the conduct of a public garage, the use shall be classified as a public garage.

Nonconforming Use: Any building or land lawfully occupied by a use at the effective date of this Resolution, or amendment thereof, which does not conform after the passage of this Resolution, or amendment thereof, with the use requirements of the district in which is situated.

Nude or Nudity: Showing of either the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the female breast with less than a fully opaque covering on any part of the nipple. (Revised 4/15/02, Z33-C105)

SECTION 2 DEFINITIONS (cont'd)

Nursery School: A school designed to provide daytime care for instruction for two (2) or more children from two (2) to five (5) years of age, inclusive, and operated on a regular basis.

Nursing Home: A residential care facility in which greater than three (3) persons reside and as its primary function provides nursing care on a 24 hour basis, physical and/or social rehabilitation services and room and board.

Overlay District: An additional secondary zoning classification which establishes additional regulations on the use of land, buildings or structures. See also Section 5.

Parking Lot: Any off-street area or structure which meets one (1) of the following conditions. See also Section 8.

- a) Contains one (1) or more parking, vehicular storage, loading or stacking spaces for commercial, institutional, recreational or industrial use, whether free or for compensation; or
- b) Contains five (5) or more parking spaces for any residential use.

Parking Space: An area exclusive of any driveway or other circulation area, accessible from a street, alley or maneuvering area and designed for temporary parking of a motor vehicle. See also Section 8.

Performance Bond or Surety Bond: An agreement by a subdivider or developer with the 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 or developer's agreement.

Permit: See **Zoning Certificate**

Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repairing, barber shop, beauty parlors and similar activities.

Place: A private thoroughfare other than a street or alley permanently reserved as a lot on a recorded plat as the principal means of access to abutting property approved under applicable Subdivision Regulations by the Toledo-Lucas County Plan Commission in accordance with O.R.C. Chapter 711 and 713.

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

Plat: A map or drawing of a lot, tract or parcel of land.

Pond: A body of water of which none of the excavated material has been removed from the site for commercial purposes and is used for the following purposes: to provide water for livestock, fish and wildlife, recreation, fire control or crop and orchard spraying.

Private Garage: See **Garage**

Professional Services: The use of offices and related spaces for such services which are provided by doctors, dentists, lawyers, architects and engineers.

Public Garage: See **Garage**

SECTION 2 DEFINITIONS (cont'd)

Public Park: Land owned by a governmental entity which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township, county, or state. (Revised 4/15/02, Z33-C105)

Public Service Facilities: Structures, buildings, and/or transmission, distribution, or collection systems, which are used to provide and maintain public utilities. Uses include, but not limited to, railroad, electric, gas, water and sewer, and telephone systems and other uses which meet the definition of public utility under ORC 4905.03.

Public Uses: Uses which provide or maintain public services. These include, but not limited to, government buildings, schools, public parks, highway maintenance, and storage facilities.

Recreation Facilities: Buildings, structures, lands or water areas used for social, leisure and recreational activities.

- a) **Commercial Recreation Facilities** - Recreational facilities open to the public and operated for profit. These include, but are not limited to, golf courses, racquet clubs, tennis clubs, banquet halls, swimming pools, riding stables and amusement centers, carnivals or parks.
- b) **Non-Commercial Recreation Facilities** - Public and Semi-Public recreational facilities which are not operated for commercial gain. These include, but are not limited to private clubs, community swimming pools, tennis courts, golf courses, and church or nonprofit organization recreational facilities.

Recreational Vehicle: Any vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational or vacation purposes. This includes, but is not limited to, motor homes, travel trailers, tent campers, truck campers, boats, all-terrain vehicles and snow mobiles.

Residential Floor Area: The interior floor area of a dwelling including stairways, halls, and closets but not including basement, porches, garages, breezeways or carports.

Rooming House: See **Boarding House**

Rotor diameter: the diameter of the circle described by the moving rotor blades. (Revised 2/9/10, Z33-C135)

Sale of Fireworks: A place where fireworks are available for sale, retail or wholesale.

School: Any public or private educational facility, including, but not limited to, child day care facilities, nursery schools, pre-schools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, colleges, junior colleges, and universities. School includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school. (Revised 4/15/02, Z33-C105)

Self Service Storage Facility: Any real property designed and used for the purpose of renting or leasing individual storage spaces for the storage of personal property.

Semi-Public Uses: Services and facilities which are provided to the public that are privately owned and controlled. These include, but are not limited to, churches, parochial schools, hospitals, and other educational, religious or philanthropic organizations and telecommunication facilities.

SECTION 2 DEFINITIONS (cont'd)

Setback Line: A line established by zoning, platting, or other legal means on a lot, that is a specified distance from and parallel to the lot line, to restrict the encroachment of buildings on the lot line.

Sexual or Genital Area: Includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female. (Revised 4/15/02, Z33-C105)

Sexually Oriented Business: Any of the following: adult arcade, adult bookstore, adult cabaret, adult health club, adult motion picture theater (Revised 4/15/02, Z33-C105)

Shopping Center: A group of retail businesses and services on a single site with common parking facilities.

Sign: A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, or organization or business.

Site Plan: A scaled drawing of a proposed project showing, among others, the location of property lines, building locations, drives, walkways, parking areas, fencing and screening, setbacks, and signs as required by this Resolution.

Sludge: A solid or near solid by-product of sewage treatment or industrial waste treatment. For purposes of this Resolution, sludge is not considered commercial fertilizer, a soil conditioner, nor a base thereof, unless applied under Federal or State EPA regulations.

Small wind turbine and other wind powered generator: is defined as 10kw capacity or less. (Revised 2/9/10, Z33-C135)

Solar Collector: Any device that absorbs and accumulates solar radiation for use as a source of energy.

Solid Waste: Unwanted residual solid or semi-solid material which results from industrial, commercial or municipal operations. These include, but are not limited to, garbage, combustible or noncombustible street dirt or debris and falls within the definition of solid waste under 3734.01(e) O.R.C.

Specified Anatomical Areas: Means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals. (Revised 4/15/02, Z33-C105)

Specified Sexual Activities: Includes any of the following:

1. The fondling or other erotic touching of human genital, pubic region, buttocks, anus, or female breasts;
2. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities 1-3 above. (Revised 4/15/02, Z33-C105)

Storage Garage: See **Garage**

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and ceiling

SECTION 2 DEFINITIONS (cont'd)

next above it. See also Building Height.

- a) **Half-Story** - A basement, the floor of which is more than three (3) feet six (6) inches, but not more than four (4) feet, below grade and the ceiling of which is more than four (4) feet, but not more than four and one-half (4 1/2) feet above grade, or, a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite walls are not more than three (3) feet above the floor of such story, except that any such partial story under a gable, hip or gambrel roof used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Structure: Anything constructed, erected or placed on the land, the use of which requires a more or less permanent location on the land, or attached to something having a permanent location on the land. This includes and not limited to buildings, walls, fences, advertising signs and billboards.

Structural Alterations: Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

Sweepstakes/Internet Café: Any premises upon which any "Computerized Sweepstakes Device" is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever. (Revised 7-10-12, Z33-C140)

Swimming Pool: An enclosure, temporary or permanent, above or below ground, containing water to be used for bathing, wading or swimming, which shall be able to contain 24 inches minimum depth of water and exceeds 12 feet in diameter or length whichever applies to the appropriate shape.

Total height: the highest point, above ground level, reached by a rotor tip. (Revised 2/9/10, Z33-C135)

Tourist Home: A building in which board or rooming, or both are offered to the traveling public for compensation, and open to transient guests, and distinguished from a hotel, motel or boarding house herein defined.

Tower: free-standing or attached vertical structures that support electrical generator generation, rotor blades, or meteorological equipment, telecommunication equipment, and other such uses. (Revised 7/9/19, Z33-C150)

Tower height: the total height of the tower exclusive of the rotor blades. (Revised 2/9/10, Z33-C135)

Turbine: rotary engine in which the kinetic energy of a moving fluid is converted into mechanical energy by causing a bladed rotor to rotate. (Revised 2/9/10, Z33-C135)

Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building 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 and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Warehouse: A building or structure used for the storage of goods, materials or equipment.

SECTION 2 DEFINITIONS (cont'd)

Waste: See **Hazardous Waste, Junk Yard, Sludge, Solid Waste.**

Wind: air moving (sometimes with considerable force) from an area of high pressure to an area of low pressure. (Revised 2/9/10, Z33-C135)

Wind turbine: a wind turbine is any electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind. (Revised 2/9/10, Z33-C135)

Yard: An open space at grade between a building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used. See Figure 2-3.
(Revised 5/24/16, Z33-C143)

- a) **Front Yard** - A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of permitted uncovered steps, uncovered balconies, platforms or decks, which are open to the sky.
- b) **Side Yard** - A yard between a main building and the side lot line extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard shall measure horizontally from the nearest part of the main building.
- c) **Rear Yard** - A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of permitted uncovered steps, balconies, platforms or decks which are open to the sky. On all lots the rear yard shall be at the opposite end of the lot from the front yard.

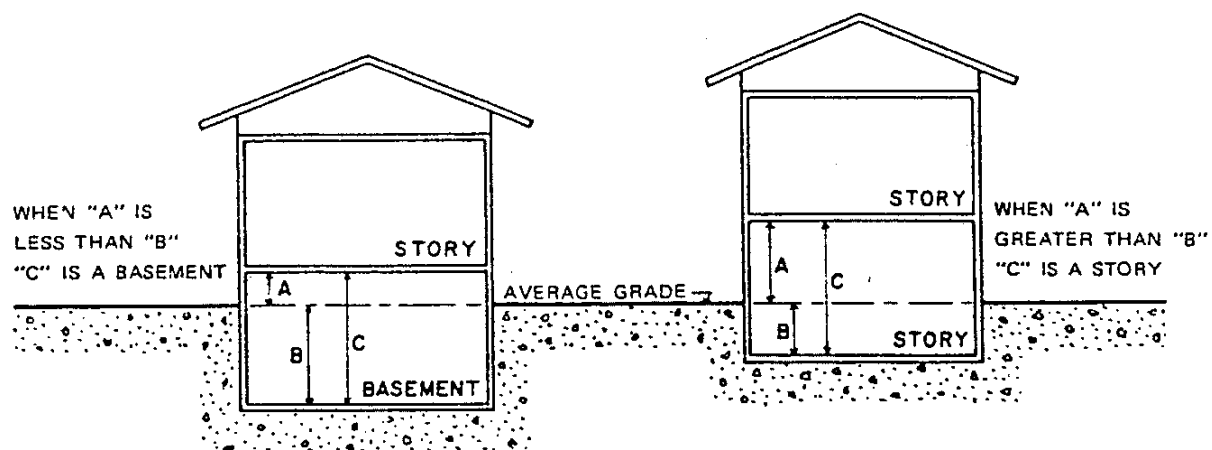
Zoning Certificate (Permit): The document issued by the zoning inspector authorizing the use of land or buildings.

Zoning District Map: Map or maps of the township and amendments delineating zoning districts.

Zoning Inspector: The agent, appointed by the Township Trustees, who is responsible for the administration of the Township Zoning Regulations and required inspections for zoning compliance.

SECTION 2 DEFINITIONS (cont'd)

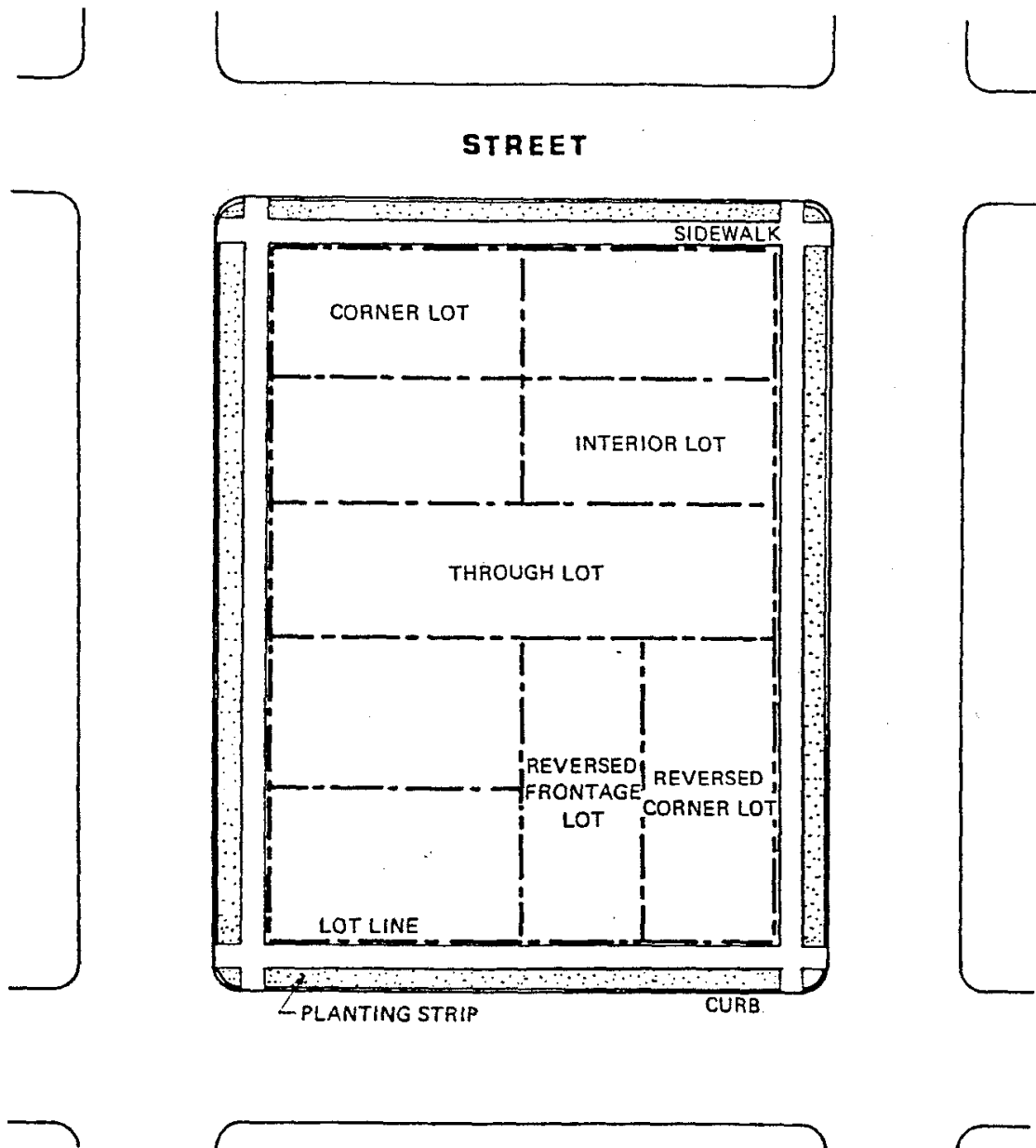
FIGURE 2-1



BASEMENT & STORY

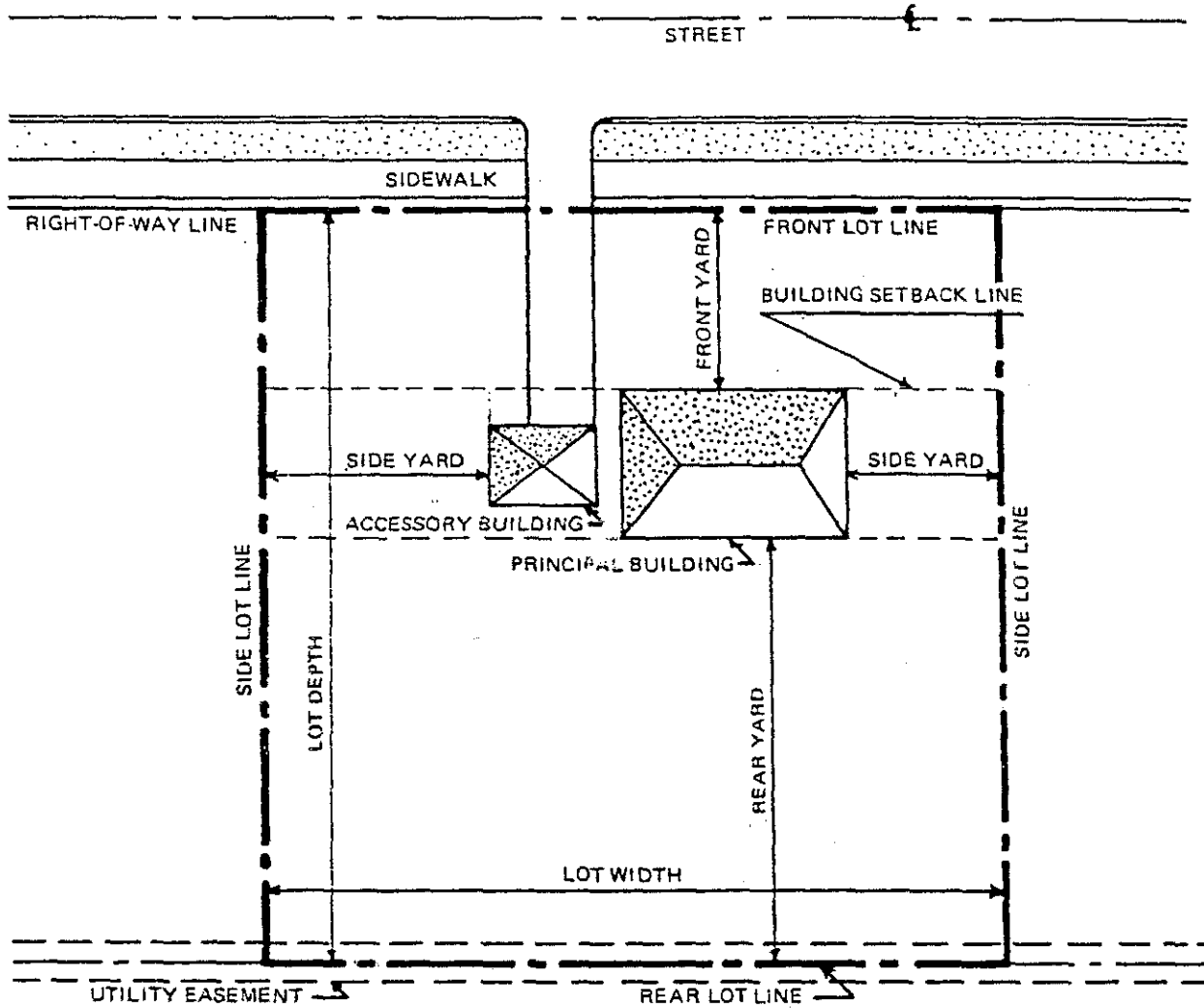
SECTION 2 DEFINITIONS (cont'd)

FIGURE 2-2



SECTION 2 DEFINITIONS (cont'd)

FIGURE 2-3

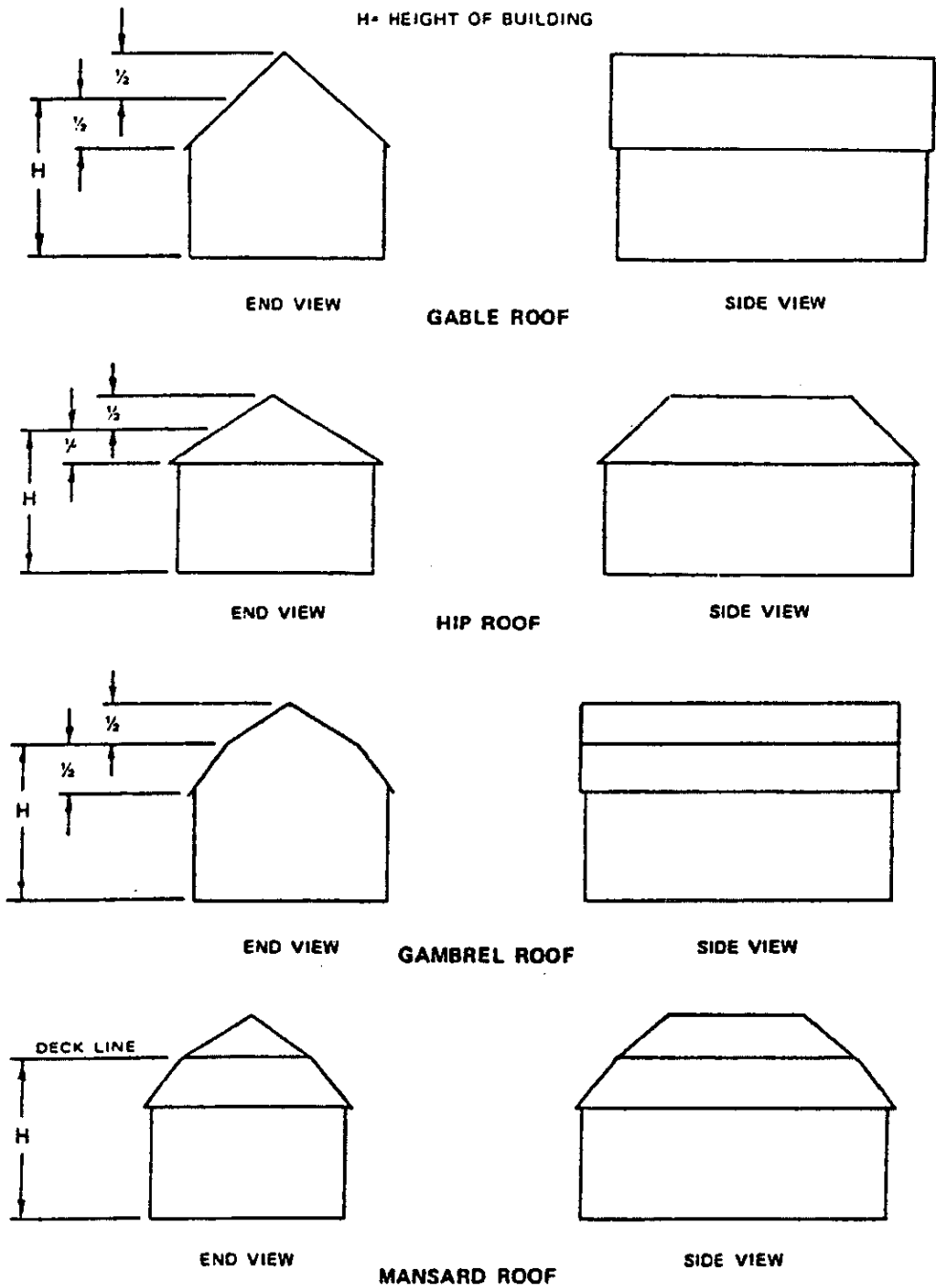


LOT AREA = TOTAL HORIZONTAL AREA

**LOT COVERAGE = PERCENT OF LOT OCCUPIED
BY BUILDING**

LOT TERMS

FIGURE 2-4



ROOF TYPES AND BUILDING HEIGHT

SECTION 3 ESTABLISHMENT OF DISTRICTS

SECTION 3.1	Agricultural District
SECTION 3.2	Residential Districts
SECTION 3.3	Commercial Districts
SECTION 3.4	Industrial Districts
SECTION 3.5	District Map
SECTION 3.6	District Boundaries

CROSS REFERENCES

SECTION 2	Definitions
SECTION 4	Use Regulations
SECTION 7	Additional Uses Permitted by Amendment (Revised 5/24/16, Z33-C143)

The Township is hereby divided into districts under general categories which shall be known as: "Agricultural Districts", "Residential Districts", "Commercial Districts", "Industrial Districts" and "Overlay Districts".

SECTION 3.1 Agricultural District

3.1.1 "A" Agricultural

The Agricultural District is to provide for agricultural and agriculturally related uses, essential public facilities and services such as public buildings, schools, railroads, public utilities. This may include; some commercial activities which are an integral part of agriculture, such as roadside stands or structures used for the sale of agricultural produce or products and/or nursery and greenhouse sales areas; churches and other related nonprofit public service facilities. Intense residential development is discouraged.

3.1.2 Multi-Family Units

Multi-family dwelling shall not have more than six (6) non-family members living in the residential unit at one time. **(revised 3/12/19, Z33-C149)**

SECTION 3.2 Residential Districts

3.2.1 "R-A" Suburban Residential

The Suburban Residential District provides for low-medium density, compact residential development where public water and public sanitary sewers are available. It is intended that uses within this district be contained within a neighborhood setting, with minimal intrusion of nonresidential uses.

3.2.2 Multi-Family Units

Multi-family dwelling shall not have more than six (6) non-family members living in the residential unit at one time. **(revised 3/12/19, Z33-C149)**

SECTION 3.3 Commercial Districts

3.3.1 "C-1" Restricted Commercial

The Restricted Commercial District provides for businesses which primarily serve nearby residential areas with convenience goods and services. Business should be of the type which are low generators of traffic and compatible with surrounding residential areas. All uses and activities shall be inside buildings unless related to the existing primary use of the property. The C-1 district shall be limited to parcels fronting on principal arterial roadways (Airport Highway and Berkey-Southern Road) at an intersection with a major street. C-1 zoning shall be limited to a depth of 660 feet from the principal arterial centerline. (Revised 9/9/96, Z33-C94)

3.3.2 "C-2" General Commercial

The General Commercial District provides for businesses which serve a regional market. Businesses may be grouped into small shopping centers located along a major thoroughfare, or at corners of major intersections on large lots to allow for ingress, egress, internal circulation and adequate parking. Typically these businesses will be high generators of traffic. All uses and activities shall be inside buildings unless related to the existing primary use of the property. The C-2 district shall be limited to parcels fronting on principal arterial roadways (Airport Highway and Berkey-Southern Road) at an intersection with a major street. C-2 zoning shall be limited to a depth of 660 feet from the principal arterial centerline. (Revised 9/9/96, Z33-C94)

3.3.3 "C-4" Highway Commercial District

The Highway Commercial District is intended to provide for commercial uses which customarily require acreage parcels and have a relatively smaller amount of in and out traffic as compared with most general commercial uses and for those uses which supplement or compliment the uses and character of development at the Toledo Express Airport and Turnpike Interchange 3A. The C-4 district shall be limited to parcels fronting on Airport Highway between Girdham Road and Whitehouse-Spencer Road and on Wilkins Road between Airport Highway and Sager Road. C-4 zoning shall be limited to a depth of 660 feet from the Airport Highway or Wilkins road centerline. (Revised 9/9/96, Z33-C94)

SECTION 3.4 Industrial Districts

3.4.1 "M-1" Limited Industrial

Uses which may, in some cases, be in close proximity to residential districts, as well as other industrial developments, and all manufacturing, processing, or assembly of materials and products must be carried on in a manner not injurious or offensive to the occupants of adjacent premises by smoke, noise, or vibrations. See "Uses Permitted" for further definition.

3.4.2 "M-2" Heavy Industrial

Uses which generally cannot be operated economically without creating some conditions, including truck traffic, which may be objectionable to the residents of adjoining properties. For this reason, these uses must be grouped in areas where similar industrial uses are located, or in areas separate from residential and commercial activities. See "Uses Permitted" for further definition.

SECTION 3.5 District Map

3.5.1. Description

The location and boundaries of districts established shall be shown on the map entitled "Swanton Township Zoning Plan". A certified copy of this map is on file in the office of the Board of Swanton Township Trustees. Said map and all notations dimensions and designations shown thereon are hereby declared to be a part of this Resolution.

3.5.2 Replacement

In the event that the Official District Map becomes damaged, destroyed or lost, the Township Board of Trustees may by Resolution adopt a new Official District Map which shall supersede the prior Official District Map.

SECTION 3.6 District Boundaries

Where there is uncertainty as to the boundaries of any of the districts shown on the aforesaid map, the following shall apply:

3.6.1. Description

The district boundary lines are intended to follow street, alley, lot or property lines as they exist at the time of the passage of this Resolution unless otherwise indicated by dimensions on the Zoning Map. In the case of the vacation of a street, alley, water course or other right-of-way, the abutting zoning classification on each side thereof shall automatically be extended to the centerline of said vacated street, alley, water course or right-of-way.

3.6.2. Exceptions

Where boundaries appear to approximately follow such aforesaid lines and are not more than 10 feet distant there from, such lines shall be construed to be the boundary lines unless specifically shown otherwise.

SECTION 4 USE REGULATIONS

SECTION 4.1	Permitted Uses
SECTION 4.2	Minimum Floor Area Requirements
SECTION 4.3	Basic Yard, Area, Lot Coverage and Height Requirements
SECTION 4.4	Exceptions

CROSS REFERENCES

SECTION 2	Definitions
SECTION 3	District Description and Maps Established
SECTION 6	Planned Unit Development
SECTION 7	Additional Uses Permitted by Amendment (Revised 5/24/16, Z33-C143)
SECTION 8	Off Street Parking and Loading
SECTION 9	Supplementary District Uses, Structures and Regulations (Signs, Site Plan Review etc.). Specific Supplemental Regulations Applicable to a Permitted Use are Referenced Following that Use
SECTION 10	Design and Development Standards for Multi-Family, Non-Residential, Commercial and Industrial Uses
SECTION 12.2	Zoning Certificate
SECTION 12.3	Conditions Under Which Zoning Certificates are Required
SECTION 12.4	Application and Issuance of Zoning Certificates
SECTION 12.5	Fees
SECTION 13	Board of Zoning Appeals
SECTION 14	Amendments

The permitted uses for each district are shown in the following tabulations which shall constitute Section 4 of the Zoning Resolution. The interpretation of uses given in categorical terms shall be as defined in Section 2. Uses not specifically listed or interpreted by the Board of Zoning Appeals to be included categorically under this Section and Section 2 shall not be permitted, except by action of the Zoning Commission and the Board of Trustees.

4.1 Permitted Uses

4.1.1 "A: Agricultural

- a. Accessory Buildings
- b. Agricultural
- c. Agricultural Roadside Stands; at least 50% products raised on premises
- d. Home Occupation; See Sections 2.1 and 9.10 (Revised 5/24/16, Z33-C143)
- e. Multi-Family Dwelling on major street; shall not have more than six (6) non-family members living in the residence at one time. (Revised 3/12/19, Z33-C149)
- f. Public parking abutting a "C" or "M" district; See Section 8
- g. Public Service Facilities
- h. Riding Stables
- i. Single-Family Dwelling

SECTION 4 USE REGULATIONS (cont'd)

4.1 Permitted Uses (cont'd)

4.1.2 "R-A" Suburban Residential

- a. Single-Family Dwelling
- b. Multi-Family Dwelling on major street, shall not have more than six (6) non-family members living in the residence at one time. (Revised 3/12/19, Z33-C149)
- c. Home Occupation; See Sections 2.1 and 9.10 (Revised 5/24/16, Z33-C143)
- d. Public Service Facilities

4.1.3 "C-1" Restricted Commercial District

- a. Accessory buildings and uses
- b. Antique shops
- c. Banks, including drive-in banks
- d. Barber shops
- e. Beauty parlor
- f. Book stores
- g. Clubs, lodges or fraternal not regularly serving food or beverages
- h. Florist shops
- i. Funeral home or mortuary
- j. Furriers
- k. Gift shops
- l. Jewelry stores
- m. Medical and dental clinics and offices
- n. Millinery
- o. Office, restricted
- p. Offices of such a kind and nature as doctor, business, charitable, finance, professional, and consulting offices, including offices of industrial or commercial establishments whose plants or outlets are not permitted in the C-1 Restricted Commercial District
- q. Pharmacy
- r. Shoe shops
- s. Show or display rooms for products not sold upon the premises
- t. Telephone exchange and outdoor telephone booths
- u. Trade or commercial schools
- v. Women's and men's wearing apparel
- w. Photographer or artist studios

4.1.4 "C-2" General Commercial

- a. Any use permitted in C-1
- b. Accessory buildings and uses
- c. Automobile service station
- d. Bakery with retail outlet
- e. Bowling alley, if in enclosed building
- f. Building materials, retail sales if within enclosed building
- g. Carpenter or cabinet shop if within enclosed building
- h. Clinics and laboratories
- i. Clubs, lodges, or fraternal organizations
- j. Dance Hall, if in enclosed building
- k. Games of skill, if in enclosed building
- l. Hotel
- m. Kennels
- n. Laundry or dry cleaning
- o. Lodging house

SECTION 4 USE REGULATIONS (cont'd)

4.1 Permitted Uses (cont'd)

- p. Motel
- q. Parking lot areas or public garages; See Section 8
- r. Restaurants
- s. Retail stores and businesses
- t. Shops: hobby, bicycles, shoe repair, upholstery, sign painting, plumbing, etc. if in enclosed building
- u. Skating Rink, if in enclosed building
- v. Taverns
- w. Theaters
- x. Wholesale business; no processing, fabrication, or assembly

4.1.5 "C-4" Highway Commercial

- a. Any use permitted in C-1 and C-2
- b. Sales, rental, leasing and service for automobiles and other vehicles, farm implement and construction machinery, mobile homes, travel trailers, and other recreational equipment. All outside storage open to view from off the premises shall be screened provided a limited area for outside display of merchandise, too large to feasibly store within a building, and not located within a required setback, may be approved as part of the site plan review.
- c. Automotive repair garages with not less than 1,200 square feet of shop repair space and auto, truck or trailer rental and storage. There shall be no outside storage in a required setback, no outside storage of damaged vehicles longer than 30 days and no dismantling of cars for parts. Any outside storage of vehicles or trailers shall be screened from view off the premises.
- d. Kennels and/or veterinary clinics provided there are no outside runs and provided runs enclosed within the walls of the building shall be not less than 250 feet from the property line.
- e. Motels with not less than 25 units.
- f. Restaurants containing not less than 2,000 square feet of separate inside dining area but not a night club, bar or tavern.
- g. Plumbing, heating, electrical or general contractors office, storage, and building material sales and storage but not concrete mixing or other processing involving excessive truck traffic or noise and provided no outside storage of materials shall be permitted within 100 feet the lot line and any outside storage including vehicles shall be screened from view for off the premises.
- h. Warehouse storage facilities, including wholesale distributor operations, with not more than 20,000 square feet of floor area provided all storage of goods shall be inside and all vehicle storage shall be screened from public view.
- i. Business and professional offices including doctors, lawyers, architects, insurance offices and beauty salons and any similar personal services.

SECTION 4 USE REGULATIONS (cont'd)

4.1 Permitted Uses (cont'd)

- j. The following "A" Agricultural District Uses:
 - 1) Agricultural
 - 2) Roadside stands for sale of agricultural and plant nursery products raised on the premises only
 - 3) Riding stables on sites of 40 acres or more. Abutting property in another zone may be counted in minimum acreage.
 - 4) Accessory buildings.
 - 5) Additional Uses Permitted by Amendment as provided in section 7.
(Revised 5/24/16, Z33-C143)
- k. Mail, packaging and/or parcel delivery service.

4.1.6. "M-1" Limited Industrial

- a. After passage of this Resolution, no dwelling may built, located, enlarged, or structurally altered in this district.
- b. Nursery and greenhouse.
- c. Contractors' establishments and construction equipment dealers, (provided that material or equipment are not stored inside).
- d. Carting, express, or hauling establishments.
- e. Building material storage and wholesaling (providing that materials are not stored in required yards).
- f. Printing shops or publishers.
- g. Bottling works.
- h. Radio or television broadcasting stations and towers.
- i. Research laboratories.
- j. Warehouses.
- k. Industrial plants manufacturing or assembling the following: Boats, small metal products such as bolts, nuts, screws, washers, rivets, nails, etc... lass products from previously manufactured glass; furniture and wood products; and plastic products for production of finished equipment.
- l. Other manufacturing plants and uses having performance characteristics similar to those listed in this section.
- m. Accessory buildings and uses.

4.1.7 "M-2" Heavy Industrial

- a. Any use permitted in "M-1" District, provided that no building or portion thereof shall be hereafter erected or structurally altered, converted or used for permanent dwelling purposes.
- b. Boiler works.
- c. Cement or cinder block manufacture.
- d. Glass manufacture.
- e. Glucose, dextrine or starch manufacture.
- f. Iron, steel, brass or copper foundry.
- g. Metal stamping.
- h. Paint, oil, shellac, varnish or turpentine manufacture
- i. Paper manufacture.
- j. Sauerkraut or pickle, etc., manufacture.
- k. Stone mill.
- l. Fat rendering or lard refining.

SECTION 4 USE REGULATIONS (cont'd)

4.1 Permitted Uses (cont'd)

4.1.7 "M-2" Heavy Industrial

- m. Other manufacturing plants and uses having performance characteristics similar to those listed in this Section.
- n. Grain elevators

4.2 Minimum Floor Area Requirements

The minimum floor area per family unit in square feet for dwellings erected on any lot shall not be less than that 1,200 square feet. In determining floor area, only the area used for living quarters shall be counted. Garages, carports, porches, and basements are to be excluded. (Revised 4/10/18, Z33-C145)

SECTION 4 USE REGULATIONS (cont'd)

4.3 Basic Yard (Setback), Area, and Height Requirements

Table 4-1 establishes the yard, area, and height requirements for all buildings: (Revised 9/9/96, Z33-C94)

TABLE 4-1

<u>Districts</u>	<u>Minimum Lot</u>		<u>Minimum Yard (feet)(5,6)</u>				<u>Maximum Height</u>
	<u>Area</u>	<u>Width(1)</u>	<u>Front</u>	<u>Rear</u>	<u>One Side</u>	<u>Stories</u>	<u>Feet</u>
A-Agricultural	5 acre	150(2)	(6)	50	10(3)	2 1/2	35
R-A Suburban Residential	12,000 sq. ft.	75	(6)	50	10(3)	2 1/2	35
C-1 Restricted Commercial	1 acre 20,000 sq. ft.	150(4)	50	25	-	3	45
C-2 General Commercial	1 acre	150(4)	50	25	10	3	45
C-3 Shopping Center	1 acre	150(4)	25	25	25	-	45
C-4 Highway Commercial	2 acres	300	100	50	20	2	35
M-1 Limited Industrial	-	-	25	25	15	3	45
M-2 Heavy Industrial	-	-	25	25	15	-	-

(Revised 4/10/18, Z33-C145)

- (1) Width must be continuous
- (2) 100 feet if public water and sewer are available
- (3) The main building shall be set back from the lot line one (1) additional foot for each two (2) feet of length over 50 feet. The maximum side yard required hereunder shall be 35 feet.
- (4) Interior lots in C-1, C-2, and C-3 districts fronting only on minor streets shall have a minimum width of 100 feet and a minimum area of 20,000 square feet.
- (5) Corner lots and lots having frontage on more than one (1) street shall provide the minimum front yard requirements on each street.
- (6) See Section 4.4.4 for required front yard setbacks on main county roads. A 35 foot front yard setback shall be required on minor residential streets not listed in Section 4.4.4. (Revised 9/9/96, Z33-C94)

SECTION 4 USE REGULATIONS (cont'd)

4.4 Exceptions

4.4.1 Nonresidential Zoning Abutting or Opposite an "A" or "R" District

TABLE 4 - 2			
Minimum Yards(1)			
Zoning District	Minimum Yard (feet)		
	Front	Side	Rear
Commercial	50	30	30
Industrial	100	50	100

- (1) Not less than the first 25 feet of the minimum yard area required under this section shall be used for landscape purposes only, with adequate fencing and screen planting.

4.4.2 Height

a) Buildings

The maximum height of buildings and number of stories specified under Sections 4.3 may be exceeded for public and semi-public buildings, commercial, industrial and apartment buildings provided the required front, side and rear yards are increased by one (1) foot for each foot of additional building height to a maximum height of 60 feet.

b) Structures

Height regulations of buildings shall not apply to telecommunication towers, monuments, church spires/bell towers, water, or fire towers, chimneys or cooling towers, silos, flagpoles except where the height of such structure will present a hazard to the safe landing and takeoff of aircraft at an established airport.

4.4.3 Architectural Projections

Open covered structures such as porches, canopies, balconies, platforms, and carports; structures such as patios, balconies, platform or decks that are covered and similar architectural projections, shall be considered a part of the building to which attached and shall not project into the required minimum front, side, or rear yard.

4.4.4 Setbacks of Buildings on Main County Roads

The required setbacks of buildings on main county roads shall be as required under Table 4.1 or as follows, whichever is greater.

- a. On lots and lands abutting the following roads or streets, no buildings shall hereafter be erected, enlarged, or reconstructed to extend nearer to the centerline of the road than 100 feet, except that the requirements of this section may be reduced to permit the erection of a single-family dwelling, where otherwise permitted, on a lot which does not meet the minimum area requirement and was recorded at the time of the adoption of this Resolution.

SECTION 4 USE REGULATIONS (cont'd)

4.4 Exception (cont'd)

- Airport Highway
- Berkey-Southern Road (except between Airport Highway and Sager Road)
S.R. 295
- Fulton-Lucas Road
- Monclova Road
- Providence-Neapolis-Swanton Road
- Sager Road (S.R. 20A) between Whitehouse-Spencer Road and Wilkins Road
- Shaffer Road
- Whitehouse-Spencer Road
- Wilkins Road (only that portion designated as S.R 295)
- Archbold-Whitehouse Road No. 132
- Waterville-Swanton Road (S.R. 64)
- Sherman-White Road No. 131

- b. On lots and lands abutting the following roads or streets, no buildings shall hereafter be erected, enlarged, or reconstructed to extend nearer to the centerline of the road than 75 feet, except that the requirements of this section may be reduced to permit the erection of a single-family dwelling, where otherwise permitted, on a lot which does not meet the minimum area requirement and was recorded at the time of the adoption of this Resolution.

- Berkey-Southern Road between Airport Highway and Sager Road
- Brindley Road
- Girdham Road
- Maumee-Western Road
- Sager Road between Wilkins Road and Girdham Road
- Scott Road
- Soul Road
- Wilkins Road (except portion designated as S.R. 295)
- Jeffers Road
- Manore Road
- Reed Road
- Ostrich Lane
- Devault Drive

SECTION 5 AIRPORT HIGHWAY OVERLAY DISTRICT

SECTION 5.1	Purpose and Intent
SECTION 5.2	Airport Highway Overlay District Boundaries
SECTION 5.3	Review and Approval Procedures
SECTION 5.4	Permitted and Additional Uses Permitted by Amendment (Revised 5/24/16, Z33-C143)
SECTION 5.5	Excluded Uses
SECTION 5.6	Accessory Buildings and Uses
SECTION 5.7	Development Standards
SECTION 5.8	Access to Individual Parcels
SECTION 5.9	Access Permits
SECTION 5.10	Access Options
SECTION 5.11	Traffic Impact Study
SECTION 5.12	Traffic Assessment Study
SECTION 5.13	Architectural Review Requirements
SECTION 5.14	Landscape Review Requirements
SECTION 5.15	General Landscape Requirements
SECTION 5.16	Specific Landscape Requirements
SECTION 5.17	Landscape Maintenance and Replacement Requirements
SECTION 5.18	Lighting Requirements
SECTION 5.19	Other Requirements

CROSS REFERENCES

SECTION 4	Use Regulations
SECTION 6	Planned Unit Development
SECTION 7	Additional Uses Permitted by Amendment (Revised 5/24/16, Z33-C143)
SECTION 8	Off-Street Parking and Loading
SECTION 11	Non-Conforming Uses and Structures
SECTION 12	Enforcement
SECTION 13	Board of Zoning Appeals
SECTION 14	Amendment

5.1 Purpose and Intent

The purpose of the Airport Highway Overlay District is to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering Airport Highway in Swanton Township. Airport Highway is a major east-west route through Swanton Township that links the Toledo Metropolitan area with Toledo Express Airport and the metropolitan areas to the west. Airport Highway is a regionally significant roadway that serves as a major corridor as the surrounding areas continue to grow and develop. The Airport Highway Overlay District provides standards and requirements intended to preserve the environmental and aesthetic qualities of the corridor and manage access to property in a manner that will maintain traffic safety and roadway capacity.

SECTION 5 AIRPORT HIGHWAY OVERLAY DISTRICT (cont'd)

5.2 Airport Highway Overlay District Boundaries

The boundaries of the District are hereby established as shown on the Swanton Township zoning maps. The District includes those parcels with frontage along the Airport Highway right-of-way to a depth of 660 feet from the centerline of the right-of-way along both sides, extending from Springfield Township to the east to the Village of Swanton to the west.

5.3 Review and Approval Procedures

Site plan review and approval is required for all new development, for any change of use, and for any existing structure that is enlarged by 25% or more or when the enlargement contains 5,000 square feet or more in floor area. Single-family dwellings are exempt from the site plan review requirements. The site plan review shall be as specified in Section 9.17 (Site Plan Review) of the Zoning Resolution. Building elevation drawings showing the front, rear and side views shall be submitted along with the site plan. In addition, the Ohio Department of Transportation requires a driveway access permit application for any new or modified access, as well as for a change in use for existing driveways. The Ohio Department of Transportation requires a traffic impact study for any proposed use that generates greater than 100 trips per peak hour.

(Revised 5/24/16, Z33-C143)

5.4 Permitted and Additional Uses by Amendment (Revised 3/12/19, Z33-C149)

All uses that are permitted or special uses in the underlying zoning district(s) are allowed in the Overlay District, except those uses expressly excluded by Section 5.5.

5.5 Excluded Uses

- Amusement parks in excess of ten acres
- Auction market with outdoor display and/or storage
- Automobile/truck repair garage (when repairs are conducted outside the confines of a building)
- Billboards
- Boat and recreational vehicle storage (outside)
- Contractor yard
- Dwelling, one and two family
- Extraction industry
- Junk Yard
- Landfill
- Manufactured home park
- Motor vehicle salvage yard
- Off-premises sign
- Open air flea markets
- Pole sign
- Roof sign
- Sale of fireworks
- Self-service storage facility
- Used car sales (when not in conjunction with new car sales)
- Used manufactured home, used mobile home or used industrialized dwelling unit sales

5.6 Accessory Buildings and Uses

All accessory buildings and uses which are permitted in the underlying zoning district(s) are permitted within the district, except that any detached accessory building on any lot shall have on all sides the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated. Accessory buildings used for single family residential or agricultural purposes are exempt from this requirement.

SECTION 5 AIRPORT HIGHWAY OVERLAY DISTRICT (cont'd)

5.7 Development Standards

5.7.1 Minimum Front Yard Setback

The minimum front yard setback along Airport Highway shall be the greater of 50 feet from the right-of-way line or 150 feet from the centerline of Airport Highway or as specified in the underlying zoning district. Parcels with frontage on more than one street shall have a minimum front yard setback from the right-of-way line of the minor street of 50 feet.

5.7.2 Minimum Side Yard Setback

As specified in the underlying zoning district.

5.7.3 Minimum Rear Yard Setback

As specified in the underlying zoning district. In addition, a twenty-five (25)' foot rear yard landscape area shall be provided for any commercial or industrial use where the rear yard abuts an agricultural or residential zoning district outside the overlay district.

5.7.4 Maximum Building Height

As specified in the underlying zoning district.

5.7.5 Minimum Front Yard Landscape Area

Thirty (30') feet along Airport Highway and fifteen (15') feet along side streets. The landscape area shall be located within the front yard setback area(s) and no off-street parking shall be located within the landscape area. In those instances where a parallel service road is provided within the required front yard the minimum landscape area width shall be ten (10') feet. Single family residential (new one and two-family dwellings are excluded uses per Section 5.5) and agricultural uses are exempt from this requirement.

5.7.6 Lot Frontage

No existing lot that has frontage along Airport Highway may be subdivided in such a manner so as to reduce such frontage to less than 200 feet or as specified in the underlying zoning district, whichever is greater. Existing lots of record at the time of this amendment's adoption with widths less than 200 feet retain their legal non-conforming status.

5.8 Access to Individual Parcels

Access along Airport Highway shall be reviewed relative to the distance from other drive approaches and from roadway intersections. Access shall be reviewed by the Lucas County Engineer and the Ohio Department of Transportation prior to approval. When the criteria noted in Section 5.3 are met or when otherwise deemed appropriate by the Lucas County Engineer, the Ohio Department of Transportation, or the Swanton Township Zoning Commission, the developer may be required to prepare a traffic impact study or a traffic assessment study.

5.9 Access Permits

All access permits shall be reviewed and approved by the Ohio Department of Transportation. Design and location of access driveways along Airport Highway shall be in compliance with applicable Ohio Department of Transportation guidelines and regulations.

SECTION 5 AIRPORT HIGHWAY OVERLAY DISTRICT (cont'd)

5.10 Access Options

The preferred method of providing access to parcels is to reduce or eliminate driveways and curb cuts by using front access drives (frontage roads), rear access drives, cross access easements and shared drive approaches. When parcels abut more than one roadway, the preferred access option is to locate access points on less-traveled roadways.

5.11 Traffic Impact Study

If required by the Lucas County Engineer, the Ohio Department of Transportation, or the Swanton Township Zoning Commission, a traffic impact study shall be prepared by a qualified Professional Engineer at the owner's or developer's expense. The study shall investigate the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations, etc. to protect the safety and welfare of the traveling public. The traffic impact study shall include the following elements:

1. A description of the site and study area.
2. Anticipated development of adjacent parcels.
3. Trip generation and distribution.
4. Traffic assignment resulting from the development.
5. Projected future traffic volumes
6. An assessment of the impact resulting from driveway alternatives.
7. Recommendations for site access and transportation improvements needed to maintain traffic flow at an acceptable and safe level of service.
8. An evaluation of the effects the proposed development will have on the level of service and roadway capacity.

5.12 Traffic Assessment Study

In lieu of a Traffic Impact Study, the Lucas County Engineer, the Ohio Department of Transportation, or the Swanton Township Zoning Commission may request a Traffic Assessment Study to accompany the site plan for review and consideration. The study shall be prepared by a qualified Professional Engineer at the owner's or developer's expense. The following information shall be included with the Traffic Assessment Study:

1. Proposed and/or existing building size and use, driveways, parking areas, and drive aisles.
2. Current use, parking areas, drive aisles and driveways from all properties opposite and adjacent the proposed site.
3. Road details including public right-of-way within the limits of the traffic impact, including the number and type of vehicular traffic lanes, traffic signal locations, and traffic control signs such as stop and yield.
4. Anticipated daily and peak hour traffic volumes at site access points.

5.13 Architectural Review Requirements

Site plan review shall include review of architectural design elements. The architectural design of buildings within the Airport Highway Overlay District shall include consideration of the following elements: scale and proportion, suitability of building materials, design in relation to surrounding buildings, design in relation to proposed landscaping and aesthetics of the proposed building.

SECTION 5 AIRPORT HIGHWAY OVERLAY DISTRICT (cont'd)

5.13 Architectural Review Requirements (cont'd)

The following standards shall apply to all building facades and exterior walls that are visible from adjoining streets or properties:

1. Ground floor facades that face streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent of their horizontal length.
2. Buildings shall have parapets or other architectural features concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed one-third of the height of the supporting wall and such parapets shall not be of a constant height for a distance of greater than fifty feet.
3. Predominant exterior building materials shall be seventy five (75%) percent high quality. These include, but are not limited to: (Revised 3/12/19, Z33-C149)
 - a. brick
 - b. natural stone, or
 - c. tinted, textured, concrete block or tilt-up masonry panels
4. Predominant exterior building materials shall not include the following:
 - a. smooth-faced concrete block
 - b. smooth-faced tilt-up concrete panels
 - c. pre-fabricated steel panels
5. The use of high-intensity colors, metallic colors, blacks or fluorescent colors is prohibited. Building trim and accent areas may feature bright colors, including primary colors.
6. Each principal building on a site shall have clearly defined, highly visible customer entrance featuring at least three elements including, but not limited to, the following:
 - a. arches
 - b. arcades
 - c. architectural details such as tile work and moldings which are integrated into the building structure and design
 - d. canopies or porticos
 - e. display windows
 - f. integral planters or wing walls that incorporate landscaped areas and/or places for sitting
 - g. outdoor patios
 - h. overhangs
 - i. peaked roof forms
 - j. raised cornice parapets over the door
 - k. recesses/projections

5.14 Landscape Review Requirements

Site plan review shall also include the review of landscape design elements and conformance with all applicable requirements.

SECTION 5 AIRPORT HIGHWAY OVERLAY DISTRICT (cont'd)

5.15 General Landscape Requirements

In addition to the required front yard landscape area, landscaping for all uses except single-family dwellings, shall be provided in the following areas:

1. At the perimeter of sites to buffer, separate, and/or screen adjacent land uses.
2. At the perimeter of parking lots to shade, separate, and/or screen the view of parked cars from adjacent streets and land uses.
3. In the interior of parking lots to provide shade and aesthetics.
4. Around the perimeter of buildings to enhance the appearance of structures.
5. When barriers or fences are utilized, plant material shall be included.
6. Plants, fencing and other landscape material areas shall not include any portion of the right-of-way.
7. All loading areas shall be landscaped for screening purposes.
8. Trash receptacles, outdoor storage, and refuse containment shall be screened from public view and shall not be placed within any required setback areas.

5.16 Specific Landscape Requirements

1. A planting strip at least five (5') feet in width shall be located along the perimeter of a parking area but not within any right-of-way. On the sides of the parking area facing a public roadway, this planting strip may be included in the front yard landscape area required in Section 5.7.5. Within this area, there shall be one (1) two and a half (2.5") inch caliper deciduous shade tree per fifty (50) linear feet of perimeter parking area. There shall also be a four (4) foot tall hedge of shrubs (evergreen or deciduous) to provide screening. An alternative arrangement of perimeter landscaping material such as mounding, fencing, or walls may be considered as part of the site plan review process.
2. Landscaping within parking areas is necessary not only to reduce the generation of heat and water runoff but also to break up visually the expanse of paved areas. The use of parking islands shall be strategically placed throughout the parking lot. The use of shade trees in these landscape areas shall be required. Any open parking area (including loading areas) containing more than six thousand (6,000) square feet of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:
 - a) An area equal to five percent (5%) of the total area devoted to parking spaces and aisle ways shall be landscaped and permeable.
 - b) For parking areas over fifty thousand (50,000) square feet in size, the required landscaping shall be designed to break up the visual expanse of pavement with landscape features such as boulevards, larger landscape islands, or areas of preserved on-site native vegetation. This landscaping requirement may also include storm water retention areas or drainage courses, if designed so as to provide an attractive natural asset to the site.

SECTION 5 AIRPORT HIGHWAY OVERLAY DISTRICT (cont'd)

5.16 Specific Landscape Requirements (cont'd)

- c) All required landscape areas shall be protected by curbing or a suitable barrier to prevent vehicle encroachment.
- d) The required plant materials for the interior of parking areas shall be one deciduous tree for every three thousand (3,000) square feet of area. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five (5') feet above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet in height.
- e) Foundation planting is required for all exterior building walls that are visible from a road. Foundation plantings shall be placed within five (5') feet of the building perimeter. Ten (10) shrubs shall be required for every one hundred (100) lineal feet of horizontal exterior building wall visible from the road, street, or highway.

If foundation plantings are deemed not practical due to unique features of the site and/or building, an alternative plan may be considered as part of the site plan review process.

- f) The required front yard landscape strip shall be unoccupied except for landscape material, steps, walks, terraces and driveways. Innovative treatments are encouraged in this area, but the design must not interfere with adequate sight distance. Within the landscape strip, at least one (1), two and one-half (2 ½") inch caliber deciduous or two (2), six (6') foot high evergreen trees or a combination, shall be installed for each one hundred (100') feet of property frontage along with other appropriate landscape materials.

5.17 Landscape Maintenance and Replacement Requirements

The lot owner shall be responsible for the maintenance of all landscaping. The following requirements shall apply:

1. Landscape material shall not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
2. Within two years of installation (or incorporation of existing vegetation), all trees, shrubs, ground covers and other plant materials shall be replaced if they fail to thrive.
3. Replacement plants shall conform to the approved plan. Dead or unhealthy plants shall be replaced within the next planting season.
4. As part of the site plan, a bond, escrow, or other suitable guarantee shall be filed with the Zoning Inspector to ensure the landscape material is installed. No Zoning Certificate shall be issued until the bond, escrow or other suitable guarantee is received.

SECTION 5 AIRPORT HIGHWAY OVERLAY DISTRICT (cont'd)

5.18 Lighting Requirements

In reviewing the lighting proposed for a lot to be developed in the District, factors to be considered include but are not limited to:

1. Safety provided by the lighting.
2. Security provided by the lighting.
3. Light spillage or glare onto adjoining residential properties and/or streets is prohibited.
4. Height and placement of lighting standards considering the use.

5.19 Other Requirements

1. Grade level mechanical equipment shall be screened from adjoining residential parcels and from the right of way(s).
2. All utilities shall be underground wherever possible.

SECTION 5A US 20A OVERLAY DISTRICT

SECTION 5A.1	Purpose and Intent
SECTION 5A.2	Airport Highway Overlay District Boundaries
SECTION 5A.3	Review and Approval Procedures
SECTION 5A.4	Permitted and Additional Uses Permitted by Amendment (Revised 5/24/16, Z33-C143)
SECTION 5A.5	Excluded Uses
SECTION 5A.6	Accessory Buildings and Uses
SECTION 5A.7	Development Standards
SECTION 5A.8	Access to Individual Parcels
SECTION 5A.9	Access Permits
SECTION 5A.10	Access Options
SECTION 5A.11	Traffic Impact Study
SECTION 5A.12	Traffic Assessment Study
SECTION 5A.13	Architectural Review Requirements
SECTION 5A.14	Landscape Review Requirements
SECTION 5A.15	General Landscape Requirements
SECTION 5A.16	Specific Landscape Requirements
SECTION 5A.17	Landscape Maintenance and Replacement Requirements
SECTION 5A.18	Lighting Requirements
SECTION 5A.19	Other Requirements

CROSS REFERENCES

SECTION 4	Use Regulations
SECTION 6	Planned Unit Development
SECTION 7	Additional Uses Permitted by Amendment (Revised 5/24/16, Z33-C143)
SECTION 8	Off-Street Parking and Loading
SECTION 11	Non-Conforming Uses and Structures
SECTION 12	Enforcement
SECTION 13	Board of Zoning Appeals
SECTION 14	Amendment

5A.1 Purpose and Intent

The purpose of the U.S. 20A Overlay District is to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering U.S. 20A in Swanton Township. U.S. 20A is a major east-west route through Swanton Township, and is designated as a major access road to Toledo Express Airport. The area in the vicinity of U.S. 20A is emerging as a significant growth corridor for commercial, and industrial development. U.S. 20 A is maintained under the jurisdiction of the Ohio Department of Transportation (ODOT). The U.S. 20A Overlay District provides standards intended to preserve and enhance the environmental and aesthetic qualities of the U.S. 20A Corridor and manage access to abutting property and the airport in a manner that will maintain traffic safety and roadway capacity. The U.S. 20A Zoning Overlay District is intended to provide additional zoning controls for the U.S. 20A Corridor in order to better manage access and land use in this area. The establishment of the Overlay District is intended to help implement and support the current Swanton Township land use plan. Inclusion of parcels within the overlay district boundaries is not intended to change the land use designations shown for those parcels in the plan.

SECTION 5A US 20A OVERLAY DISTRICT (cont'd)

5A.2 U.S. 20A Overlay District Boundaries

The boundaries of the district are hereby established as shown on the Zoning District Map. The district includes those parcels with frontage along the U.S. 20A right-of-way to a depth of 660 feet from the centerline of the right-of-way along both sides, extending from Whitehouse-Spencer Road (at the Monclova Township border) to SR 2 within Swanton Township.

5A.3 Review and Approval Procedures

Site plan review and approval shall be necessary for all new development and for any existing structure that is enlarged by 25% or more or when the enlargement contains 5,000 square feet or more in floor area. Existing single-family residences are exempt from these site plan review requirements but are required to obtain the ODOT driveway access permit noted below. Site plan review shall be required if any portion of the parcel lies within the overlay boundaries, even if all or part of the structure does not. The site plan review shall be as specified in Section 9.17 (Site Plan Review) of the Swanton Township Zoning Resolution. Building elevation drawings showing the front, rear and side views shall be submitted along with the site plan with the additional requirement that review and recommendation by the Lucas County Planning Commission staff and Township Zoning Commission be mandatory. In addition, ODOT requires a driveway access permit application for any new or modified access, as well as for a change in use for existing driveways. ODOT may require a performance bond for this permit. ODOT also requires a traffic impact study for any proposed use that generates greater than 100 trips per peak hour.

(Revised 5/24/16, Z33-C143)

5A.4 Permitted and Additional Uses Permitted by Amendment

All uses which are permitted or Additional Uses Permitted by Amendment in the underlying zoning district(s) except the uses expressly excluded by Section 5.A.5.

(Revised 5/24/16, Z33-C143)

5A.5 Excluded Uses

- Adult-oriented uses
- Amusement parks in excess of ten acres
- Auction market with outdoor display and storage
- Automobile/truck repair garage when not in conjunction with automobile/truck sales/leasing when not within an M-1 parcel in the overlay district
- Billboards
- Boat and Vehicle Storage
- Contractor Yard
- Dwelling, Multi-family
- Extraction Industry
- Flea market with outdoor sales or storage
- No industrial or manufacturing uses (e.g. M-1 or M-2) shall be permitted east of State Route 295 in the overlay district
- Junkyard
- Landfill
- Manufactured home, mobile home or industrialized dwelling unit sales

SECTION 5A US 20A OVERLAY DISTRICT (cont'd)

5A.5 Excluded Uses (cont'd)

Manufactured home park
Motor vehicle body shop when not within an M-1 parcel in the overlay district
Off-premises signs
Pole and Roof Signs
Sale of fireworks
Self-service storage facility
Used manufactured home, used mobile home or used industrialized dwelling unit sales

5A.6 Accessory Buildings and Uses

All accessory buildings and uses which are permitted in the underlying zoning district(s) are permitted within the district, except that any detached accessory building on any lot shall have on all sides the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated. Accessory buildings used for single-family residential or agricultural purposes are exempt from this requirement.

5A.7 Development Standards

A) Minimum Front Yard Setback

1. The minimum front yard setback along U.S. 20A shall be the greater of 50 feet from the right-of-way line or 150 feet from the centerline of the U.S. 20A pavement as of the date of adoption of this overlay district. Parcels with frontage on more than one street shall have a minimum front yard setback from the right-of-way line of the minor street of 50 feet.
2. In the event that any dwelling existing or under construction at the date of adoption of the U.S. 20A Zoning Overlay district is damaged so extensively that it must be rebuilt, the replacement dwelling may be constructed in accordance with the setback requirement in effect prior to adoption of the overlay district.
3. The front yard setback requirement in effect prior to adoption of the overlay district will remain in effect for any existing lot of record, or any portion of an existing lot of record under a single zoning district for split-zoned parcels, with a depth of 300 feet or less from the U.S. 20A centerline.

B) Minimum Side Yard Setback

As specified in the underlying zoning district.

SECTION 5A US 20A OVERLAY DISTRICT (cont'd)

5A.7 Development Standards (cont'd)

C) Minimum Rear Yard Setback

As specified in the underlying zoning district. In addition, a twenty-five (25) foot rear yard landscape area shall be provided for any commercial or industrial use where the rear yard abuts an agricultural or residential zoning district outside the overlay district. Existing single-family dwellings and agricultural uses are exempt from this requirement.

D) Maximum Building Height

As specified in the underlying zoning district.

E) Minimum Front Yard Landscape Area

Thirty (30) feet along U.S. 20A and 15 feet along side streets. The landscape area shall be located within the front yard setback area(s) and no off-street parking shall be located within the landscape area. Existing single-family residences are exempt from the front yard landscape area requirement. In those instances where a parallel service road is provided within the required front yard the minimum landscape area width shall be ten (10) feet. Existing single-family dwellings and agricultural uses are exempt from this requirement.

F) Lot Frontage

No existing lot that has frontage on U.S. 20A may be subdivided in such a manner so as to reduce such frontage on U.S. 20A to less than 200 feet or as specified in the underlying zoning district, whichever is greater. Existing lots of record at the time of this amendment's adoption with widths less than 200 feet retain their legal status in accordance with Section 11 of the Zoning Resolution.

G) Parking Requirements

Parking is prohibited in the front yard landscape area (see 5A.7.E) and in the rear yard setback when adjoining a residential district. The number of parking spaces required are as established in Section 8 of this resolution depending upon the zoning and the intended land use.

(Revised 5/24/16, Z33-C143)

5A.8 Access to Individual Parcels

Access along U.S. 20-A shall be reviewed relative to the distance from other drive approaches and from roadway intersections. Access shall be reviewed by the Lucas County Engineer and ODOT prior to approval. When the criteria noted in Section 5A.3 are met or when otherwise deemed appropriate by the Lucas County Engineer or ODOT or the Swanton Township Zoning Commission, the developer may be required to prepare a traffic impact study or a traffic assessment study.

(Revised 5/24/16, Z33-C143)

SECTION 5A US 20A OVERLAY DISTRICT (cont'd)

5A.9 Access Permits

All access permits shall be reviewed and approved by ODOT. Design and location of access driveways along U.S. 20-A shall be in compliance with applicable ODOT guidelines and regulations.

5A.10 Access Options

The preferred method of providing access to parcels is to reduce or eliminate driveways and curb cuts by using front access drives (frontage roads), rear access drives, cross access easements and shared drive approaches. When parcels abut more than one roadway, the preferred access option is to locate access points on less-traveled roadways.

5A.11 Traffic Impact Study

If required by the Lucas County Engineer, the Ohio Department of Transportation, or the Swanton Township Zoning Commission, a traffic impact study shall be prepared by a qualified Professional Engineer at the owner's or developer's expense. The study shall investigate the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations, etc. to protect the safety and welfare of the traveling public. The traffic impact study shall include the following elements:

1. A description of the site and study area.
2. Anticipated development of adjacent parcels.
3. Trip generation and distribution.
4. Traffic assignment resulting from the development.
5. Projected future traffic volumes.
6. An assessment of the impact resulting from driveway alternatives.
7. Recommendations for site access and transportation improvements needed to maintain traffic flow at an acceptable and safe level of service.
8. An evaluation of the effects the proposed development will have on the level of service and roadway capacity.

5A.12 Traffic Assessment Study

In lieu of a Traffic Impact Study, the Lucas County Engineer, the Ohio Department of Transportation, or the Swanton Township Zoning Commission may request a Traffic Assessment Study to accompany the site plan for review and consideration. The study shall be prepared by a qualified Professional Engineer at the owner's or developer's expense. The following information shall be included with the Traffic Assessment Study:

SECTION 5A US 20A OVERLAY DISTRICT (cont'd)

5A.12 Traffic Assessment Study (cont'd)

1. Proposed and/or existing building size and use, driveways, parking areas, and drive aisles.
2. Current use, parking areas, drive aisles and driveways from all properties opposite and adjacent the proposed site.
3. Road details including public right-of-way within the limits of the traffic impact, including the number and type of vehicular traffic lanes, traffic signal locations, and traffic control signs such as stop and yield.
4. Anticipated daily and peak hour traffic volumes at site access points.

5A.13 Architectural Review Requirements

Site plan review shall include review of architectural design elements. The architectural design of buildings within the Alternate 20 Overlay District shall include consideration of the following elements: scale and proportion, suitability of building materials, design in relation to surrounding buildings, design in relation to proposed landscaping and the proposed building.

The following standards shall apply to all building facades and exterior walls that are visible from adjoining streets or properties:

1. Ground floor facades that face streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent of their horizontal length.
2. Building shall have parapets or other architectural features concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed one-third of the height of the supporting wall and such parapets shall not be of a constant height for a distance of greater than fifty feet.
3. Predominant exterior building materials shall be seventy five (75%) percent high quality. These include, but are not limited to: (Revised 3/12/19, Z33-C149)
 - a. brick
 - b. natural stone, or
 - c. tinted, textured, concrete block or tilt-up masonry panels
4. Predominant exterior building materials shall not include the following:
 - a. smooth-faced concrete block
 - b. smooth-faced tilt-up concrete panels
 - c. pre-fabricated steel panels

SECTION 5A US 20A OVERLAY DISTRICT (cont'd)

5A.13 Architectural Review Requirements (cont'd)

5. The use of high-intensity colors, metallic colors, blacks or fluorescent colors is prohibited. Building trim and accent areas may feature bright colors, including primary colors.
6. Each principal building on a site shall have clearly defined, highly visible customer entrance featuring at least three elements including, but not limited to, the following:
 - a. arches
 - b. arcades
 - c. architectural details such as tile work and moldings which are integrated into the building structure and design
 - d. canopies or porticos
 - e. display windows
 - f. integral planters or wing walls that incorporate landscaped areas and/or places for sitting
 - g. outdoor patios
 - h. overhangs
 - i. peaked roof forms
 - j. raised cornice parapets over the door
 - k. recesses/projections

5A.14 Landscape Review Requirements

Site plan review shall also include the review of landscape design elements and conformance with all applicable requirements.

5A.15 General Landscape Requirements

In addition to the required front yard landscape area, landscaping for all uses except single-family dwellings, shall be provided in the following areas:

1. At the perimeter of sites to buffer, separate, and/or screen adjacent land uses.
2. At the perimeter of parking lots to shade, separate, and/or screen the view of parked cars from adjacent streets and land uses.
3. In the interior of parking lots to provide shade and aesthetics.
4. Around the perimeter of buildings to enhance the appearance of structures.
5. When barriers or fences are utilized, plant material shall be included.
6. Plants, fencing and other landscape material areas shall not include any portion of the right-of-way.

SECTION 5A US 20A OVERLAY DISTRICT (cont'd)

5A.15 General Landscape Requirements (cont'd)

7. All loading areas shall be landscaped for screening purposes.
8. Trash receptacles, outdoor storage, and refuse containment shall be screened from public view and shall not be placed within any required setback areas.

5A.16 Specific Landscape Requirements

1. A planting strip at least five (5') feet in width shall be located along the perimeter of a parking area but not within any right-of-way. Within this area, there shall be one (1) two and a half (2.5") inch caliper deciduous shade tree per fifty (50) linear feet of perimeter parking area. There shall also be a four (4) foot tall hedge of shrubs (evergreen or deciduous) to provide screening. An alternative arrangement of perimeter landscaping material such as mounding, fencing, or walls may be considered as part of the site plan review process.
2. Landscaping within parking areas is necessary not only to reduce the generation of heat and water runoff but also to break up visually the expanse of paved areas. The use of parking islands shall be strategically placed throughout the parking lot. The use of shade trees in these landscape areas shall be required. Any open parking area (including loading areas) containing more than six thousand (6,000) square feet of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:
 - a. An area equal to five percent (5%) of the total area devoted to parking spaces and aisle ways shall be landscaped and permeable.
 - b. For parking areas over fifty thousand (50,000) square feet in size, the required landscaping shall be designed to break up the visual expanse of pavement with landscape features such as boulevards, larger landscape islands, or areas of preserved on-site native vegetation. This landscaping requirement may also include storm water retention areas or drainage courses, if designed so as to provide an attractive natural asset to the site.
 - c. All required landscape areas shall be protected by curbing or a suitable barrier to prevent vehicle encroachment.
 - d. The required plant materials for the interior of parking areas shall be one deciduous tree for every three thousand (3,000) square feet of area. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five (5') feet above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet in height.

SECTION 5A US 20A OVERLAY DISTRICT (cont'd)

5A.16 Specific Landscape Requirements (cont'd)

- e. Foundation planting is required for all exterior building walls that are visible from a road. Foundation plantings shall be placed within five (5') feet of the building perimeter.
- f. Ten (10) shrubs shall be required for every one hundred (100) lineal feet of horizontal exterior building wall visible from the road, street, or highway. If foundation plantings are deemed not practical due to unique features of the site and/or building, an alternative plan may be considered as part of the site plan review process.
- g. The required front yard landscape strip shall be unoccupied except for landscape material, steps, walks, terraces and driveways. Innovative treatments are encouraged in this area, but the design must not interfere with adequate sight distance. Within the landscape strip, at least one (1), two and one-half (2 ½") inch caliber deciduous or two (2), six (6') foot high evergreen trees or a combination, shall be installed for each one hundred (100') feet of property frontage along with other appropriate landscape materials.

5A.17 Landscape Maintenance and Replacement Requirements

The lot owner shall be responsible for the maintenance of all landscaping. The following requirements shall apply:

- 1. Landscape material shall not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
- 2. Within two years of installation (or incorporation of existing vegetation), all trees, shrubs, ground covers and other plant materials shall be replaced if they fail to thrive.
- 3. Replacement plants shall conform to the approved plan. Dead or unhealthy plants shall be replaced within the next planting season.
- 4. As part of the site plan, a bond, escrow, or other suitable guarantee shall be filed with the Zoning Inspector to ensure the landscape material is installed for a period of three years. No Zoning Certificate shall be issued until the bond, escrow or other suitable guarantee is received.

5A.18 Lighting Requirements

In reviewing the lighting proposed for a lot to be developed in the District, factors to be considered include but are not limited to:

SECTION 5A US 20A OVERLAY DISTRICT (cont'd)

5A.18 Lighting Requirements (cont'd)

1. Safety provided by the lighting.
2. Security provided by the lighting.
3. Light spillage or glare onto adjoining residential properties and/or streets is prohibited.
4. Height and placement of lighting standards considering the use.

5A.19 Other Requirements

1. Grade level mechanical equipment shall be screened from adjoining residential parcels and from the right of way(s).
2. All utilities shall be underground wherever possible.

SECTION 5B SOUTH BERKEY SOUTHERN ROAD (NORTH AND SOUTH SR 295) OVERLAY DISTRICT

SECTION 5B.1	Purpose and Intent
SECTION 5B.2	Airport Highway Overlay District Boundaries
SECTION 5B.3	Review and Approval Procedures
SECTION 5B.4	Permitted and Additional Uses Permitted by Amendment (Revised 5/24/16, Z33-C143)
SECTION 5B.5	Excluded Uses
SECTION 5B.6	Accessory Buildings and Uses
SECTION 5B.7	Development Standards
SECTION 5B.8	Access to Individual Parcels
SECTION 5B.9	Access Permits
SECTION 5B.10	Access Options
SECTION 5B.11	Traffic Impact Study
SECTION 5B.12	Traffic Assessment Study
SECTION 5B.13	Architectural Review Requirements
SECTION 5B.14	Landscape Review Requirements
SECTION 5B.15	General Landscape Requirements
SECTION 5B.16	Specific Landscape Requirements
SECTION 5B.17	Landscape Maintenance and Replacement Requirements
SECTION 5B.18	Lighting Requirements
SECTION 5B.19	Other Requirements

5B.1 Purpose and Intent

The purpose of the South Berkey Southern Rd North and South State Route 295 overlay district is to promote and protect the public health, safety, comfort, convenience, and general welfare by providing for consistent and coordinated treatment of the properties bordering the South Berkey Southern Rd - North and South State Route 295. The South Berkey Southern North and South SR 295 overlay district encompasses both sides of the road and both ends border to border from Shaffer Road and South Berkey Southern Rd North SR 295 too Archbold White House Rd South Berkey Southern South SR 295, within Swanton Township. The boundaries of the district are hereby established as shown on the Swanton Township zoning maps. The South Berkey Southern Rd State Route 295 overlay district provides standards and requirements intended to preserve the environmental and aesthetic qualities of the corridor and manage access to property in a manner that will maintain Traffic Safety and roadway capacity.

5B.2 The South Berkey Southern Rd North and South State Route 295 Overlay District Boundaries

The boundaries of the district are hereby established as shown on the Swanton Township zoning maps. The district includes those partials with frontage along the South Berkey Southern North South State Route 295 right of way to a depth of 660 feet from the center line of the right of way along both sides extending from Shaffer Rd and South Berkey Southern Rd N 295 to South Berkey Southern Rd State Route South 295 to Archbold Whitehouse Rd within Swanton Township. North South State Route 295 Extend to the Airport Highway Overlay. “South State Route 295” Begin at US20A Overlay.

SECTION 5B SOUTH BERKEY SOUTHERN ROAD OVERLAY DISTRICT (cont'd)

5B.3 Review and Approval Procedures

Site plan review and approval is required for any change of use and for any existing structure that is enlarged by 25% or more or when the enlargement contains five thousand square feet or more in floor area. Single-family dwellings are exempt from the site plan review requirements. The site plan review shall be as best specified in section 9.16 (site plan review) of the Swanton Township Zoning Resolution. Building elevation drawings showing the front rear and side views shall be submitted along with the site plan would be additional requirement that review and recommendation by the Lucas County Planning Commission staff and Township zoning Commission be mandatory. In addition, The Ohio Department of Transportation requires a driveway access permit application for any new or modified access, as well as for a change in use for existing driveways. The Ohio Department of Transportation requires a traffic impact study for any proposed use that generates greater than one hundred trips per peak hour.

5B.4 Permitted and additional use is permitted by amendment

All uses which are permitted or additional use is permitted by amendment in the underlying zoning district(s) except the uses expressly excluded by section 5B.5

5B.5 Excluded uses

Adult oriented uses
Amusement parks in excess of 10 acres
Auction market with outdoor display and storage
Automobile/ truck repair garage were not in conjunction with automobile/ truck sales/ leasing would not within an M1 parcel in the overlay district
Billboards
Boat and vehicle storage
Campgrounds
Contractor yard
Dwelling multifamily
Extraction industry
Flea market with outdoor sales or storage
No industrial or manufacturing uses (e.g. M-1 or M-2) shall be permitted east and/or west of South Berkey Southern Rd South State Route 295 in the South Berkey Southern South 295 overlay district
Junkyard
Landfill
Manufactured home mobile home or industrialized dwelling unit sales in the South Berkey Southern Rd South 295 overlay district
Manufactured Home Park in the South Berkey Southern Rd South 295 portion of the overlay district
Motor vehicle Body Shop when not within an M-1 parcel in the overlay district
Off premise signs
Pole and roof signs
Recreation facilities: Buildings, structures, lands or water areas used for social, leisure and recreational activities used as:

SECTION 5B SOUTH BERKEY SOUTHERN ROAD OVERLAY DISTRICT (cont'd)

- a) Commercial Recreation facilities - recreational facilities open to the public and operated for profit. These include, but are not limited to, golf courses, racquet clubs, tennis clubs, banquet halls, swimming pools, riding stables and amusement centers, carnivals or parks.
- b) Non- Commercial Recreation Facilities- public and semi public recreational facilities which are not operated for commercial gain. These include, but are not limited to private clubs, community swimming pools, tennis courts, golf courses, and church or nonprofit organization recreational facilities.

Sale of fireworks

Self-service storage facility

Used manufactured home, used mobile home, or used industrialized dwelling unit sales

5B.6 Accessory Buildings and Uses

All accessory buildings and uses which are permitted in the underlying zoning district(s) are permitted within the district except that any detached accessory building on any lot is recommended to have on all sides the same architectural features or shall be architecturally compatible with the principal buildings with which it is associated accessory building dues for single family residential or agricultural purposes are exempt from this requirement.

5B.7 Development standards

A) Minimum front yard set back

- 1) The minimum front yard setback along South Berkey Southern Rd state route 295 shall be the greater of 50 feet from the right of way line or 150 feet from the center line of the South Berkey Southern Rd State Route 295 pavement as of the date of adoption of this overlay district. Parcels with frontage on more than one street shall have a minimum front yard setback from the right -of- way line of the minor street of 50 feet.
- 2. In the event that any dwelling existing or under construction at the date of adoption of the South Berkey Southern Rd State Route 295 Zoning Overlay district is damaged so extensively that it must be rebuilt, the replacement dwelling may be constructed in accordance with the setback requirement in effect prior to adoption of the Overlay district.
- 3. The front yard setback requirement in effect prior to adoption of the overlay district will remain in effect for any existing lot of record, or any portion of an existing lot of record under a single zoning district for split- zoned parcels, with a depth of 300 feet or less from the South Berkey Southern Rd state route 295 center line.

SECTION 5B SOUTH BERKEY SOUTHERN ROAD OVERLAY DISTRICT (cont'd)

B) Minimum Side Yard Setback

As specified in the underlying zoning district

C) Minimum Rear Yard Setback

As specified in the underlining zoning district. In addition, a 25-foot rear yard landscape area shall be provided for any commercial or industrial use where the rear yard abuts an agricultural zoning district outside the overlay district. Existing single-family dwellings and architectural uses are exempt from this requirement.

D) Maximum Building Height

As specified in the underlying zoning district

E) Minimum Front Yard Landscape Area

A 30 feet landscape strip shall be provided along South Berkey Southern Rd and State Route 295 and 15 feet along side streets. The landscape area shall be located within the front yard setback area(s) and no off-street parking shall be located within the landscape area. Existing single-family residences are exempt from the front yard landscape area requirement. In those instances where I parallel service road is provided within the required front yard the minimum landscape area width shall be 10 feet. Existing single-family dwellings and agricultural uses are exempt from this requirement.

F) Lot frontage

No existing lot that has frontage on South Berkey Southern Rd State Route 295 may be subdivided in such a manner so as to reduce such frontage on South Berkey southern Rd state route 295 to less than 200 feet or as specified in the underlying zoning district, whichever is greater. Existing lots of record at the time of this amendment's adoption with widths less than 200 feet retain their legal status in accordance with section 11 of the Zoning Resolution.

G) Parking Requirement

Parking is prohibited in the front yard landscape area and in the rear yard setback when adjoining an agricultural district. The number of parking spaces required are as established in Section 8 of this resolution depending upon the zoning and the intended land use.

SECTION 5B SOUTH BERKEY SOUTHERN ROAD OVERLAY DISTRICT (cont'd)

5B.8 Access to Individual Parcels

Access along South Berkey Southern Rd State Route 295 shall be reviewed relative to the distance from other drive approaches and from roadway intersections access shall be reviewed by the Lucas County engineer and ODOT prior to approval. When the criteria noted in section 5A.3 are met or when otherwise deemed appropriate by the Lucas County engineer or ODOT or the Swanton Township Zoning Commission the developer may be required to prepare a traffic impact study or a traffic assessment study.

5B.9 Access Permits

All access permits shall be reviewed and approved by ODOT. Design and location of access driveways along S Berkey Southern Rd State Route 295 shall be in compliance with applicable ODOT guidelines and regulations.

5B.10 Access Options

The preferred method of providing access to parcels is to reduce or eliminate driveways and curb cuts by using front access drives (frontage roads), rear access drives, cross access easements and shared drive approaches. When Parcels abut more than one roadway the preferred access option is to locate access points on less traveled roadways.

5B.11 Traffic Impact Study

If required by the Lucas County engineer, the Ohio Department of Transportation, or the Swanton Township Zoning Commission, a traffic impact study shall be prepared by qualified Professional Engineer at the owners or developer's expense. The study shall investigate the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations, ETC. to protect the safety and welfare of the traveling public. The traffic impact study shall include the following elements

- 1) A description of the site and study area
- 2) Anticipated development of adjacent parcels
- 3) Trip generation and distribution
- 4) Traffic assignment resulting from the development
- 5) Projected future traffic volumes
- 6) And assessment of the impact resulting from driveway alternatives
- 7) Recommendations for site access and transportation improvements needed to maintain traffic flow at an acceptable and safe level of service
- 8) Any valuation of the effects the proposed development will have on the level of service and roadway capacity.

SECTION 5B SOUTH BERKEY SOUTHERN ROAD OVERLAY DISTRICT (cont'd)

5B.12 Traffic Assessment Study

In lieu of a traffic impact study the Lucas County engineer, the Ohio Department of Transportation, or the Swanton Township Zoning Commission may request a traffic assessment study to accompany the site plan for review and consideration the study shall be prepared by a qualified Professional Engineer at the owner's or developer's expense. The following information shall be included with the Traffic Assessment Study.

- 1) Proposed and/or existing building size and use, driveways, parking areas, and drive aisles.
- 2) Current use, parking areas, drive aisles and driveways from all properties opposite and adjacent the proposed site.
- 3) Road details including public right- of- way within the limits of the traffic impact, including the number and type of vehicle traffic lanes, traffic signal locations, and traffic control signs such as stop and yield.
- 4) Anticipated daily and peak hour traffic volumes at site access points.

5B.13 Architectural Review Requirements

Site plan review shall include review of architectural design elements. The architectural design of buildings within the South Berkey Southern Rd State Route 295 overlay district is recommended to include consideration of the following elements: scale and proportion, suitability of building materials, design in relation to surrounding buildings, design in relation to proposed landscaping and the proposed building.

The following standards apply to all building facades and exterior walls that are visible from adjoining streets or properties

1. Ground floor facades that face streets are recommended to have arcades, display windows, entry awnings, awnings, or others such features along no less than 50% of their horizontal length
2. Building are recommended to have parapets or other architectural features concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 1/3 of the height of the supporting wall and such purpose shall not be of a constant height for a distance of greater than 50 feet
3. Exterior building materials are recommended to be 75% high quality these materials are:
 - a) Brick
 - b) Natural stone
 - c) Tinted, textured, concrete block, or
 - d) Tinted, textured, tilt up masonry panels

SECTION 5B SOUTH BERKEY SOUTHERN ROAD OVERLAY DISTRICT (cont'd)

4. 75% of each building exterior building materials are recommended to not include the following
 - a) smooth faced concrete block
 - b) smooth faced tilt up concrete panels
 - c) prefabricated steel panels / metal siding
 - d) vinyl / composite siding
5. The use of high intensity colors, metallic colors, blacks or fluorescent colors is prohibited. Building trim and accent areas may feature bright colors including primary colors.
6. Each principal building on a site is recommended to have clearly defined, highly visible customer entrance featuring at least three elements including, but not limited to, the following
 - a) Arches
 - b) Arcades
 - c) Architectural details such as tile work and moldings which are integrated into the building structure and design
 - d) Canopies or porticos
 - e) Display windows
 - f) Integral planters or wing walls that incorporate landscaped areas and/ or places for sitting
 - g) Outdoor patios
 - h) Overhangs
 - i) Peeked roof forms
 - j) Raised cornice parapets over the door
 - k) Recesses/ projections

5B.14 Landscape review requirements

Site plan review shall also include the review of landscape design elements and conformance with all applicable requirements.

5B.15 General landscape requirements

In addition to the required front yard landscape area landscaping for all uses except single-family dwellings, shall be provided in the following areas

1. At the perimeter of sites to buffer, separate, an/ or screen adjacent land uses
2. At the perimeter of parking lots to shade, separate, and/ or screen the view of parked cars from adjacent streets and land uses
3. In the interior of parking lots to provide shade and aesthetics
4. Around the perimeter of buildings to enhance the appearance of structures
5. When barriers or fences are utilized plant material shall be included
6. Plants fencing and other landscape material areas shall not include any portion of the right of way
7. All loading areas shall be landscaped for screening purposes
8. Trash receptacles outdoor storage and refuge containment shall be screened from public view and shall not be placed within any required set back areas

SECTION 5B SOUTH BERKEY SOUTHERN ROAD OVERLAY DISTRICT (cont'd)

5B.16 Specific landscape requirements

1. A planting strip at least five feet in width shall be located along the perimeter of a parking area but not within any right of way. Within this area, there shall be one (2 ½) inch caliber shade trees per 50 linear feet of perimeter parking area. There shall also be a four-foot-tall hedge of shrubs to provide screening. An alternative arrangement of perimeter landscaping material such as mounding, fencing, or walls may be considered as part of the site plan review process.

2. Landscaping within parking areas is necessary not only to reduce the generation of heat and water runoff but also to break up visibly the expanse of paved areas. The use of parking island shall be strategically placed throughout the parking lot. The use of shade trees in these landscape areas shall be required. Any open parking area (including loading areas) containing more than 6000 square feet of area, or 15 or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening

a) An area equal to 5% of the total area devoted to parking spaces and shall be landscaped and permeable.

b) For parking areas over 50,000 square feet in size the required landscaping shall be designed to break up the visual expanse of pavement with landscape features such as boulevards larger landscape islands or areas of preserved on-site native vegetation. This landscaping requirement may also include stormwater retention areas or drainage courses, if design so as to provide an attractive natural asset to the site.

c) All required landscape areas shall be protected by curbing or a suitable barrier to prevent vehicle encroachment

d) That required plant materials for the interior of parking areas Shelby one deciduous tree for every 3000 square feet of area. Where sight distance or maneuvering conflicts exit trees shall have a clear trunk of at least five feet above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed 2 feet in height.

e). Foundation planting is required for all exterior building walls that are visible from a road. Foundation planting shall be placed within 5 feet of the building perimeter.

f) 10 shrubs shall be required for every 100 lineal feet of horizontal exterior building wall visible from the road, street, or highway. If foundation plantings are deemed not practical due to unique features of the site and/ or building, and alternative plan may be considered as part of the site plan review process.

g) The required front yard landscape strip shall be unoccupied except for landscape material, steps, walks, terraces and driveways. Innovative treatments are encouraged in this area, but the design must not interfere with adequate sight distance. Within the landscape strip, at least one 2 1/2-inch caliber deciduous or two 6-foot-high Evergreen trees or a combination, shall be installed for each one 100 feet of property frontage along with other appropriate landscape materials

SECTION 5B SOUTH BERKEY SOUTHERN ROAD OVERLAY DISTRICT (cont'd)

5B.17 Landscape maintenance and replacement requirements

The lot owner shall be responsible for the maintenance of all landscaping. The following requirements shall apply

1. Landscape material shall not interfere with Public Utilities, restrict pedestrian or vehicle access, or otherwise constitute a traffic hazard.
2. Within two years of installation (or incorporation of existing vegetation), all trees, shrubs, groundcovers and other plant materials shall be replaced if they fail to thrive.
3. Replacement plants shall conform to the approved plan. Dead or unhealthy plants shall be replaced within the next planting season.
4. As part of the site plan, a bond, escrow, or other suitable guarantee shall be filed with the zoning inspector to ensure the landscape material is installed for a period of three years. No zoning certificate shall be issued until the bond, escrow, or other suitable guarantee is received.

5B.18 Lighting requirements

In reviewing the lighting proposed for a lot to be developed in the district, factors to be considered include but are not limited to:

1. Safety provided by the lighting
2. Security provided by the lighting
3. Light spillage or glare onto adjoining residential properties and or streets is prohibited
4. Height and placement of lighting can

5B.19 Other requirements other requirements

1. Grade level mechanical equipment shall be screened from adjoining residential parcels and from the right of way(s)
2. All utilities shall be underground wherever possible.

SECTION 6 PLANNED UNIT DEVELOPMENT

SECTION 6.1	General
SECTION 6.2	Description
SECTION 6.3	Procedure
SECTION 6.4	"A" or "R" Districts, Planned Unit Development
SECTION 6.5	"C" District Planned Unit Development
SECTION 6.6	"M" District Planned Unit Development

CROSS REFERENCES

SECTION 2	Definitions
SECTION 3	Establishment of Districts
SECTION 4	Use Regulations
SECTION 7	Additional Uses Permitted by Amendment (Revised 5/24/16, Z33-C143)
SECTION 8	Off Street Parking and Loading
SECTION 9	Supplementary District Uses, Structures and Regulations
SECTION 10	Design and Development Standards for Multi-Family, Non-Residential, Commercial and Industrial Uses Subdivision Rules and Regulations Lucas County

6.1 General

For the purpose of conserving land through more efficient allocation of private lots, multi-family dwelling units, common grounds and other non-residential uses, promoting efficiency in providing public utility services and receiving the benefits of new techniques of community development and renewal, the process of planned unit development shall be established for all districts.

6.2 Description

Planned Unit Developments may be residential, commercial or industrial developments, or they may be combinations of uses, such as residential and commercial, or commercial and industrial. The minimum site area for a residential development shall be two (2) net acres; for a commercial development, five (5) net acres; and for an industrial development, 25 net acres. If a combination of uses is proposed, a residential-commercial development shall have a minimum of 25 net acres and a commercial industrial development, a minimum of 30 net acres. Net acres for combination developments are defined as gross parcel acreage less public or private rights-of-way.

In combination developments, the amount of land devoted to commercial usage shall not exceed 10% of the total land area of the development. All planned unit developments must be arranged progressively in relation to the zoning of the area abutting. The Zoning Commission may recommend and the Township Trustees may approve reduction in the area of a Planned Unit Development for those sites which are isolated by natural or man made barriers or by existing development so that additional land is not available for inclusion in the new development. All planned unit developments shall be platted in accordance with applicable subdivision rules and regulations.

6.3 Procedure

6.3.1 Application: The development plan shall be submitted and processed in accordance with Section 14 and shall meet requirements of Section 9.14.

SECTION 6 PLANNED UNIT DEVELOPMENT (cont'd)

6.3 Procedure (cont'd)

6.3.2 Amendments (changes): After the final development plan has been approved by the Board of Township Trustees, adjustments or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested. Minor Changes as defined herein are allowed subject to the review and approval of the Zoning Inspector, provided such requests conform to the standards established by the final development plan and this Resolution. A major change as defined herein, shall require approval by the Zoning Commission with review of the Planning Director of the Lucas County Planning Commission.

- A. Minor changes or revisions to an approved Planned Unit Development are allowed for the following:
 - 1. Adjustments to the size and location of buildings, swimming pools, and other on-site structures so long as:
 - a) they do not result in an increase in the number of units over and above those that the plan covers;
 - b) they do not encroach materially into the established setback areas;
 - c) they do not encroach into the designated parking areas to the extent that would necessitate an alteration in the layout of the access drives or provisions for additional parking spaces; and
 - d) they do not create a large building mass either through an increase in their height or length that would magnify their effect on the adjoining areas.
 - 2. Alterations to the proposed drives and/or parking so long as they do not encroach into building areas or specified recreation areas.
 - 3. Adjustments in the size and location of development identification signs.
- B. A major change is any change that does not meet the criteria under part A of this section and in addition, is one which would constitute a significant alteration in the basic plan design or result in a use different from those originally intended. A major change shall require approval by the Zoning Commission with review of the Planning Director of the Lucas County Planning Commission.

6.4 "A" or "R" Districts, Planned Unit Development

6.4.1 General: In an "A" or "R" District Planned Unit Developments may be permitted as follows:

- a) No more than 40 % of gross parcel acreage shall be devoted to coverage by buildings, street pavement, motor vehicle driveway pavement, and parking area pavement.

SECTION 6 PLANNED UNIT DEVELOPMENT (cont'd)

6.4 "A" or "R" Districts, Planned Unit Development (cont'd)

- b) No less than 10,000 sq. ft. or 10 % of the net parcel acreage whichever is greater, none of which shall be a part of any yard, shall be allocated to consolidated common green space and/or recreation areas. Such open space land or recreational facilities shall be held in corporate ownership by the owners of the project area building sites, and the developer shall incorporate into the protective covenants and/or deed restrictions, a clause giving an interest in such land to each owner who buys property within the development. As an alternate to a property owners' association, the developer may deed the land to the Township, which shall maintain the open space in lieu of a property owners' association.
- c) A yard setback of 25 feet shall be maintained on all perimeter parcels of the Planned Unit Development.
- d) Maximum number of dwelling units permitted shall not exceed the number of units permitted without the Planned Unit Development as determined by the zoning district, subdivision, or other applicable regulations. The maximum number of dwelling units permitted in the Planned Unit Development shall be calculated by dividing the net residential acreage by the minimum lot area per dwelling unit as shown under Section 4. For purposes of this calculation, net residential acreage equals 80 % of the gross parcel acreage and gross parcel acreage is the total parcel area excluding existing public rights-of-way or flood plain.

6.4.2 Zero Lot Line Development

a) Minimum Dimensions

To provide maximum flexibility for the development of residential lots, the dimensional requirements under Section 4 may be reduced 33 1/3 % or no less than the following dimensions:

	Minimum Lot Width ¹	Minimum Lot Area ²	Minimum Yard (in feet)	
<u>Dwelling</u>	<u>Per Family</u>	<u>Per Family</u>	<u>Front</u>	<u>Rear</u>
Single or Two Family	45 feet	5,000 sq.ft.	30	0
Multi Family	24 feet	2,400 sq.ft.	30	0

	Minimum Yard Width (in feet) <hr/> Sum of Either Side		Maximum Height Of Buildings	
<u>Dwelling</u>	<u>Side</u>	<u>Yards</u>	<u>Stories</u>	<u>Feet</u>
Single or Two Family	0 to 10	10	2	35
Multi Family	0 to 10*	10*	2	35

Footnotes: ¹ Reductions below minimum requirements of Lucas County Subdivision Regulations shall require approval by the Lucas County Planning Commission

² Applies to each end unit

SECTION 6 PLANNED UNIT DEVELOPMENT (cont'd)

6.4 "A" or "R" Districts, Planned Unit Development (cont'd)

b) Minimum Requirements

1. Maximum lot coverage of structures shall not exceed 75 % of net acreage.
2. Minimum Yard area, exclusive of structures, is 600 square feet.
3. The opposite side yard set back of greater than 10 feet shall contain no permanent structures.
4. Walls of structures along the zero lot line setback must not contain any windows, doors, or openings of any kind.

6.5 "C" District Planned Unit Development

6.5.1 General:

In "C" Districts, a planned unit development may be permitted in accordance with the following provisions if the Commission is satisfied (1) that the proponents of the development are financially able to carry out the proposed project; (2) that they intend to start construction within one year of the approval of the project and necessary change in zoning; (3) that they intend to complete it within a reasonable time as determined by the Commission; and (4) that the need for the proposed development has been demonstrated by means of market studies and such other evidence as the Commission may require.

- a) Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. In planning these groups of buildings or establishments, no yard space will be required between uses within the groups; however, the yard requirements must be observed at the edge of the complete development. Planting screens or fences as provided elsewhere in this resolution shall be required.
- b) Off-street parking and loading requirements shall be observed as required; however, group parking is recommended so long as the number of spaces provided is equal to the required number of spaces required for each use to be developed.
- c) The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the developer as well as from the stand-point of the adjoining and surrounding existing or potential developments.
- d) The ground area occupied by all the buildings shall not exceed in the aggregate 25% of the total area of the lot or tract.

6.6 "M" District Planned Unit Development

6.6.1 General:

In "M" Districts, a planned unit development may be permitted as follows:

SECTION 6 PLANNED UNIT DEVELOPMENT (cont'd)

6.6 "M" District Planned Unit Development (cont'd)

- a) Industrial uses and parcels shall be developed in park like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping or groupings in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order that those thoroughfares which are constructed may be built to the highest possible standards.
- b) Certain types of commercial uses, such as a restaurant, central secretarial or stenographic pool, or other business service type uses, repair services, or clinics may form a small commercial center to serve the needs of the industries or their personnel, may be permitted in a planned industrial area.
- c) Off-street parking and loading areas shall conform to the provisions of this resolution, and all screening requirements shall be observed.
- d) No building shall be less than 75 feet distant from any boundary of the tract on which the office, research, or industrial development is located. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

SECTION 7 ADDITIONAL USES PERMITTED BY AMENDMENT

SECTION 7.1	Purpose
SECTION 7.2	Additional Uses Permitted by Amendment and Procedures (Revised 5/24/16, Z33-C143)

CROSS REFERENCES

SECTION 2	Definitions
SECTION 3	Establishment of Districts
SECTION 4.5	Basic Yard, Area, Plot Coverage and height Requirements for all Buildings Other Than Dwellings
SECTION 8	Off Street Parking and Loading
SECTION 9	Supplementary District Uses, Structures and Regulations
SECTION 14	Amendments

7.1 Purpose

In addition to uses specifically classified and permitted in each District in this Resolution, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These "Additional Uses Permitted by Amendment" require particular consideration as to their proper location in relation to adjacent established or intended uses, or the planned development of the community. The "Additional Uses Permitted by Amendment" fall into two (2) categories, as follows:

(Revised 5/24/16, Z33-C143)

7.1.1

Uses either municipally operated, or uses traditionally affected by public interest.

7.1.2

Uses entirely private in character, which, because of their peculiar locational needs or the nature of the service they offer to the public, may have to be established in a district or districts, in which they cannot reasonably be allowed as a permitted use under the zoning regulations.

7.2 Additional Uses Permitted by Amendment and Procedures

The Board of Township Trustees may permit by resolution, the amendment of this Zoning Resolution and Zoning Map, the following uses of land or structures in any district except as specifically provided otherwise, after report thereon by the Zoning Commission and subject to the requirements and procedures set forth herein. Additional Uses Permitted by Amendment existing at the time of adoption of this Resolution may be continued and shall be considered as uses conforming to the Resolution. Additions to existing Additional Uses Permitted by Amendment shall go through the regular Additional Uses Permitted by Amendment procedure.

(Revised 5/24/16, Z33-C143)

SECTION 7 ADDITIONAL USES PERMITTED BY AMENDMENT (cont'd)

7.2.1 Additional Uses Permitted by Amendment

- a. Amusement park.
- b. Cemetery or mausoleum.
- c. Commercial activity for temporary periods only.
- d. Hospital, institution, club, lodge or fraternal organization, provided that any such facility authorized in an "A" or "R" district shall be located on a site of not less than five (5) acres, shall not occupy more than 25% of the total lot area, and shall be set back from all yard lines at least two (2) feet for each foot of building height.
- e. Nursing Home in any "A" or "R" District
- f. Privately operated recreation or amusement facilities including a community building or recreation field, and swimming pools, and community facilities owned and operated by neighborhood organizations.
- g. Any public or government building.
- h. Telecommunications, Radio or television broadcasting tower or station in "A" or "R" District.
- i. Manufactured home park, as provided for in Section 9.11. (Z33-C94 - 9/9/96)
- j. Church or other place of worship.
- k. Public schools, elementary and high, and private schools having a curriculum similar to a public school.
- l. Parks, playgrounds, community building and other recreation facilities owned and operated by public agencies.
- m. Country club or golf course, except a miniature golf course or practice driving tee operated for commercial purposes.
- n. Tourist Home.
- o. Planned developments, as provided for in Section 6.
- p. Nursery or greenhouse, wholesale or retail, on a major street within an "A" District.
- q. Self-service storage facility in a "C" or "M" District
- r. Motor vehicle salvage and/or junk yards are permitted within "M-2" Heavy Industrial Districts and all other districts where preexisting as a legal non-conforming use and shall meet the conditions in Section 9.12.
- s. Sexually Oriented Businesses in a C-4 or M District (See Section 9.19 – Supplementary Regulations).
- t. Small wind turbine and other wind-powered generators. (Revised 7/9/19, Z33-C150)
- u. Sweepstakes/Internet Cafés in a C-2 District, when compliant with Section 9.24. (Revised 7/10/12, Z33-C140) (Revised 5/24/16, Z33-C143)

7.2.2 Procedure for Additional Uses Permitted by Amendment

- a. Before authorization of any of the above Additional Uses Permitted by Amendment, the request shall be referred to the County Planning Commission for study and report concerning the effect of the proposed use on the Master Plan and on the character and development of the neighborhood. The procedure for notices, public hearing, passage, etc., shall be the same as for an amendment to the Zoning Resolution in Section 14. The Planning Commission report shall include, and the Zoning Commission shall consider, the effect of the construction, location and operation of the proposed use in relation to the general objectives of the Zoning Resolution and, when appropriate, said report may include and the Township may approve conditions or alternate proposals to reduce the injury to the value of properties in the neighborhood.

SECTION 7 ADDITIONAL USES PERMITTED BY AMENDMENT (cont'd)

7.2.2 Procedure for Additional Uses Permitted by Amendment (cont'd)

- b. Any proposed Additional Uses Permitted by Amendment shall otherwise comply with not less than the minimum requirements set forth in this Resolution for the District in which such use is located, except that the Board of Trustees may permit uses on a site of five (5) acres or more to exceed the height limitations if adequate additional setbacks are provided for the increased height.
(Revised 5/24/16, Z33-C143)

7.2.3

Additional Uses Permitted by Amendment existing at the time of adoption of this Resolution may be continued, and no Additional Uses Permitted by Amendment application, therefore, shall be required for the existing use. Additions or alterations shall be processed under the Additional Uses Permitted by Amendment procedures.
(Revised 5/24/16, Z33-C143)

7.2.4 Duration/Expiration of Additional Uses Permitted by Amendment

An Additional Uses Permitted by Amendment shall be granted for only one (1) particular use and said permit shall automatically expire if, for any reason, the special use is not initiated within one (1) year of the granting of the permit or if the Additional Uses Permitted by Amendment ceases to exist for more than two (2) years.
(Revised 5/24/16, Z33-C143)

SECTION 8 OFF-STREET PARKING AND LOADING

SECTION 8.1	Purpose
SECTION 8.2	Parking and Loading Requirements
SECTION 8.3	Space Requirements
SECTION 8.4	Off-Street Truck Loading Berths
SECTION 8.5	Improvements to Parking and Loading Areas

CROSS REFERENCES

SECTION 2	Definitions
SECTION 4.1	Permitted Uses
SECTION 6	Planned Unit Development
SECTION 7	Additional Uses Permitted by Amendment (Revised 5/24/16, Z33-C143)
SECTION 9.12	Motor Vehicle Salvage Yards and Junk Yards (Revised 5/24/16, Z33-C143)
SECTION 9.14	Self Service Storage Facility(Revised 5/24/16, Z33-C143)
SECTION 9.17	Site Plan Review (Revised 5/24/16, Z33-C143)

8.1 Purpose

It is the purpose of this section to regulate land use by providing adequate space for off-street parking, loading and maneuvering for all principal and accessory uses. The following provisions are intended to provide safe ingress and egress to all lots, minimize traffic congestion, limit on street parking and reduce noise and visual impact of vehicular movement and loading activities.

8.2 Off-Street Parking and Loading Requirements

8.2.1 General

- a) When a building or structure is erected, changed or enlarged by 50% or more in floor area, or increases by 50%, the number of employees, customers/users, dwelling units, or seating capacity it shall comply with the requirements of this section.
- b) When there is a new use of an existing building or structure, which does not require enlargements or additions, it shall comply with the requirements of this section.
- c) Where a lot abuts a public or private alley or easement of access there shall be provided an access drive not less than eight (8) feet in width for a single dwelling and not less than 20 feet in width for an access drive leading to parking, loading, or storage spaces herein required for multiple dwellings and nonresidential uses.
- d) Total number of spaces required shall equal the sum of all the requirements for each separate primary and accessory use.
- e) All off-street parking and loading spaces, as required by this section, shall be located on the same parcel as the building or use requiring the spaces, except as provided for under 8.2.2(c).
- f) Off-street parking and loading spaces required for any use not specifically listed herein shall be the same as that required for a similar use as determined by the Zoning Commission.
- g) A request for a reduction of parking and/or loading requirements may be submitted to the Board of Zoning Appeals as provided for in Section 13.3.2 (c) and (d)
(Revised 5/24/16, Z33-C143)

SECTION 8 OFF-STREET PARKING AND LOADING

8.2 Off-Street Parking and Loading Requirements (cont'd)

8.2.2 Special Requirements

- a) **Setback:** Parking areas for multi-family and nonresidential uses shall be no closer than five (5) feet to a street, alley or right-of-way.
- b) **Joint Use:** Two (2) or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Township Attorney and accepted by the Board of Zoning Appeals, shall be filed with the application for a zoning certificate.
- c) **Off-site parking:** Parking spaces may be located on a lot within 300 feet other than that containing the principal use or on a lot within 600 feet for uses within a commercial or industrial district for spaces designated for employees with a written agreement approved by the Township attorney and approval by the Board of Zoning Appeals, to be filed with the application for a zoning certificate.
- d) **Surfacing and drainage:** All off-street parking and loading areas and driveways for multi-family and non-residential uses shall be surfaced with concrete, bituminous asphalt or other dust free material other than gravel or loose fill and graded to drain all surface water towards the interior of the parking lot. An internal storm drainage system shall be provided and connected to the nearest outlet subject to regulations and approval of the Lucas County Engineer. Concrete curbs may also be required as part of the overall drainage design for all or part of the parking lot or driveway perimeter.
- e) **Wheel stop device:** Whenever a parking lot extends to a property line, sidewalk, planting strip or building, a wheel stop device consisting of concrete stops, a permanent concrete curb, an expanded sidewalk or other suitable restraint shall be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian circulation way or sidewalk, or damaging any structure or landscaping. Minimum height shall be five (5) inches and the minimum length six (6) feet. A wheel stop device shall not be required where a guardrail or other suitable barrier is provided to prevent intrusion into a protected area.
- f) **Striping and Marking:** Parking spaces and aisles shall be clearly designated and marked to assure approved utilization of space, direction of traffic flow and general safety. Parking spaces for the handicapped shall be reserved and designated with a standing sign (not painted on the pavement), displaying the symbol of accessibility
- g) **Handicapped Parking**
 - 1. Parking spaces shall be provided for the disabled and handicapped for all public, semi-public, commercial and industrial buildings and/or uses. The number of spaces which shall be reserved are one (1) accessible space for each 25 total lot parking spaces for the first 100 spaces and one (1) additional space for each 50 spaces thereafter.
 - 2. Parking spaces and loading zones shall be located on the shortest possible circulation route to an accessible entrance. In separate parking structures, or lots that do not serve a particular building, parking spaces shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

SECTION 8 OFF-STREET PARKING AND LOADING

8.2 Off-Street Parking and Loading Requirements (cont'd)

3. Parking spaces shall be at least 96 inches wide and shall have an adjacent access aisle 48 inches wide minimum. Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with applicable sections of the Ohio Basic Building Code. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clearance of an accessible circulation route.
4. Curb ramps shall be required for handicapped access. Minimum width shall be 36 inches with a minimum ramp slope of 1:10.
- h) **Landscaping and screening:** Notwithstanding the landscaping requirements of Section 10.4, off-street parking and loading areas for multi-family dwellings and nonresidential uses which lie within 20 feet of a building on an adjoining lot or within 10 feet of a lot line shall be separated from the building or lot line with landscaping and screening not less than four (4) feet in height.
- i) **Lighting:** Any lighting used to illuminate any off-street parking areas shall be so arranged as to reflect light away from adjoining residential properties or public way.
- j) **Parking and Storage of Vehicles and Trailers**
 1. No commercial vehicles as herein defined or other vehicle which infringes on the residential character of an "A" or "R" district shall be stored or parked in that district, excluding vehicles in an "A" district which are stored in an enclosed building or vehicles used in agriculture which are an integral part of the on-site agricultural business. Infrequent short term parking of a commercial vehicle for conveying tools and materials to premises for use on the premises, or the delivery or moving of goods to or from a dwelling unit is exempted from this section.
 2. No inoperable vehicle shall be parked outside within an "A" or "R" district for a period of more than two (2) weeks, but may be stored in an enclosed building providing no business is conducted in connection therewith while such vehicle is parked or stored. One (1) unlicensed but operable vehicle may be stored outside and must be parked in the rear or side yard a minimum of 10 feet from any lot line. (Revised 4/2/01, Z33-C103)
 3. Recreational vehicles, boats, boat trailers and/or utility trailers shall not be parked or stored in a front yard in an "A" or "R" District, except when loading and unloading for a temporary period not to exceed 24 hours. A maximum of two (2) of the above vehicles/trailers, including any vehicle stored outside under the provisions of 8.2.2.j.2 above, may be stored in the rear or side yard but must be a minimum of 10 feet from any lot line. (Revised 4/2/01, Z33-C103)
- k) **Drive-up Storage Area:** Any use having a drive-up window shall provide a storage area on site to minimize off-site traffic congestion while waiting for service. The Zoning Commission shall review and provide recommendations on all drive-up proposals.

SECTION 8 OFF-STREET PARKING AND LOADING

8.2 Off-Street Parking and Loading Requirements (cont'd)

- l) **Trash Receptacle Area:** A trash receptacle area, when provided, shall be in a designated location that does not interfere with any aisle, driveway, parking space, loading space or other circulation area.

The location of this area, if provided, shall be shown on the site plan with proper loading and maneuvering space and for the purpose of location, shall be treated as an accessory structure. A trash receptacle area shall be screened from view on three (3) sides. Such area shall not be located in any required yard or setback and shall be maintained according to the requirements of the Lucas County Board of Health.

- m) **Maintenance:** The owner or operator of property used for parking and loading shall maintain such area in good condition so that it is safe, clean, dust-free, attractive and free of any hazard, nuisance or other unsafe condition. Striping for parking spaces shall be maintained in good condition.
- n) **Maneuvering:** Every parking and loading space shall have sufficient access and maneuvering area. The maneuvering area for a parking space may occur anywhere on a parcel except within the required minimum front, side and rear setback area. It may include an aisle or circulation area. For single and two-family residences it may include a driveway, street or parking space. The Board of Zoning Appeals may waive these requirements for lots which have an operator on duty during all hours of operation.
- o) **Loading Spaces:** No loading spaces shall be located in a front or side yard, nor in a required rear yard.

8.3 Space Requirements

8.3.1 Dimensions and Design

- a) Parking lot loading spaces shall meet the following dimensional requirements and design as listed and illustrated in Table 8-1 and Figures 8-1 and 8-2 respectively.

SECTION 8 OFF-STREET PARKING AND LOADING

TABLE 8 - 1

DIMENSION (In Feet)	ANGLE			
	45	60	75	90
A. STALL DEPTH TO WALL	17	18.5	19	18
B. STALL DEPTH PARALLEL TO VEHICLE	18	18	18	18
C. AISLE WIDTH	12	16	22	25
D. STALL DEPTH TO INTERLOCK	15	17	18	18
E. STALL DEPTH REDUCTION DUE TO INTERLOCK	2	1.5	1	0
F. STALL WIDTH (PARALLEL TO AISLE)	12.7	10.4	9.3	9
G. STALL WIDTH PERPENDICULAR TO VEHICLE	9	9	9	9
L. MODULE WIDTH, WALL TO WALL	46	54	60	61
J. MODULE WIDTH INTERLOCK TO INTERLOCK	42	51	58	61

FIGURE 8-1

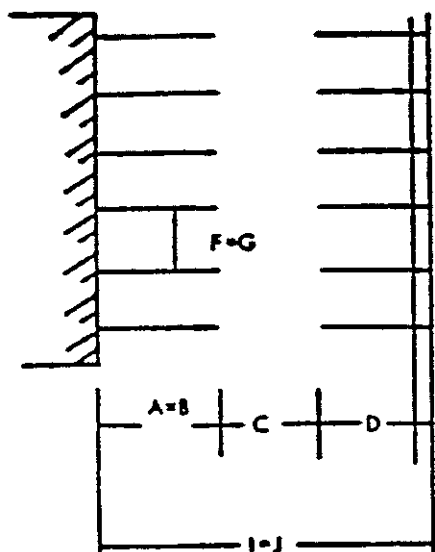
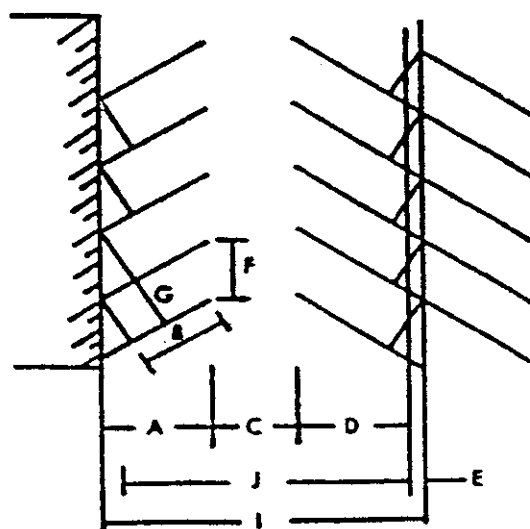


FIGURE 8-2



SECTION 8 OFF-STREET PARKING AND LOADING

8.3 Space (cont'd)

- b) **Loading Spaces:** All loading spaces shall have minimum dimensions of 12 feet in width and 50 feet in length, exclusive of any driveway, aisle, or other circulation docking area, and have a clearance height of not less than 15 feet.
- c) **Handicapped Parking:** Dimensions and design shall comply with requirements of 8.2.2(g).
- d) **Bumper Overhang:** For bumper overhang, deduct one-half (1/2) foot from stall depth to wall or three (3) feet from wall to wall for 45 degree and 60 degree parking. The equivalent dimensions for 75 degree and 90 degree parking are two (2) feet and four (4) feet respectively.
- e) **Modification of parking space:** Modification of dimensions or design is subject to review by the Township Fire Chief and Zoning Commission. Attention to emergency vehicle access shall be considered and incorporated into the design.

8.3.2 Number of Spaces

USE

PARKING SPACES REQUIRED

Dwelling
per dwelling unit.

One and one-half parking spaces

Theaters, Churches,
public and private
recreation facilities,
and other similar places
of assembly

One (1) parking space for each
three (3) seats in the main
auditorium or place of assembly

Hospitals

One (1) parking space for each two (2) beds plus one
(1) parking space for each one and one-half
employees on the maximum shift.

Nursing Homes

One (1) parking space for each three (3) beds plus
one (1) space for each one and one-half employees on
the maximum shift.

Clubs, Lodges and
Fraternal organizations

One (1) parking space for each
five (5) members, or one (1)
space for each three (3) seats in the main auditorium
or meeting room, whichever is greater.

Commercial Buildings

One (1) parking space for each 200 square feet in
floor area minimum, provided restaurants, night-
clubs, bars, cafes or similar recreation or amusement
establishment shall provide one (1) parking space for
each 100 square feet of floor area.

Industrial Buildings

One (1) parking space for every one and one-half
employees on the largest working shift.

Schools

One and one-half parking spaces for each employee.

SECTION 8 OFF-STREET PARKING AND LOADING

8.3 Space Requirements (cont'd)

8.3.3 Rules:

- a. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- b. No building shall be enlarged, rebuilt or structurally altered to the extent of more than 50 percent addition in floor area unless there shall be provided the total number of off-street parking spaces required for the original use and its enlargement.
- c. All parking spaces required herein shall be located on the same lot with the building or use served except that spaces may be located within 300 feet of the lot on which the main building is located, or within 600 feet in the case of required spaces for the use of employees.

8.4 Off-Street Truck Loading Berths

8.4.1 Quantity:

Every building of the type described below which is hereafter built, relocated or expanded more than 50 in floor area, shall provide an off-street loading berth or berths in accordance with the following schedule:

- a. A building whose dominant use is handling and selling goods at retail shall provide berths in relation to the floor area used for retail purposes as follows:

<u>Area</u>	<u>Berths Required</u>
5,000-10,000 sq. ft.	1
10,000-20,000 sq. ft.	2
over 20,000 sq. ft.	3

- b. Manufacturing, repair, wholesale, trucking terminal or warehouse uses shall provide berths in relation to total floor area as follows:

<u>Area</u>	<u>Berths Required</u>
5,000-40,000 sq. ft.	1
over 40,000 sq. ft.	2

- c. Other buildings not listed above, but having over 10,000 square feet in floor area, shall provide one berth, including offices, hotels, mortuaries, etc.

8.4.2 Rules:

- a. Each space shall be easily accessible from a street or alley without substantial interference with traffic.
- b. All required loading berths shall be on the same lot as the use served, and if such berths abut an "A" or "R" district, they shall be suitably screened or fenced from view.
- c. No loading berth shall be located in a required front or side yard. If located in a required rear yard, the berth shall be open to the sky.

SECTION 8 OFF-STREET PARKING AND LOADING

8.5 Improvements to Parking and Loading Areas

8.5.1

All parking and loading areas shall be surfaced with gravel or crushed stone with adequate dust treatment, or with permanent surfacing. Asphalt aprons are required when using stone parking and loading areas.

8.5.2

Where the parking area adjoins lots in an "A" or "R" district, such shall be protected by the erection and maintenance of a permanent fence, screen and/or planting approved by the Zoning Commission. Such protection shall not extend into the front yard required on the lot on which the parking area is located.

8.5.3

Any lights used to illuminate parking areas shall be so arranged as to reflect the light away from adjoining premises in an "A" or "R" district.

8.5.4

Bumper guards and/or wheel stops shall be provided for proper operation of the parking area and to protect any fence, screen or planting from damage.

8.5.5

When parking area is located wholly or partly in an "A" or "R" district, the following regulations shall apply in addition to the above:

- a. No commercial enterprise of any kind shall be established on the area.
- b. No fee shall be charged for parking thereon.
- c. No signs of any kind shall be erected, except those necessary for the orderly parking thereon.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS

SECTION 9.1	General
SECTION 9.2	Accessory Buildings
SECTION 9.3	Blighting Factors and Causes of Blight
SECTION 9.4	Boarding of Livestock and Domesticated Animals
SECTION 9.5	Ditches and Drainage
SECTION 9.6	Dumping and/or Spreading of Sewage Sludge
SECTION 9.7	Extraction Industries/Removal of Soil, Etc. From Parcel(s)
SECTION 9.8	Farm Markets
SECTION 9.9	Fencing
SECTION 9.10	Home Occupation
SECTION 9.11	Manufactured Homes and Parks
SECTION 9.12	Motor Vehicle Salvage Yards and Junk Yards
SECTION 9.13	Ponds
SECTION 9.14	Self-Service Storage Facilities
SECTION 9.15	Shopping Centers
SECTION 9.16	Signs
SECTION 9.17	Site Design and Development
SECTION 9.18	Swimming Pools
SECTION 9.19	Sexually Oriented Businesses
SECTION 9.20	Extraction of Minerals from Borrow Pits

CROSS REFERENCES

SECTION 4	Use Regulations
SECTION 6	Planned Unit Development
SECTION 7	Additional Uses Permitted by Amendment (Revised 5/24/16, Z33-C143)
SECTION 8	Off-Street Parking and Loading
SECTION 11	Non-Conforming Uses and Structures
SECTION 12	Enforcement
SECTION 13	Board of Zoning Appeals
SECTION 14	Amendment

9.1 General

The following supplementary districts uses and structures are allowed in various zoning districts as specified in each subsection. To assure compliance with the conditions and regulations of this section, each use shall require a permit.

9.2 Accessory Buildings and Uses

9.2.1

An accessory building not exceeding the allowable height of a main building for the district may not exceed 30 percent of a required rear yard, but no accessory building shall be closer to the front lot line than five (5) feet behind the building line for the main structure, closer than 10 feet to the main building, nor closer than five (5) feet to any lot line.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.2 Accessory Buildings and Uses (cont'd)

9.2.2

In an "A" or "R" district, no required yard, except the rear yard shall be used for the storage of a pleasure boat, travel trailer, pickup campers, and motorized homes more than seven (7) feet high and/or 16 feet long, and no such recreational equipment stored within 10 feet of any lot line. Swimming pool must be located in a side or rear yard in an "A" or "R" district. A site plan and a permit is required.

9.2.3

Where the lot line abuts an "A" or "R" area, or a Planned Residential Development, an accessory building shall set back one (1) additional foot from the lot line for each two (2) feet of length over 25 feet provided the maximum setback here-under shall be 25 feet.

9.2.4

No manufactured, mobile or modular home shall be used as a storage facility or accessory building.

9.3 Blighting Factors or Causes of Blight

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any premises in Swanton Township owned, leased, rented or occupied by such person, firm or corporation.

- a) The storage upon any premises of any inoperable vehicle for a period of more than two (2) weeks, except in a completely enclosed building as provided for in Section 8.2.2.j.2. (Revised 4/2/01, Z33-C103)
- b) The outdoor storage upon any premises of building materials unless a zoning permit has been issued by the Township and a building permit issued by the Lucas County Department of Building Regulations not more than one (1) year previously for construction upon said premises, and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure. Provided, that outdoor storage of building materials which is not in violation of applicable zoning or safety regulations is permitted if said materials are kept out of view of the public and abutting premises. Provided further, that all construction debris shall be removed from any premises within 30 days after occupancy thereof. (Revised 5/24/16, Z33-C143)
- c) The storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 30 days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood-metal or any other materials or other castoff materials of any kind whether or not same could be put to any reasonable use.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.3 Blighting Factors or Causes of Blight (cont'd)

- d) The existence of any vacant dwelling, garage, or other out building unless the same is kept securely locked, windows kept glassed or neatly boarded up, and other-wise protected to prevent entrance thereto by vandals.
- e) In any area the existence of any structure or part of structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.
- f) In any area the existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and subsisting zoning permit issued by the Township and a building permit issued by the Lucas County Department of Building Regulation and unless exterior construction is completed within one (1) year after issuance thereof.

9.4 Boarding of Livestock and Domesticated Animals

The boarding of livestock and domesticated animals such as horses, dogs, cats, etc. or their use for exhibit or other commercial/recreational purposes shall meet the following requirements. The uses or activities include but are not limited to kennels, riding stables, or animal exhibits which are used for commercial purposes.

9.4.1 General Requirements

- a) Minimum lot area shall be two (2) acres.
- b) Buildings, pens or enclosures used for housing or containing animals shall be a minimum of 50 feet from all property lines and/or any dwelling unit.
- c) Suitable fencing or landscaping shall be installed around pens and/or enclosures used for housing or containing animals.
- d) Hour of operation shall be between 8:00 A.M. and 7:00 P.M. for all days of the week.
- e) Advertising signs shall be in accordance with Section 9.16.
- f) On-site parking shall be provided in accordance with Section 8.

9.5 Ditches and Drainage

No structures, or plantings such as, but not limited to, trees, shrubs, fences and mounding, at the time of its construction, shall be located closer than 25 feet from the existing bank of any ditch, creek, or other water course shown on the Lucas County Engineer's Drainage Map. Public forest and parkland is exempted from the requirements of this section. (Revised 10/19/98, Z33-C101)

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.6 Dumping, Spreading, and/or Burning of Commercial or Industrial Wastes

The dumping and/or spreading of sewer sludge, commercial or industrial liquid, solid, gaseous wastes or hazardous waste, and any byproduct of the treatment of such waste products is prohibited within the Township, except if regulated or permitted by other local or state authority. When permitted or regulated by such authority, proof of such permit/regulation shall be documented and filed with the Township Zoning Inspector prior to the disposal of such waste.

9.7 Farm Markets

9.7.1 General

Farm markets shall be permitted where 50% or more of the produce for sale is grown on farms owned or operated by the market operator.

9.7.2 Setback

To allow for safe ingress and egress of vehicles and temporary parking, no building, structure, produce stand, or vehicle used for produce sale or storage shall be closer than 20 feet of any road right-of-way.

9.8 Fencing

- a) No fence shall be allowed within the required road right-of-way.
- b) Fences or planting screens in an "A" or "R" district may not exceed four (4) feet in height in the required front yard nor exceed seven (7) feet in height in any remaining yards. Fence height shall be measured from the average grade or elevation of the lot.

9.9 Home Occupations

9.9.1 General Requirements

- a) For all "A" districts, a home occupation may include the use of an accessory building as a place for operation of the home occupation or for purposes of storage of equipment. The accessory building shall not exceed 10% of the lot area or 2,000 square feet in area maximum.
- b) For all "R" districts, a home occupation shall be confined to the dwelling.
- c) No person(s) other than members of the family residing on the premises shall be engaged in such occupation.
- d) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of floor area of the dwelling unit shall be used in the conduct of the home occupation.
- e) There shall be no change in the outside appearance of the building or premises, outside storage of materials incidental to the home occupation, nor other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, nonilluminated.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.9 Home Occupations (cont'd)

- f) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard;
- g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the site.

9.10 Manufactured Homes and Manufactured Home Parks

Manufactured Homes as defined under Section 2 shall not be permitted as a residence in Swanton Township except as provided for under this Section. No Manufactured, Modular or Mobile home shall be used for any purpose other than a dwelling. Manufactured homes shall be located only within a manufactured home park.

9.10.1 Manufactured Home Replacement

- a) Manufactured homes and mobile homes existing outside of a manufactured home park may be replaced with a manufactured home subject to the following conditions:
 - 1. the replacement must be built in compliance with the Federal Manufactured Housing Construction Safety Standards of 1974;
 - 2. the replacement must be five years or less in age;
 - 3. the replacement must be secured to a permanent foundation; and
 - 4. the replacement must have a permanent, solid skirting.

9.10.2 General Requirements

- a) The manufactured home park site shall contain not less than five (5) acres, shall be maintained as a single parcel of record, and the overall density shall conform to the density of the zoning district for a single-family.
- b) A manufactured home park site may contain less the five (5) acres if it is an extension or enlargement or an existing manufactured home park, and said extension or enlargement shall have no more than 10 manufactured home spaces per gross acre.
- c) Every manufactured home park lot shall be designed to abut upon space or recreational facilities.
- d) Each manufactured home park shall contain a community building.
- e) No unit shall be placed closer than 50 feet of a manufactured home park boundary line nor within 20 feet of another manufactured home unit.
- f) A manufactured home park site in an "A" or "R" zone shall not be so situated that

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

either its rear property line or a side property line shall abut a commercial or industrial zone or an existing manufactured home park.

- g) No commercial activity shall take place in a residentially zoned part of the manufactured home park.
- h) No structure designed for year-round living purposes is added to manufactured homes in the park.
- i) The land occupied by the park is maintained in single ownership or control, and no individual lot is transferred to other ownership.
- j) Manufactured Home Parks shall comply with the rules of the Ohio Department of Health, Public Health Council, Manufactured Home Parks, Chapter 3701-27-01 of the Administration Code; be platted in accordance with the Lucas County Subdivision Regulations and subject to site plan review.

(Revised 5/24/16, Z33-C143)

9.11 Motor Vehicle Salvage Yards and Junk Yards

9.11.1 General

- a) The applicant shall provide a complete and accurate legal description of the entire site.
- b) A site plan shall be submitted which, at minimum, includes the dimensions of the site, size of buildings, building locations, setbacks, storage areas, drive-ways and fencing.

9.11.2 Storage

- a) When adding storage facilities, the applicant shall reduce the number of vehicles or junk in the storage yard.
- b) Motor vehicle wrecking yards shall maintain a list of vehicles in stock and submit this list to the Township upon request.
- c) No vehicle shall be stored longer than six (6) months without written permission from the Board of Township Trustees.

9.11.3 Licensing

- a) Applicants for junk yards shall be licensed as required under Chapter 4737 O.R.C. and file with the Township proof of licensing by Lucas County Auditor.
- b) Applicants for motor vehicle wrecking yards shall be licensed as required under Chapter 4738 O.R.C. and file with the Township proof of licensing by the Ohio Motor Vehicles Salvage Dealer's Licensing Board.

9.11.4 Hours of Operation

Hours of operation shall be no earlier than 7:00 A.M. nor later than 6:00 P.M., Monday through Saturday.

9.11.5 Fencing and Screening

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

Any area used as a motor vehicle wrecking yard or junk yard shall be effectively screened on all sides by means of walls, fences and plantings. Walls or fences shall be a minimum of six (6) feet in height with no advertising thereon. Storage of materials shall not exceed this height. A strip of land not less than 15 feet in width shall be planted and maintained on the exterior with evergreen hedge or shrubs and shall be equal to or greater than the height of the fence or wall.

9.11.6 Environmental Standards

Notwithstanding any other requirements set forth herein, all motor vehicle salvage yards and junk yards shall meet the Environmental Standards as set forth in Section 10. No open burning shall be done without specific permission granted by the Township Board of Trustees.

9.11.7 Off-Street Parking and Loading

Off-Street parking and loading shall be provided as set forth under Section 8 Off-Street Parking and Loading.

9.11.8 Yard Requirements

- a) Front Yard: There shall be a front yard of not less than 50 feet, but where such a yard is opposite an "A" Agricultural or "R" Residential district, it shall be a minimum of 100 feet and the first 25 feet thereof shall be used only for landscaping purposes.
- b) Side Yard: There shall be a side yard of not less than 25 feet, but where abutting an "A" Agricultural or "R" Residential district it shall be a minimum of 50 feet. Storage of materials and parking of vehicles is prohibited in a side yard.
- c) Rear Yard: There shall be a rear yard of not less than 50 feet, but where such a yard is abutting an "A" Agricultural or "R" Residential district, it shall be a minimum of 100 feet.

9.12 Ponds

Ponds shall be allowed in the "A" Agricultural and all "C" Commercial districts with the following requirements:

9.12.1 Area and Design Requirements:

- a) The minimum parcel size for the construction and development of a pond shall be five (5) acres. (Revised 9/9/96, Z33-C94)
- b) Minimum pond surface area shall be one-quarter (1/4) acre and a maximum of three-quarters (3/4) acres, any proposed pond larger than three-quarters (3/4) acre is to be reviewed by the Zoning Commission and referred to the Trustees for further determination. Maximum surface area shall not exceed 25% of the net acreage of the parcel.
- c) The side slope of a pond shall be horizontal to vertical at a ratio of 3:1 except where a beach is desired. This ratio shall be maintained to a minimum depth of 17 feet.

9.12 Ponds (cont'd)

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

- d) Beach areas may be sloped no less than at a horizontal to vertical ration of 10:1 and shall not exceed 25% of the pond surface area.
- e) Ponds shall be graded not to exceed four (4) feet in height, so it will not obstruct an adjoining property owner's view. Excess dirt may be redistributed on the parcel, but may not be removed from the site unless determined in the site plan approval that it is deemed necessary for landscaping or to provide adequate drainage of the site.
(Revised 4/2/01, Z33-C103)
- f) To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage from pond development, than diverted to a suitable outlet or drainage ditch.
- g) Any further improvements to an existing pond shall conform to the setback requirements of this resolution.

9.12.2 Setback

- a) A pond shall have 100 feet minimum setback from any roadway right-of-way centerline.
- b) A pond shall be located no closer than 50 feet from any lot line.
- c) A pond shall be located no closer than 100 feet to a septic tank, or leach field.
(Revised 9/9/96, Z33-C94)

9.12.3 Refilling

- a) The refilling of an area which has been excavated for the development of a pond shall be considered waste disposal and shall meet the requirements as set forth by the Lucas County Board of Health for solid waste disposal under 3734.05 O.R.C.

9.12.4 Requirement for Issuance of Permit

- a) Provide a written description of location and sketch showing location on site (plan view and elevation view).

9.13 Self Service Storage Facilities

9.13.1 General Requirements

- a) Self storage facilities shall be limited to rental of storage units, pickup and deposit of dead storage.
- b) Radioactive material, explosives and flammable or hazardous chemicals shall be prohibited from storage. This prohibition shall be included in the lease agreement of storage units. A copy of the lease agreement shall be filed with zoning administrator as a condition of the permit.

9.13.2 Specific Requirements

- a) Lot Area: Minimum lot area shall be two (2) acres.

9.13 Self Service Storage Facilities (cont'd)

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

- b) Lot coverage: Maximum lot coverage of units and storage areas shall be 50% of gross lot area.
- c) The following minimum setbacks shall apply except as required under Section 4.4.1
 - 1) Front yard: 50 feet
 - 2) Side or Rear Yard: 25 feet when abutting or opposite an "A" Yard or "R" District
15 feet when opposite or abutting a "C" or "M" District
- d) Height: Height of structures shall be in conformance with structures or equal the average height of structures on properties abutting or opposite to self storage facilities where no adjacent structures exist, the maximum height shall be 15 feet to highest point of building.
- e) Lighting: Lighting shall be provided to illuminate facility entrances, driveways, parking areas and storage entrance areas and so arrange to reflect light away from adjoining residential property or any public way.
- f) Site Plan: A site plan shall be required and subject to approval by the Zoning Commission, with review by the Planning Director of the Lucas County Planning Commission.
- h) Signs: Shall conform to requirements under Section 9.16.
(Revised 5/24/16, Z33-C143)
- h) Pavement: All roadways and parking areas shall be paved with concrete, asphalt or bituminous pavement.
- i) No door openings for any storage unit shall be constructed facing any residentially zoned property.
- j) Fencing, walls, or landscaping/plant screening shall be required around the perimeter of the facility, where deemed appropriate under the site plan review setbacks may be waived and a unit wall approved in lieu of a fence or landscaping.
- k) Special Requirements: Where abutting or opposite an "A" or "R" District:
 - 1) Fencing or walls shall consist of decorative wood or stone, decorative concrete block or similar materials compatible With surrounding residential dwellings.
 - 2) Hours of operation shall be no earlier than 7:00 A.M. nor later than 8:00 P.M. daily.
- l) Parking and external storage of vehicles: A minimum of one (1) parking or external storage space shall be provided for each 1000 square feet of enclosed storage space. No outdoor storage shall be permitted other than the vehicles. (Revised 1/12/09, Z33-C132)

9.14 Shopping Centers

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

A shopping center shall meet the following requirements:

- a) Contain a minimum lot area of five (5) acres.
- b) Be platted in accordance with applicable subdivision rules and regulations.
- c) Subject to a traffic survey prepared by qualified experts indicating the effect of the proposed shopping center on adjacent streets and roadways and amount of traffic flow.

9.15 Signs

9.15.1 Definitions

Abandoned Sign - A sign or sign structure which no longer identifies or advertises a business, service, owner, product, or activity, or is in disrepair. Such sign and sign structure shall be removed within 30 days of notice to the property owner by the Zoning Inspector.

Animated Sign - A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means of power. Such signs have lights or illuminations that change the visual image depicted, including visual images that may flash, move, rotate, flicker, depict action, or create a scene, blink, vary in intensity or color, or use intermittent electrical impulses, scrolling text, or a sign which has revolving, or rotating parts or other visible mechanical movements. An animated sign does not include a Changeable Copy Sign.

Announcement/Professional Sign - A sign which serves an incidental or secondary use within a residential dwelling as provided for under Section 9.8.

Area Identification Sign - A sign which identifies a subdivision, development, or an industrial park or commercial complex.

Awning/Canopy Sign - A sign attached to an awning covering a doorway, window, or face of the building. Awning/Canopy signs are wall signs.

Banner - A temporary display including a sign on a flag, strip of lightweight material, paper, cloth, or fabric which may be located on the ground or attached to a building, another sign, or any other structure.

Billboard/Poster Panels - An outdoor advertising structure which may be a free standing or a wall sign.

Building Face Or Wall - All window and wall area of a building in one plane or elevation.

Building Frontage - The length of the outside building wall along a right-of-way.

Bulletin Board - A sign which announces or informs of events or activities for churches, schools or other public or semi-public institutions.

Changeable Copy Sign - A sign, or portion thereof with letters, numbers, or illustrations that can be periodically manually changed or rearranged without altering the underlying or supportive face of or surface of the sign.

9.15 Signs (cont'd)

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

Clearance of Sign - The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including its framework extending over that grade.

Commercial Message - Any wording, logo, or other visual copy that directly or indirectly identifies, advertises, or calls attention to a business, product, service, or other commercial activity.

Copy - The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic (logo), or alphabetic form.

Directional Sign - A sign which designates the location or direction of any place or area.

Double-Faced Sign - A sign with two faces.

Electronic Message Center - A sign whose visual display includes alphabetic, numeric or symbolic content that can be changed or altered on a fixed display screen composed of electronically illuminated segments.

Embellishment - The decorative or ornamental structure or frame that contains a sign. Embellishments are not included in the square footage of the sign's area calculation; embellishments shall not exceed twenty-five percent (25%) of the single face area and shall not exceed the sign's maximum permitted height or be located within required setbacks.

Exempted Signs - Exempted from sign permit requirements.

Façade - The entire building front including the parapet.

Flag - Any fabric displaying the name insignia, emblem, colors, patterns or symbols used as a message of a political subdivision or private entity.

Free-Standing Sign - A sign supported by one or more poles, or other supports, which are attached to the ground.

Future Development/Construction Sign - A temporary, freestanding sign located on the premises of a proposed development/construction project that indicates the future construction or development of a building or area which may identify the architect, financial institution, contractor, subcontractor, and/or material supplier participating in the construction on the property.

Height - The vertical distance measure from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever vertical distance is less.

Identification Sign - A sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

Low Profile/Monument Sign - A free-standing sign erected near ground and limited to identifying the name of the building or institution on the premises.

Message - The wording or copy on a sign, flag or pennant.

9.15 Signs (cont'd)

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

Non-Conforming Sign - A sign which was placed on the lot legally, but which does not comply with this Resolution.

Off-Premises Sign - A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located.

Outdoor Advertising Structure - An off site sign which advertises a product or service or announces an event or activity not necessarily provided for or sold on the premises and directs persons to an off site location. Outdoor Advertising Structures shall include billboards, poster panels, painted wall murals and signs.

Pennant - Any lightweight plastic, fabric, or any other material, frequently in a series, whether or not containing a message of any kind, suspended from a rope, wire, or string, designed to move in the wind.

Pole Sign - A sign other than a low profile sign that is supported by upright structures or supports that are anchored in the ground and that are independent from any building or other structure.

Political Sign - A temporary sign used in connection with a local, state, or national governmental election or ballot, with respect to an issue or office.

Portable Sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to: signs designed to be transported by wheels; "A" or "T" frame signs; menu and sandwich board signs; umbrellas used for advertising; and signs and/or copy attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used regularly in the usual and customary operations of the business.

Projecting Sign - A sign that projects more than fifteen inches (15") from a building wall or other structure and not specifically and solely designed to support the sign.

Real Estate Sign - Any sign pertaining to the sale, lease or rental of land or buildings.

Roof Sign - A sign erected or constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sign - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person, entity, product, service, establishment, activity or sale which communicate information of any kind.

Sign Area - Total area of all sign faces.

Sign Face - Total area of sign upon which copy can be placed.

Sign Structure - Any structure, which supports, has supported, or is capable of supporting a sign, including a decorative cover.

9.15 Signs (cont'd)

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

Suspended Sign - A sign which is supported by a frame or brackets which are attached to a building.

Symbolical Sign - A sign which represents a product or service or is used as an advertising logo of the product or service which is sold on the premises.

Temporary Sign - A sign which is limited in use for a designated period of time to serve an event, activity or the sale or rental of property.

Wall Sign - A sign attached to a building or painted on the surface of a building.

Window Sign - A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in the window.

9.16.2 General Provisions

- A. Unless otherwise provided by this Resolution, all new signs shall require a zoning certificate prior to the sign's installation. An application for a zoning certificate shall be made to the Zoning Inspector. Fees shall be in accordance with the Permit Fee Schedule as may be adjusted from time to time. No zoning certificate is required for the maintenance of a sign or for a change of copy on painted, printed, changeable copy signs, or electronic message centers so long as the sign area or structure is not modified in any way for the existing business.
- B. An application for a zoning certificate shall include the following information:
 - 1. Name and address of the owner of the sign.
 - 2. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
 - 3. The type of sign or sign structure as defined in this Resolution.
 - 4. A site plan with dimensions showing the proposed location of the sign with vertical and horizontal measurements from all property lines and right-of-ways along with the location of all existing signs and buildings on the same premises.
 - 5. A drawing/picture of the proposed sign showing the following specifications: dimensions, height from grade, copy, illumination, and construction details (materials, structural supports, and electrical components).
 - 6. A list of the total number and the square footage of existing and proposed signs on the premises.
- C. No sign shall be placed or project into any right-of-way. No sign shall obstruct traffic visibility at the road or highway intersections.

9.15 Signs (cont'd)

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

- D. If a sign is installed, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify the property owner and the sign owner or lessee thereof to alter such sign so as to comply with this Resolution. Any owner, lessee, or sign contractor who installs a sign without a zoning certificate may be subject to three (3) times the normal fee schedule at the discretion of the Zoning Inspector.
- E. All nonconforming signs and billboards will be permitted to remain in place, but when replaced or changed significantly shall be subject to review under this section.
- F. All signs, marquees, and awnings shall be maintained at all times in a safe structural condition and in a neat and clean condition, and shall be kept free from defective or missing parts or peeling paint. Signs which provide time and/or temperature readings shall be maintained to reflect current readings.
- G. All directional signs shall not exceed four (4) square feet per face with a maximum height of forty-two (42") inches. Such signs shall not contain the business name or logo. Directional signs are not included in the sign area calculations; a zoning certificate is required.
- H. The following regulations shall apply to Electronic Message Centers:
 - 1. No more than one (1) electronic message center attached to a permitted on-premise freestanding sign shall be allowed per property.
 - 2. Each message displayed on an electronic message center must be static and must be depicted for a minimum of eight (8) seconds. When a message is changed, the change shall occur within three (3) seconds. The continuous scrolling of messages is prohibited.
 - 3. All electronic message centers shall have a dimming device for day/night operation. The illumination shall not create excessive brightness and/or pose a safety hazard to the public.
 - 4. No freestanding electronic message center shall exceed fifty (50%) percent of the total allowable square footage for any on-premise freestanding sign.
 - 5. The addition of any electronic message center to any non-conforming freestanding sign is prohibited.

9.15.3 Exemptions

The following signs do not require a zoning certificate:

- A. Government signs erected by the Township, County, State, or the Federal government in furtherance of their governmental responsibility.
- B. Any sign wholly inside a building that does not exceed thirty percent (30%) of the total window area.

9.15 Signs (cont'd)

**SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND
REGULATIONS (cont'd)**

- C. Informational signs attached to a building that do not exceed three (3) square foot and are limited to business identification, hours of operation, address, and emergency information of the occupant(s) of the building. Such signs shall be permitted in addition to other permitted signs.
- D. Non-illuminated real estate signs not exceeding six (6) square feet in sign area for residentially zoned property and thirty-two (32) square feet in sign area for all non-residential districts, which advertises the sale, rental, or lease of the premises upon which such sign is located.
- E. An on-premise non-illuminated real estate sign not exceeding thirty-two (32) square feet per face in sign area and five (5) feet in height which advertise the sale or lease of a subdivision or undeveloped acreage of ten (10) acres or greater.
- F. Future Development signs and construction signs placed upon the lot under construction. These signs shall not exceed five (5) feet in height and thirty-two (32) square feet in sign area, shall be non-illuminated, and shall be removed upon completion of the project or within two (2) years of the signs erection, whichever occurs first.
- G. Memorial signs or tablets, name of buildings and dates of construction, provided that such signs do not exceed two (2) square feet in sign area.
- H. Garage/yard sale signs, public election and candidate signs. These signs shall be removed no later than five (5) days after completion of the election, event, or transaction.
- I. Address numbers for dwellings shall not exceed two (2) square feet in area and address numbers for commercial or industrial buildings shall not exceed six (6) square feet in area unless the address number is an integral component of a sign for which a zoning certificate is required by this Resolution.
- J. Flags. All flags shall be displayed as follows:
 - 1. Maximum flag size forty (40) square feet.
 - 2. Maximum pole height thirty-five (35') feet or not more than ten feet above the roofline of the primary building, whichever is less.
 - 3. All flags on commercial properties must be flown on a pole, with a maximum of three flags per lot.
 - 4. Flags may not be located in such a way as to intentionally attract the attention of the public for commercial purposes.
 - 5. The flag and flagpole shall be maintained in good condition.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.15 Signs (cont'd)

6. Flag pole(s) must be set back from all property boundaries a minimum of fifteen (15') feet or setback a distance which is at least equal to the height of the pole, whichever is greater.

9.15.4 Off-premise sign

A total of one (1) off-premise sign per parcel is permitted in non-residential districts and on lands used for agricultural purposes per ORC Section 519.20. Off-premise signs shall be setback a minimum distance of one hundred (100') feet from the nearest right-of way and one hundred (100') feet from any property line. Off-premise signs shall not exceed fifteen (15') feet in height and shall not exceed one hundred (100) square feet of sign area.

9.15.5 Signs in Agricultural and Residential Districts

- A. One (1) low profile or one (1) wall sign shall be allowed for each lot which contains a non-residential main building permitted in the district. Low-profile signs in residential districts shall not exceed sixty (60") inches in height and thirty-two (32) square feet per face (maximum of two (2) faces) and shall be setback a minimum distance of fifteen (15') feet from the nearest right-of-way line and setback a minimum of ten (10') feet to any adjacent lot. Wall signs in residential districts shall not exceed twenty-four (24) square feet of sign area.
- B. Home occupation signs shall not exceed two (2) square feet in sign area and shall be a wall sign.
- C. At any entrance to a residential subdivision or multi-family development there may be a maximum of two area identification signs identifying such subdivision or development. The signs shall be setback from the nearest right-of-way a minimum distance of ten (10') feet and not closer than ten (10') feet to any adjacent lot. Such sign(s) shall not exceed thirty-two (32) square feet per face (maximum of two (2) faces), and the sign(s) shall contain only the name of the subdivision or development. These signs shall not exceed five (5') feet in height. Any subdivision area/identification sign proposed to be located within the center of a boulevard entrance shall be located in a manner so as not to create a traffic hazard. Any sign located within a boulevard shall be reviewed by the Lucas County Engineer.
- D. A church or school allowed by this Zoning Resolution may locate two (2) signs on the lot; one sign shall be a wall sign; the face of which shall not exceed twenty-four (24) square feet in area, and a second sign, which shall be a free-standing low profile sign not to exceed thirty two (32) square feet per face (maximum of two (2) faces) and shall be setback from the nearest right-of-way a minimum distance of fifteen (15') feet and setback a minimum distance of ten (10') feet to any adjacent lot. Low profile signs shall not exceed five (5') feet in height.
- E. No sign of any type shall be permitted in a Residential District, other than as specifically permitted in this Section 9.16.5.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.15 Signs (cont'd)

9.15.6 Signs in Commercial and Industrial Districts

- A. The following signs as listed below may be permitted on a lot in the Commercial, Office/Research, and Industrial Zoning Districts as follows:

ZONING DISTRICT	TYPE OF SIGN PERMITTED	MAXIMUM ALLOWED SQ. FOOTAGE Pole Sign (1) (5)	MAXIMUM ALLOWED SQ. FOOTAGE Wall Sign (2) (4)	MAXIMUM ALLOWED SQ. FOOTAGE Low-Profile/Monument Sign (1) (3) (5)	MAXIMUM ALLOWED SQ. FOOTAGE Projecting Sign (1) (3)
C-1	Wall, Low Profile, Projecting	Not Permitted	1.5 feet per Linear Foot of Building Frontage Maximum 120 total	60 per face	30 per face
C-2/C-3/ C-4	Wall, Low Profile, Projecting, Pole	60 per face	1.5 feet per Linear Foot of Building Frontage Maximum 180 total	80 per face	30 per face
M-1	Wall, Low Profile	Not Permitted	1.5 feet per Linear Foot of Building Frontage Maximum 180 total	60 per face	Not Permitted
M-2	Wall, Low Profile	Not Permitted	1.5 feet per Linear Foot of Building Frontage Maximum 180 total	60 per face	Not Permitted

- 1) There shall be a maximum of two (2) faces for low-profile/monument, pole, and projecting signs.
- 2) Awning and canopy signs are wall signs for the purposes of this table.
- 3) No low profile/monument sign or projecting sign is permitted when a pole sign is located on the lot.
- 4) For multi-tenant buildings, the total square footage permitted shall be based on each occupant's linear building frontage.
- 5) One pole, or one low profile/monument sign, or one projecting sign may be used in combination with a wall sign.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.15 Signs (cont'd)

- B. Pole Signs and Low-profile/Monument Signs on Double Frontage Lots
If a lot is bordered by two streets that do not intersect at the lot's boundaries (double frontage lot), then the lot may (subject to total sign area limitation in Section 9.16.6 A) have a pole or low profile/monument sign on each street.
- C. Location and Height of Pole Signs
All pole signs shall be located a minimum distance of twenty (20') feet from the nearest right-of-way line, a minimum of twenty (20') feet from any adjacent lot line, and shall not exceed a height of twenty (20') feet.
- D. Wall Signs
The square footage for a wall sign is calculated on the wall area facing the right of way. On corner lots, only one building frontage may be used in the size calculation. Multiple wall signs are permitted provided the combined sign area is less than the total wall sign size limit set forth in Section 9.16.6 A. Awning/Canopy Signs are allowed and are calculated as part of the overall square footage. Awning/Canopy Signs shall not be lower than eight feet (8') above curb grade and Awning/ Canopy Signs shall not project vertically above the surface of the canopy or awning.
- E. Low-profile/Monument Signs
Shall be setback from the nearest right-of-way a minimum distance of fifteen (15') feet and shall be setback a minimum of ten (10') feet to any adjacent lot line, and not exceed five feet (5') in height.
- F. Projecting Signs
One projecting sign is allowed per business. The maximum projection length beyond the building face shall be four (4') feet. A projecting sign must have its lower edge a minimum of eight (8') feet above the surrounding grade. Projecting signs shall not exceed the height of the wall that they are attached on.
- G. Special Event Signs
1. For the opening of a new businesses or re-opening of a seasonal business located in a commercial or industrial district, a temporary, on-site sign advertising the grand opening may be permitted for a total period of thirty (30) continuous days, and shall have a zoning certificate.
 2. For existing businesses, temporary, on-site signs advertising a special event may be permitted for two (2) two (2) week continuous periods per calendar year. Each special event sign requires a zoning certificate. The sign shall be removed on or before the end of the two week period. These signs shall not exceed thirty-two (32) square foot in size and shall be located on the wall of the building where the special event is taking place.

9.15.7 Signs Not Permitted

- A. Signs displaying nudity.
- B. Any vehicle or trailer which has attached thereto or located thereon any sign or advertising device for the primary purpose of advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.15 Signs (cont'd)

- C. Abandoned signs
- D. Animated signs
- E. Temporary and Portable Signs (Except as provided for in Section 9.16.6 G.)
- F. Any sign or other object attracting attention to a business that interferes with the safety of the traveling public.
- G. Roof Signs that exceed the highest point of the roof that the sign is installed upon or that expose bracing and other mounting materials.
- H. Signs that resemble or conflict with traffic control signs or signals.
- I. Signs or devices that emit audible sound, smoke, gas and/or odor.
- J. Signs constituting a violation of Section 12.
- K. Any sign containing obscene matter.
- L. Any sign unlawfully installed, erected, or maintained.

9.16 Site Design and Development

Site plan review and landscaping shall be required for all Multi-Family, and non-residential uses which are original uses; or existing uses, when a building or structure is erected, changed, or enlarged by 50% or more or 5,000 square feet or greater in floor area.

9.16.1 Site Plan Review

A) General Requirements

1. As a condition of review by the Zoning Commission of any Site Plan which involves any application for a change in use authorization or zoning classification or upon any application for an additional use by amendment permit, or other request to authorize the use of a property for commercial or industrial use, a property owner shall agree to the addition of the subject property to the Swanton Township Joint Economic Development District also known as the JEDD should the application ultimately be approved. (Revised 3/12/19, Z33-C149)
2. A formal letter of submittal shall accompany the site plan. The letter should give reference to a Plan Commission case file number if one has been assigned for the property and shall provide the name, address and phone number of any parties who should be informed of the progress of the request. Parties to be notified should include the land owner, developer, attorney, architect, engineer, landscape architect, adjoining property owners, or other appropriate consultants.
3. All site plans shall have a title indicating the type of request being made, i.e. a request for a zone change, special use permit, etc.
4. The site plan shall be accompanied by a complete legal description of the subject property and a general location sketch showing nearby section lines and/or residential and major roadways.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.16 Site Design and Development (cont'd)

5. The site plan shall indicate the scale of the drawing and shall use an engineer's scale.
6. The site plan shall have the north arrow pointing either toward the top of the drawing or to the left side of the drawing. The location map and site plan orientation should be identical.
7. The following submissions are required:
 - a) 12 blueline or blackline prints of the site plan on paper no larger than 24" x 36". Detailed drawings other than the site plan need not be submitted at this time for the site plan review process.
 - b) A good quality blank and white reproducible, PMT or velox reduction of the original print shall be submitted at a size ranging from 8 1/2" by 11" to 11" by 17".

B) Specific Requirements

1. The site plan shall show the zoning classification(s) and existing uses of the subject property and all abutting property. It shall also show the approximate location of buildings and driveway locations opposite to and adjacent to the subject property.
2. The site plan shall indicate the dimensions of the property and shall show the dimensions of existing and proposed buildings to be constructed. The site plan shall indicate any building removals or other alterations to occur on the property.
3. The site plan shall indicate the distance of existing and proposed structure(s) to the right-of-way line and the distances of the structure(s) to the side and rear property lines.
4. The site plan shall indicate by name all adjacent roadways. The site plan shall show both right-of-way and pavement widths measured from the center-line of the roadway.
5. The site plan shall indicate the location, size (height), and material of all existing and proposed fencing and/or walls on the subject property.
6. The site plan shall show the location, height and dimensions of existing or proposed signs on the property.
7. The site plan shall indicate the width(s) and location(s) of existing or proposed sidewalks if any and drive approach aprons. The drive approach width(s) shall be dimensioned where the apron meets the roadway pavement and shall be dimensioned at the throat.
8. Site plans shall show any ditches, creeks, or other natural features that may affect the development of the property. Where appropriate, the two-foot (2') contours and the 100-year high water elevation shall be shown on the site plan. Information on this requirement may be obtained from the Lucas County Engineer's Office.
9. The site plan shall show the existing and proposed method of storm water drainage and/or areas to be used for storm water detention.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.16 Site Design and Development (cont'd)

10. The site plan shall show existing and proposed sanitary and storm sewers, watermains and location(s) of fire hydrants if present. In the event these improvements are not available, the site plan shall indicate the location of proposed or existing wells and/or on-lot sewage systems both on-site and on abutting parcels.
11. The site plan shall indicate the location of existing or proposed off-street parking spaces and drive aisles with complete dimensions. The drawing shall include the number and size of the proposed parking stalls including handicap spaces. The type of pavement composition of the parking area, i.e., treated gravel, asphalt or concrete shall be indicated. If the off-street parking area is located next to an existing parking area or on another parcel, the method of circulation, if any between the two areas, shall be shown.
12. A site plan with a proposed drive-thru window operation shall indicate where the vehicles will be lined-up and how many vehicles can be stored at one time while waiting to use the order board and/or drive-up window.

9.16.2 Application Procedure

- a) Site plans shall be filed with the Zoning Inspector.
- b) The Zoning Inspector shall transmit the completed site plan including all Specific Requirements (see 9.17.1 B) to the Zoning Commission for review and recommendations.
- c) The date the Zoning Commission accepts the site plan shall constitute the official filing date.
- d) No permit shall be issued for any use or change in use prior to the review and recommendation of the site/ development plan by the Zoning Commission. Conditions or modifications may be attached to these plans.
- e) The review time for site plans, generally shall be in keeping with the time requirements established for zoning changes.
- f) Any change in the site plan once approved shall require a review by the Zoning Commission.
- g) The Zoning Commission may seek information and recommendations from the Lucas County Planning Commissions or other appropriate agencies to aid in their review of the site plan.

9.17 Swimming Pools

- a) Swimming pools shall not be permitted in a side or front yard in an "A" or "R" District.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.17 Swimming Pools (cont'd)

- b) Swimming pools exceeding 12 feet in diameter or length as applicable to the shape of the pool and greater than two (2) feet in depth capacity for water shall be enclosed or protected by an adequate fence at least 42 inches high with all access gates provided with adequate key-type locks. Portable pools 42 inches or higher require no fence if the pools are free of any cross bars and the ladder is withdrawn when the pool is not in use and placed where small children cannot reach it.
- c) Pools shall be a minimum of ten (10) feet from any property line.
- d) A written description of the location and a sketch showing location on the site shall accompany the permit application.

9.18 Sexually Oriented Businesses

Conditions for the operation of a sexually oriented business.

9.18.1

This requirement establishes reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the Township. This requirement has neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this requirement to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors or exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this requirement to condone or legitimize the distribution of obscene materials.

9.18.2

Such uses shall be permitted subject to the following conditions:

- a. The applicant shall file in writing a report containing the following information:
 - i. The address where the sexually oriented business is operated or is to be operated.
 - ii. The status of the applicant as an individual, partnership, or limited partnership, domestic or foreign corporation, or other entity; the full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation or the entity. If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office in Ohio; its federal identification number; the name and address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner. If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each stockholder holding more than two percent of the applicant's stock. If any shareholder is a corporation

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.18 Sexually Oriented Businesses (cont'd)

or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership.

- iii. The application must contain the address where the sexually oriented business is to be located and shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- iv. Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the Township, shall be grounds for revocation or non-renewal of a permit.
- v. Any other information determined by the Board to be necessary.

9.18.3

A permit or license issued under this section to a sexually oriented business shall expire one year after the date of issuance. An application for a renewal permit shall be filed not later than forty-five (45) days prior to the expiration of the permit. An application for renewal shall be acted upon within twenty-one (21) days of receipt of the application. The information contained with the initial application for a permit and supplementary information required by Item 9.19.2(iv) above shall be used to determine whether or not to renew a permit. Each permit for a sexually oriented business shall contain the name of the applicant, the address of the sexually oriented business and the expiration date of the permit.

(Revised 5/24/16, Z33-C143)

9.18.4

In addition, such uses shall be permitted subject to the following conditions:

- i. Sexually oriented business uses shall be located at least five hundred (500) feet from any church, child day care center, library, public park, public or private school social service facility, neighborhood center, or amusement arcade, as measured from the property line.
- ii. Sexually oriented business uses shall be located at least five hundred (500) feet from any boundary of any residential district.
- iii. Sexually oriented business uses shall be located at least one thousand five hundred (1,500) feet from any other sexually oriented business, as measured from the property line.
- iv. Sexually oriented business uses shall be located at least two hundred (200) feet from a bar, tavern, or other business serving or selling liquor, beer, wine, or other alcoholic beverages, as measured from the property line. (Revised 4/15/02 - Z33-C105)

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.19 Small Wind Turbine and other wind-powered generator (Section Added 2/9/10, Z33-C135)

9.19.1 General Requirements: (Revised 7/9/19, Z33-C150)

- a. The applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, and/or Ohio Department of Transportation).
- b. Towers shall be allowed only on parcels five (5) acre or greater in size.
- c. Towers powered by an electric generator shall service only one residence or parcel.
- d. Towers must be a free-standing or attached vertical structure without guy wires unless a waiver is granted from the Swanton Township Board of Zoning Appeals.
- e. All zoning districts where dwellings of any kind are permitted shall be construed to be an area zoned for residential use.
- f. The applicant shall demonstrate that no suitable site is available in a non-residential district.
- g. The applicant shall notify the Township Zoning Inspector within thirty (30) days of ceasing operations at the site. The removal of the structures and buildings is required within sixty (60) days of ceasing operations.
- h. Applicant shall utilize stealth technology.

9.19.2 Specific Requirements:

- a. The applicant shall comply with ORC Section 519.211.
- b. Height: The total height of the tower shall not exceed one hundred (100) feet and the minimum distance between the ground and any protruding blades is 15 feet as measured at the lowest point of the arc of the blades.
- c. Fall zone: At least 125% of the height of the total structure from any property line, residence, building, and public or private road or right-of-way.
- d. Set-back: No part of the wind system structure, including guy wire anchors which would require a waiver by the Swanton Township BZA, shall extend closer than ten (10) feet to the property boundaries of the installation site.
- e. Lighting: The maximum lighting used for or on the structure is a low intensity red light defined by the Federal Aviation Administration.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.19 Small Wind Turbine and other wind-powered generator (cont'd)

- f. Electrical generator: The small wind turbine and other wind-powered generator powered by an electric generator shall have a rated capacity of not more than 10 kW.
- g. Noise: Noise coming from the small wind turbine shall not exceed 65 dBA to the nearest property line.
- h. Fencing: The supporting tower shall be enclosed with a six (6) foot high fence unless the base of the tower is not climbable for a distance of twelve (12) feet.
- i. Base: All tower support bases shall be made of concrete.
- j. FAA: The FAA is required to receive notification of any construction or alternation of an object that is more than 200 feet in height above the ground level at the site or if the object is located within 10,000 feet of an airport per FAA, 14CFR77.13.
(Revised 5/24/16, Z33-C143)
- k. Environmental impact: All applicants must receive written approval by the Metro Parks (if applicable), U.S. Department of Fish and Wildlife and the Ohio Department of Natural Resources based upon their determination that the proposed small wind turbine will not impact eagles, wildlife or migratory birds.
- l. Any transmission lines shall be placed underground to any structures..

9.19.3 Permit Requirements:

For a zoning permit to be issued; the following requirements must be met:

- a. Site plan: A detailed site plan shall be required in accordance with the requirements of Section 9.19.2 and Section 10.5

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.20 Solar Collectors

9.20.1 General Requirements:

The standards of this section apply to all solar collector energy conversion systems that are accessory to a building/structure where the height is specified in Section 4.3, Table 4-1, or no higher than sixty (60) feet as stated as an exception in Section 4.4.2. Solar collectors are permitted in all zoning districts.

Solar collectors are permitted when:

- a. Attached to a building and are not visible from a street.
- b. Visible from a street as long as the collectors are installed parallel to the roof slope and project no more than 12 inches from the roof surface.
- c. Placed in such a manner that any glare from an installed solar energy system does not adversely affect nearby properties or the public right-of-way.

9.20.2 Specific Requirements:

- a. Solar collectors must maintain the following setbacks:

1. Front yard – 70 feet from road right-of-way
2. Side yard – 15 feet from property line
3. Rear yard – 15 feet from property line

- b. Requirement for issuance of a permit:

Before installation of solar collector, a zoning permit must be obtained; the following requirement must be met to obtain a zoning permit for the installation of a solar collector:

1. Site plan: A detailed site plan shall be required in accordance with the requirements of Section 9.17.

9.21 Geothermal

9.21.1 General Requirements:

The standards of this section apply to all geothermal systems that are accessory to buildings/structures. Geothermal systems shall be permitted in all zoning districts.

9.21.2 Specific Requirements:

- a. A geothermal system shall be located at least ten (10) feet from adjacent property lines and from the foundation of any building/structure.

SECTION 9 SUPPLEMENTARY DISTRICT USES, STRUCTURES AND REGULATIONS (cont'd)

9.21 Geothermal (cont'd)

- b. A geothermal system shall be located at least twenty-five (25) feet from leach fields and any potable water source.
- c. All geothermal systems must have a closed loop technologies. Open loop systems are not permitted.
- d. Requirement for issuance of a permit:

Before installation of geothermal system, a zoning permit must be obtained; the following requirement must be met to obtain a zoning permit for the installation of a geothermal system:

- 1. Site plan: A detailed site plan shall be required in accordance with the requirements of Section 9.17.

Section 9.22 Sweepstakes/Internet Cafés

In addition to Special Use Permit approval, sweepstakes / internet cafés shall be subject to the following conditions:

- a. Sweepstakes/Internet café uses shall be located at least five hundred (500) feet from any church, child day care center, library, public park, public or private school, social service facility, neighborhood center, or amusement arcade, as measured from the property line.
 - b. Sweepstakes/Internet café uses shall be located at least one thousand five hundred (1,500) feet from any other Sweepstakes/Internet café, as measured from the property line.
 - c. Sweepstakes/Internet café uses shall be located at least two hundred (200) feet from a bar, tavern, or other business serving or selling liquor, beer, wine, or other alcoholic beverages, as measured from the property line.
- (Revised 7/10/12, Z33-C140)

SECTION 10 DESIGN AND DEVELOPMENT PROVISIONS FOR MULTI-FAMILY, NON-RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES

SECTION 10.1	Environmental Standards
SECTION 10.2	Open Storage and Display of Material and Equipment
SECTION 10.3	Temporary Buildings and Uses
SECTION 10.4	Landscaping
SECTION 10.5	Site Plan Review

CROSS REFERENCES

SECTION 2	Definitions
SECTION 4	Use Regulations
SECTION 6	Planned Unit Development
SECTION 7	Additional Uses Permitted by Amendment (Revised 5/24/16, Z33-C143)
SECTION 9.17	Site Plan Review (Revised 5/24/16, Z33-C143)
SECTION 13	Board of Zoning Appeals

10.1 Environmental Standards

10.1.1 General

No land or building shall be used or occupied for commercial, industrial or nonresidential purposes which produces any dangerous, injurious, noxious or otherwise objectionable element or condition which could adversely affect the adjacent land nor pose a threat to the public health, welfare and safety of persons at the site or external to it. Such uses permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following standards.

- a. Environmental standards will be maintained for air quality, water quality and solid waste disposal as required by the Ohio Environmental Protection Agency and the Ohio Department of Health.
- b. Glare and Heat - No direct glare or reflected lights which are visible from other properties outside the industrial or commercial district shall be permitted.
- c. Vibration and noise - Noises deemed objectionable to adjacent and nearby properties if determined a nuisance by the Township Trustees, shall not be permitted.
- d. Smoke, dust, particulates and odors - The emission of smoke, dust, particulates or odors which are objectionable or pose a threat to the health and safety of the surrounding area shall not be permitted. Compliance shall be in accordance to Air Quality Standards of the State of Ohio as administered by the City of Toledo, Environmental Services Agency.
- e. All roadways internal to the site will be paved or maintained to minimize dust.
- f. Radiation or electromagnetic disturbance - No device or material which generates hazardous radiation or causes electromagnetic disturbances to nearby areas shall be permitted.

SECTION 10 DESIGN AND DEVELOPMENT PROVISIONS FOR MULTI-FAMILY, NON-RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES (Cont'd)

10.1 Environmental Standards (cont'd)

- g. Electrical and telecommunication facilities - All electrical and telecommunication facilities should be hidden from view of adjoining properties and roadways and where feasible will be placed underground.

10.2 Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incident to permitted or conditional nonresidential uses shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties by means of walls, fences or plantings. In no case shall this storage be maintained beyond the front building line. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. Notwithstanding the requirements of Section 10.4, in lieu of such wall or fence, a strip of land not less than 10 feet in width and may be landscaped with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height. All plantings shall be maintained at this height and in a suitable living condition to maintain the effect of shielding such storage from external view of the parcel.

10.3 Temporary Buildings and Uses

Temporary buildings, structures or uses and/or temporary open storage of equipment shall be permitted subject to approval and conditions by the Board of Zoning Appeals under Section 13.

10.4 Landscaping

- a) Landscaping shall be required along all road frontage.
- b) Depth of the landscaping strip shall be a minimum of 15 feet or 50% of the required minimum yard depth whichever is greater.
- c) Landscaping shall be a minimum of four (4) feet in height and a sufficient height to shield the view of parking areas from adjacent roadways.
- d) Where uses are within, abut or opposite an "A" or "R" District, landscaping shall be required for those yards which are adjacent to the "A" or "R" District. Landscaping shall be a minimum of six (6) feet to effectively shield the view from these respective adjacent parcels.
- e) Landscaping shall consist of natural materials such as plantings, mounding, stone, walls or fences of wood, decorative stone or masonry.
- f) Landscaping shall not obstruct visibility and shall be maintained at a height not to exceed 42 inches within five (5) feet of any street or road right-of-way.

10.5 Site Plan Review

A site plan review shall be required in accordance with the requirements in Section 9.17.
(Revised 5/24/16, Z33-C143)

SECTION 11 NONCONFORMING LOTS, STRUCTURES AND USES

SECTION 11.1	Intent of Resolution Concerning Non-Conformities
SECTION 11.2	Avoidance of Undue Hardship
SECTION 11.3	Single Nonconforming Lots of Record
SECTION 11.4	Nonconforming Lots of Record in Combination
SECTION 11.5	Nonconforming Uses of Land
SECTION 11.6	Nonconforming Structures
SECTION 11.7	Nonconforming Uses of Structures or of Structures and Land in Combination
SECTION 11.8	Expansion, Repair, and Maintenance

CROSS REFERENCES

SECTION 2	Definitions
SECTION 4	Use Regulations
SECTION 12	Enforcement
SECTION 13.2	Board of Zoning Appeals

11.1 Intent of Resolution Concerning Non-Conformities

Within the districts established by this Resolution or amendments that may later be adopted there exists lots, uses of land, 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. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

11.2 Avoidance of Undue Hardship

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which a valid building permit was issued, or actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be completed within one (1) year.

Any nonconforming structure that is ready for or under construction at the time of adoption or amendment of this Resolution may be completed and occupied in accordance with the requirements of a valid building permit and zoning permit issued prior to such adoption or amendment date.

11.3 Single Nonconforming Lots of Record

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record existing at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous

SECTION 11 NONCONFORMING LOTS, STRUCTURES AND USES (cont'd)

11.3 Single Nonconforming Lots of Record (cont'd)

frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area and/or width that are generally applicable in the district. Yard dimensions and requirements other than those applying to area and/or width shall conform to the regulations for the district in which such lot is located.

Variances for district requirements, other than lot area or lot width, shall be obtained only through action of the Board of Zoning Appeals as provided in Section 13.

11.4 Nonconforming Lots of Record in Combination

If two or more nonconforming lots, or portions thereof, with continuous frontage are in single ownership, the BZA may, upon appeal of the Zoning Inspector's decision to deny a zoning permit for failure to meet the requirements of this Resolution, determine that these lots are or are not to be an undivided parcel for the purpose of this Resolution. If considered an undivided parcel, no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of said parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

If each said parcel is developed separately, a finding shall be made by the Board of Zoning Appeals that such development and density will not be a detriment to the surrounding area.

11.5 Nonconforming Uses of Land

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution;
3. Additional structures which do not conform to the requirements of this Resolution shall not be erected in connection with such nonconforming use of land;
4. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located. A nonconforming use shall be considered voluntarily discontinued or abandoned:
 - a) When the intent of the owner to discontinue the use is apparent, or,
 - b) When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within the 2 year period, or,

SECTION 11 NONCONFORMING LOTS, STRUCTURES AND USES (cont'd)

11.5 Nonconforming Uses of Land (cont'd)

- c) When it has been replaced by a conforming use, or,
- d) When it has been changed to another nonconforming use by first obtaining a permit from the Board of Zoning Appeals.

11.6 Nonconforming Structures

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

- 1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- 2. Should such nonconforming structure or nonconforming portion of structure be damaged so extensively that such structure is rendered unfit for occupancy by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution;
- 3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Revised 5/24/16, Z33-C143)

11.7 Nonconforming Uses of Structures or of Structures and Land in Combination

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

- 1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- 2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
- 3. If no structural alterations are made, any nonconforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. The appeal procedure (See Section 13) requires that the request for substitution be made first to the Zoning Inspector, who must deny the zoning permit. The appeal is then taken to the Board for the final determination. In permitting such change, the Board may require appropriate conditions and safeguards in accord with other provisions of this Resolution;

SECTION 11 NONCONFORMING LOTS, STRUCTURES AND USES (cont'd)

11.7 Nonconforming Uses of Structures or of Structures and Land in Combination (cont'd)

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
5. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land;
6. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. A nonconforming use shall be considered voluntarily discontinued or abandoned:
 - a) When the intent of the owner to discontinue the use is apparent, or,
 - b) When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within the two year period, or,
 - c) When it has been replaced by a conforming use, or,
 - d) When it has been changed to another nonconforming use by first obtaining a permit from the Board of Zoning Appeals.

11.8 Expansion, Repair, and Maintenance

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content (floor area) existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 12 ENFORCEMENT

SECTION 12.1	Zoning Inspector
SECTION 12.2	Zoning Certificates
SECTION 12.3	Conditions under which Certificates are Required
SECTION 12.4	Application and Issuance of Zoning Certificates
SECTION 12.5	Fees for Zoning Certificates
SECTION 12.6	Violations and Penalties
SECTION 12.7	Violations - Remedies

CROSS REFERENCES

SECTION 2	Definitions
SECTION 4	Use Regulations
SECTION 7	Additional Uses Permitted by Amendment (Revised 5/24/16, Z33-C143)
SECTION 9	Supplementary Uses, Structures and Regulations
SECTION 10	Design and Development Provisions for Multi-Family, Non-Residential, Commercial and Industrial Uses
SECTION 13.3.1	Appeals

12.1 Zoning Inspector

12.1.1

It shall be the duty of the Township Zoning Inspector who shall be appointed by the Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the township to assist the Zoning Inspector by reporting to him upon new construction, reconstruction, or land uses or upon observing violations.

12.1.2

Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals, as provided in Section 13.

12.2 Zoning Certificates

12.2.1

It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Resolution. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

SECTION 12 ENFORCEMENT (cont'd)

12.2 Zoning Certificates (cont'd)

12.2.2

As a condition of review by the Zoning Commission which involves any application for a change in use, zoning classification, site plan review, or upon any application for an additional use by amendment permit, or request to change from commercial to industrial use, a property owner shall agree to the addition of the subject property to the Swanton Township Joint Development District should the application ultimately be approved.
(Revised 3/12/19, Z33-C149)

12.2.3

Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution. No charge shall be made for issuing a zoning certificate in accordance with this paragraph.

12.3 Conditions under which Certificates are Required

A zoning certificate shall be required for any of the following, except as herein provided:

- a) Construction or structural alteration of any building, including accessory buildings.
- b) Change in use of an existing building or accessory building to a use of a different classification.
- c) Occupancy and use of vacant land.
- d) Change in the use of land to a use of a different classification.
- e) Any change in the use of a nonconforming use.
- f) A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Resolution or any amendments.

12.4 Application and Issuance of Zoning Certificates

12.4.1

Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. Said certificate shall be issued within 10 days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Resolution.

12.4.2

Written application for a zoning certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Resolution, the certificate therefore shall be issued within 16 days after the application for same has been made.

SECTION 12 ENFORCEMENT (cont'd)

12.4 Application and Issuance of Zoning Certificates (cont'd)

12.4.3

Every application for a zoning certificate shall be accompanied by a site plan, and such plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.

- a) Each plan shall show:
 - 1. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 - 2. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
 - 3. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - 4. The location and size of the proposed structure and/or the proposed enlargement of the existing structure.
 - 5. Any other information which in the judgement of the Zoning Inspector may be necessary to provide for the enforcement of this Resolution.
- b) Each plan shall bear statements declaring:
 - 1. That no part of the land involved in the application has previously been used to provide required yard space or lot area for another structure.
 - 2. Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of title transfer.
- c) Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor.
- d) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
- e) A file of such applications and plans shall be kept in the office of the Zoning Inspector.

12.4.4

The Zoning Inspector shall not issue a zoning certificate for any application requiring site plan review prior to recommendation by the Zoning Commission.

SECTION 12 ENFORCEMENT (cont'd)

12.5 Fees For Zoning Certificates

12.5.1

A fee, in accordance with the Swanton Township Zoning Certificate Fee Schedule, shall accompany each application for a zoning certificate. The fee schedule can be found on the current Swanton Township Website.

(Revised 5/24/16, Z33-C143)

12.5.2

The Zoning Inspector shall forthwith deposit all fees with the Township Fiscal Officer who shall credit such fees to the General Revenue Fund of the Township.

(Revised 5/24/16, Z33-C143)

12.5.3

Every zoning certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector or his agent, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

12.5.4

Every zoning certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector or his agent, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

(Revised 5/24/16, Z33-C143)

12.5.5 Time Limit:

A Zoning Certificate shall be valid for a period of one (1) year after the date of issuance.

(Revised 5/24/16, Z33-C143)

12.6 Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Trustees. Any person, firm or corporation violating any regulation there to, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than the maximum amount allowed by the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense.

SECTION 12 ENFORCEMENT (cont'd)

12.7 Violations - Remedies

12.7.1

Any certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the certificate shall be revoked by notice in writing to be delivered to the holder of the void certificate upon the premises concerned, or, if such holder be not found there, by posting the said notice or revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new certificate in accordance with this Resolution shall be deemed guilty of violation thereof.

12.7.2

In case any building 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 this Resolution or any amendment or supplement thereto, the Zoning Inspector, Township Solicitor, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute in junction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

SECTION 13 BOARD OF ZONING APPEALS

SECTION 13.1	Organization / Membership
SECTION 13.2	Meetings
SECTION 13.3	Powers / Duties
SECTION 13.4	Appeal Requirements
SECTION 13.5	Requirements for a Variance Request / Approval
SECTION 13.6	Conditions of Approval
SECTION 13.7	Applications / Procedure

(Revised 5/24/16, Z33-C143)

CROSS REFERENCES

SECTION 2	Definitions
SECTION 3	Establishment of Districts
SECTION 4	Use Regulations
SECTION 5	Off-Street Parking and Loading

13.1 Organization / Membership

The Swanton Township Board of Zoning Appeals shall organize, meet and act in accordance with the provisions of Section 519.15 of the Ohio Revised Code.

The Swanton Township Board of Zoning Appeals shall consist of five (5) members who shall be residents of Swanton Township. The terms of all members shall be so arranged so that the term of one (1) member expires each year. The Board of Township Trustees by Resolution shall fill by appointment any vacancies including un-expired terms. Members of the board may be removed by a vote of the Board of Trustees.

(Revised 5/24/16, Z33-C143)

13.2 Meetings

Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at other times the board determines. At the first meeting of each year the Board of Zoning Appeals shall elect a Chairperson and Vice-Chairperson for a term of one (1) year. A quorum of at least three (3) members is needed to conduct a meeting of the Board of Zoning Appeals. There shall be an assigned place of the meeting and all meetings shall be open to the public. The Board of Zoning Appeals shall keep a record of its proceedings indicating the actions of the Board and indicating the vote of each member on each request. All records of the Board of Zoning Appeals shall be filed in the Office of the Township Fiscal Officer.

(Revised 5/24/16, Z33-C143)

13.3 Powers / Duties

The Board of Zoning Appeals shall have the authority:

- a) To organize, adopt rules, hold meetings and keep records as required by law.
- b) To hear and decide appeals and variances, only in such cases where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this resolution.

SECTION 13 BOARD OF ZONING APPEALS (Cont'd)

13.3 Powers / Duties (cont'd)

In conformity with the provisions of this resolution, the Board of Zoning Appeals may affirm or reverse, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its option ought to be made in the premises; and to that end, shall have all the power of the Zoning Inspector from whom the appeal was taken.

- a) To authorize upon appeal in specific cases such variance from the terms of this 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 this Resolution shall be observed and substantial justice done. No variance shall be granted except in conformance with the provisions of this Resolution.
- b) Revoke an authorize variance granted for the extraction of minerals, if any condition of the variance is violated.

The board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under division (c) of the section and of the holder's right to a hearing before the board, within thirty (30) days of the mailing of the notice, if the holder so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by the holder's attorney, or by other representative, or the holder may present the holder's position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If no hearing is requested, the board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

(Revised 5/24/16, Z33-C143)

13.4 Appeal Requirements

Appeals to the Board of Zoning Appeals may be taken to hear and decide appeals and variances, only in such cases where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this resolution. Such appeal must be filed with the Board of Zoning Appeals within 20 days of receipt of the Zoning Inspectors decision. The following information must be included in the application: (Rev. 7/9/19, Z33-C150)

- a) The request shall include the action or order of the Zoning Inspector, such as the citation of zoning violation and / or Zoning Certificate being denied or revoked.
- b) The specific reference, including chapter (s) and sections (s), of the zoning text or portions of the "Official Swanton Township Map" that may be appealed.
- c) The facts and information showing the basis for the appeal, including factors of characteristics unique to a parcel.
- d) The specific remedy proposed or description of the proposed interpretation.

(Revised 5/24/16, Z33-C143)

SECTION 13 BOARD OF ZONING APPEALS (Cont'd)

13.5 Requirements for a Variance Request / Approval

The Board of Zoning Appeals may authorize in specific cases a variance from the terms of this Resolution as will not be contrary to the public interest, where, owing to specific 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. The Board of Zoning Appeals shall consider the following:

- a) That due to exceptional narrowness, shallowness, or shape, or exceptional topographic conditions or other extraordinary situation or condition of a lot, the strict application of the terms of this Resolution would result in peculiar and exceptional practical difficulties.
- b) That special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or building in the vicinity.
- c) That a variance from the strict application is necessary to relieve such difficulties or hardship, and that such relief may be granted without substantial detriment to the public good and without substantially altering the intent of this Resolution.
- d) The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.
- e) The condition from which relief or a variance sought did not result from action by the applicant.
- f) No variance may be applied for or granted which would allow a use that is prohibited in the applicable zoning district.
- g) The authorization of a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase danger of fire or imperil the public safety or unreasonably diminish or impair the health, safety, convenience, or general welfare of the inhabitants of the Township.

(Revised 5/24/16, Z33-C143)

13.6 Conditions of Approval

In granting any appeal, variance or exception, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with the Resolution. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue the permit listing the conditions or approval specified by the Board. Violations of such conditions and safeguards, when made a part of the terms under which the use is granted, shall be deemed a violation of this Resolution and punishable under Section 12.6.

(Revised 5/24/16, Z33-C143)

SECTION 13 BOARD OF ZONING APPEALS (Cont'd)

13.7 Applications / Procedure

13.7.1 Application

All applications shall be in writing, shall be signed by the owner of the property involved or their duly authorized agent or attorney, specify the request and grounds thereof, and be filed in the office of the Zoning Inspector.

An appeal from any action, refusal or ruling of the Zoning Inspector shall be filed within 20 days after such action or refusal or the announcement of such ruling. The Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action or filing appealed from was taken.

(Revised 5/24/16, Z33-C143)

13.7.2 Review by Other Officials

The Board of Zoning Appeals may request additional information or review of the appeal, variance or request by other Swanton Township officials, Lucas County agencies, or the Lucas County Planning Commission. Said information or review shall be delivered to the Board of Zoning Appeals within 45 days after the receipt of the request.

(Revised 5/24/16, Z33-C143)

13.7.3 Public Hearing / Notice

The Board of Zoning Appeals shall schedule a public hearing in a reasonable amount of time for the hearing of a matter to come before it. The Board of Zoning Appeals shall give at least ten (10) days' notice to the parties of interest, stating the time and place of the public hearing. In addition, notice of such public hearing shall be given in one publication in one or more newspapers of general circulation at least ten (10) days before the date of such public hearing. At the hearings, any party may appear in person, by agent or by attorney and shall be given the opportunity to be heard. The Board of Zoning Appeals shall make its findings and determination in writing within forty (40) days from the date of the filing of the request. The findings and determination shall be transmitted to the applicant, in writing, within the forty (40) day period. (Revised 7/9/19, Z33-C150)

13.7.4 Schedule of Fees, Charges / Expenses

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

(Revised 5/24/16, Z33-C143)

13.7.5 Record of Appeals & Variances

SECTION 13 BOARD OF ZONING APPEALS (Cont'd)

A public record of all appeals and variances and their disposition shall be kept on file in the Office of the Zoning Inspector and the Swanton Township Fiscal Officer.

(Revised 5/24/16, Z33-C143)

13.7.6 Appeal of Board Decisions

If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in writing within ten (10) days of the Board's written decision.

(Revised 5/24/16, Z33-C143)

13.7.7 The Board of Zoning Appeals has the power to revoke a variance

The Board shall notify the affected party of their intent to revoke by mailing of a notification by certified mail. The affected party has the right to request a hearing within thirty (30) days of the mailing of the notification, in which case the Board shall notify the party of the time and place of the hearing. Revocation of a variance shall become effective thirty (30) days after notice has been given, unless a hearing has been requested.

(Revised 5/24/16, Z33-C143)

SECTION 14 AMENDMENTS

SECTION 14.1	Authority
SECTION 14.2	Procedures
SECTION 14.3	Effective Date and Referendum

CROSS REFERENCES

SECTION 2	Definitions
SECTION 12	Enforcement

14.1 Authority

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution, after receipt of recommendation thereon from the Zoning Commission and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property, now or hereafter established by this Resolution.

14.2 Procedures

14.2.1 Initiation of Zoning Amendments

Amendments to this Resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Township Trustees;
3. By the filing of an application by at least one (1) owner of said property proposed to be changed or affected by said amendment.

14.2.2 Application

The application for amendment or district changes shall be made on forms prescribed by, and obtainable at the office of the Zoning Inspector. This application shall be accompanied by information or data indicating the necessity for, or desirability of, the change requested.

14.2.3 Fees

A fee shall be paid upon the filing of the application in accordance with the established fee schedule. All additional expenses incurred by the township in excess of the minimum required fee shall be paid by the applicant. No action shall be taken on an application until all fees have been paid in full.

(Revised 5/24/16, Z33-C143)

14.2.4 Transmittal to Zoning Commission

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner of the property, said resolution or application shall be transmitted to the Zoning Commission.

SECTION 14 AMENDMENTS (cont'd)

14.2 Procedures (cont'd)

The date that the Zoning Commission accepts the said resolution or application shall constitute the official filing date. All time limits shall commence from said filing date. The Zoning Commission shall record, in the official minutes, actions taken on all resolutions and applications submitted to them for review (i.e. Submitted to County Planning Commission for review; application incomplete; have requested further information from applicant; etc.)

14.2.5 Public Hearing and Notice by Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than 20 nor more than 40 days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application. Notice of such hearings shall be given as follows:

1. A notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least 10 days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination
2. If the proposed amendment intends to rezone or redistrict 10 or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least 10 days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such areas proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice shall not invalidate any such amendment. The notice shall contain the same information as required on notices published in the newspaper(s).

14.2.6 Submission to County Planning Commission

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map(s) pertaining to the case in question to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

SECTION 14 AMENDMENTS (cont'd)

14.2 Procedures (cont'd)

14.2.7 Recommendation by Zoning Commission

Within 30 days after the scheduled public hearing, the Zoning Commission shall recommend to the Board of Township Trustees that 1) the amendment be granted as requested; 2) it may recommend a modification of the amendment requested; or 3) it may recommend that the amendment not be granted.

The Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Commission, and shall be a public record.

14.2.8 Public Hearing and Notice by Township Trustees

Within 30 days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least 10 days before the date of said hearing. This notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.

14.2.9 Action by Board of Township Trustees

Within 20 days after the public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees denies or modifies the recommendation of the Commission, the majority vote of the Township Trustees is required.

(Revised 5/24/16, Z33-C143)

14.2.10 Procedural Outline

The following procedural outline provides a general guide process for amendments in Swanton Township.

- 1) Property owner submits application, Zoning Commission adopts motion or Township Trustees adopt resolution.
- 2) Zoning Commission considers application or resolution at next meeting or requests additional information.
- 3) Zoning Commission accepts application or resolution (Official Filing Date).
- 4) Zoning Commission sends application or resolution to Lucas County Planning Commission for recommendation.
- 5) After receiving recommendations Zoning Commission sets date for Public Hearing (20 – 40 days from filing) and publishes notices at least 10 days before Public Hearing.
- 6) Zoning Commission Conducts Public Hearing.
- 7) Zoning Commission recommends action to Township Trustees within 30 days.
- 8) Township Trustees conduct Public Hearing within 30 days, publishes notice at least 10 days prior to hearing.
- 9) Township Trustees take action within 20 days after Public Hearing.
- 10) If approved, amendment takes effect 30 days after action by Township Trustees.

(Revised 5/24/16, Z33-C143)

SECTION 14 AMENDMENTS (cont'd)

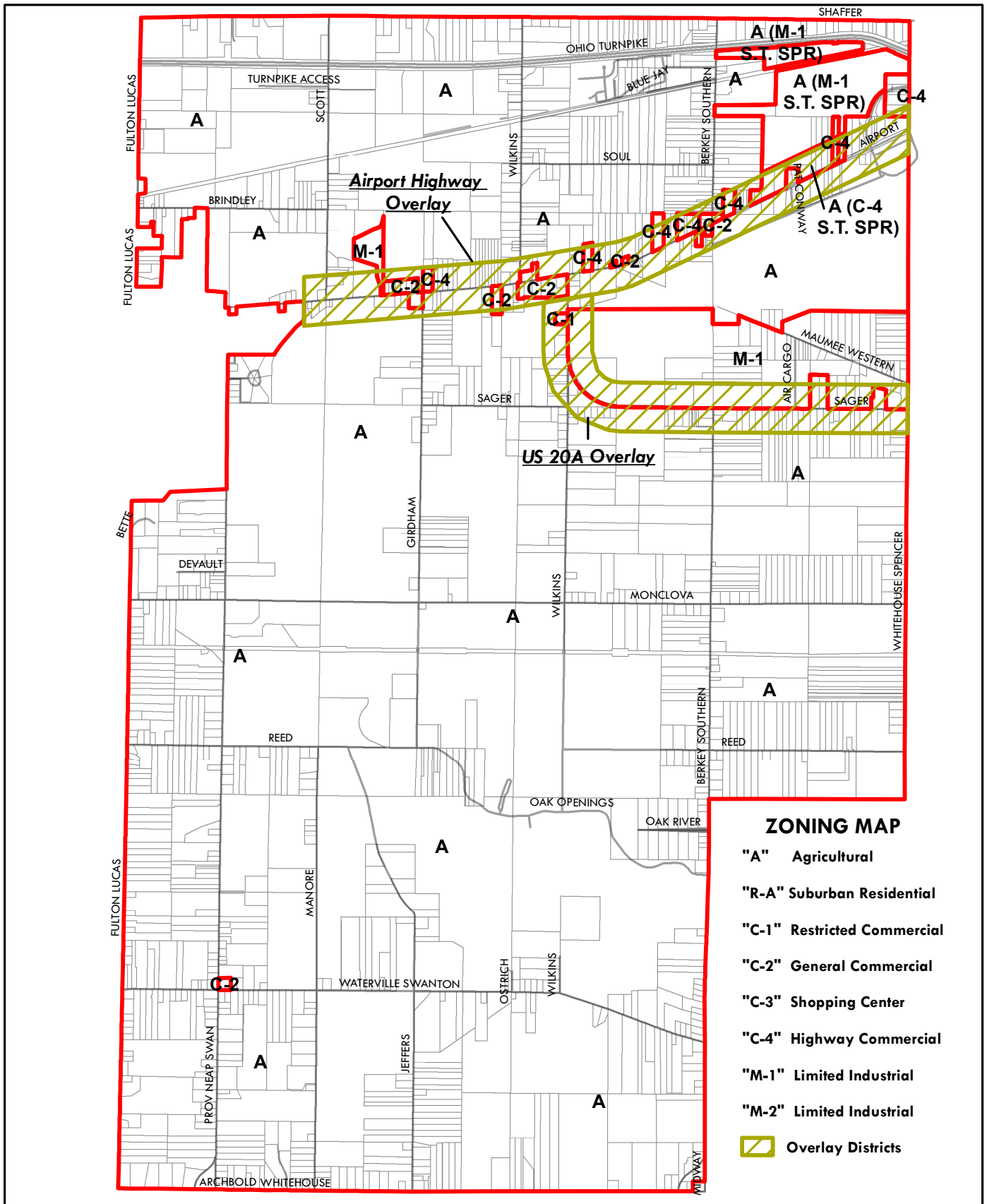
14.3 Effective Date and Referendum

Such amendment adopted by the Township Trustees shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the 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) % 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 Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

14.3 Effective Date and Referendum (cont'd)

No amendment 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 immediate effect.

SECTION 15 ZONING MAP



Produced by Toledo-Lucas County Plan Commissions 2/17/12

*The information illustrated in this map is in no way definitive.
It is for display purposes only.