

# ***WATERVILLE TOWNSHIP***



# ***ZONING RESOLUTION***

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**ZONING RESOLUTION  
WATERVILLE TOWNSHIP  
LUCAS COUNTY, OHIO  
2016**

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**WATERVILLE TOWNSHIP  
ZONING RESOLUTION**

**ADOPTED NOVEMBER 5, 1957**

**TEXT AMENDMENTS**

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**Z22-C23 - December 3, 1979\***  
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**Z22-C91 - October 13, 2004**  
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**Z22-C105 - December 4, 2006**  
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**Z22-C111 - October 8, 2008**  
**Z22-C113 - January 14, 2009**  
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**Z22-C124 - March 24, 2014**  
**Z22-C126 - January 28, 2015**  
**Z22-C129 - January 20, 2016**

\* Major Revision/New Publication

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**AMENDMENT OF THE ZONING RESOLUTION FOR WATERVILLE TOWNSHIP**

A RESOLUTION AMENDING THE ZONING RESOLUTION FOR WATERVILLE 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 WATERVILLE TOWNSHIP, LUCAS COUNTY, STATE OF OHIO:

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**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 9.15	Farm Markets
SECTION 9.16	Swimming Pools
SECTION 12	Non-Conforming Lots, Structures and Uses
SECTION 13	Enforcement
SECTION 14	Board of Zoning Appeals
SECTION 15	Amendments

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**SECTION 1.1 Authority**

The Board of Township Trustees of Waterville 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 1.2 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 Waterville Township, Lucas County, Ohio, effective November 5, 1957, 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 GENERAL PROVISIONS (cont'd)**

### **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, and 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.
- 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.
- 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 14.3.2(g). In no instance shall there be more than one (1) primary dwelling unit per parcel except for in the R-3 District.
- 1.4.6** Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties of 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 14. Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations.

## SECTION 1 GENERAL PROVISIONS (cont'd)

### 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 where regulated in this Resolution on lots of five (5) or less acres within any platted subdivision or in any contiguous area consisting of fifteen or more lots. Farm markets, where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, shall be permitted in any district, subject to the requirements of Section 9.15 (Farm Markets).
- 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. All Structures, however, should conform to yard, height, and setback requirements of this Resolution and other applicable laws and regulations. Telecommunications towers shall be regulated pursuant to the provisions of Section 9.24 of this Resolution. Oil and natural gas pipeline compressor stations should be regulated pursuant to the provisions of Section 9.29 of this Resolution. *(Rev. 1-20-16. Z22-C129)*
- 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.
- 1.5.4 The use of any land owned or leased by an industrial firm shall not be prohibited from 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

- 1.6.1 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.
- 1.6.2 This Resolution shall become effective from and after the date of its approval and adoption as provided by law.

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## SECTION 2 DEFINITIONS

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SECTION 2.1 Interpretation of Terms or Words

### CROSS REFERENCES

SECTION 3 Establishment of Districts  
SECTION 9 Supplementary Regulations (specific supplemental regulations applicable to a defined use are referenced)

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### **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. (See 9.2)

**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.

**Adult Amusement or Entertainment:** An establishment customarily engaged in the presentation of nude and seminude exhibitions and performances for commercial or pecuniary gain, which excludes minors by virtue of age. This definition does not apply to the exhibition, presentation, showing or performance of any play, ballet, drama, tableau or production in any theater, concert hall, museum of fine arts, school, institution of higher learning or similar establishment which is primarily devoted to such exhibitions, presentations, shows or performance as a form of expression of opinion, communication, speech, ideas, information, art or drama as differentiated from commercial or business advertising, promotion, selling or servicing products or services or otherwise advancing the economic welfare of a commercial or business enterprise such as a hotel, motel, bar, nightclub, restaurant, tavern or dance hall. (See 9.23)

**Adult Book Store:** An establishment which has a substantial portion of its stock in trade, books, magazines or other periodicals, from which minors are excluded by virtue of age. (See 9.23)

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**Adult Care Facility:** An Adult Care Facility is a residence, facility, institution, hotel, or congregate housing project regulated by the State Department of Health pursuant to ORC Chapter 3722, providing accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services, regardless of how the facility holds itself out to the public. An Adult Care Facility can be either an **Adult Family Home** or an **Adult Group Home** as separately defined. An Adult Care Facility does not include:

- A facility operated by a hospice care program;
- A nursing home, rest home, or home for the aging;
- A community alternative home;
- An alcohol and drug addiction program;
- A habilitation center;
- A licensed residential facility for the mentally ill;
- A licensed methadone treatment facility;
- A residential facility regulated/licensed under the Department of Mental Retardation and Developmental Disabilities;
- A facility that provides personal care services to fewer than three residents or that provides, for any number of residents, only housing, housekeeping, laundry, meal preparation, social or recreational activities, maintenance, security, transportation, and similar services that are not personal care services or skilled nursing care;
- Any facility that receives funding for operating costs from the Department of Development to provide emergency shelter housing or transitional housing for the homeless;
- A terminal care facility for the homeless that has entered into agreement with a hospice care program;
- A facility approved by the Veterans administration;
- An assisted living facility.

**Adult Family Home:** An Adult Family Home is an Adult Care Facility as separately defined that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults. Adult Family Homes are licensed in accordance with ORC Chapter 3722.

**Adult Group Home:** An Adult Group Home is an Adult Care Facility as separately defined that provides accommodations to 6 to 16 unrelated adults, and provides supervision and personal care services to at least three of the unrelated adults. Adult Group Homes are licensed in accordance with ORC Chapter 3722. (See 9.7)

**Adult Movie House:** An establishment displaying movies that are rated, X, XX or XXX which is customarily not open to the general public by excluding minors by virtue of age. (See 9.23)

**Adult Oriented Use:** Includes adult amusement or entertainment, adult book store, adult movie house, adult video store, massage parlor. (See 9.23)

**Adult Video Store:** An establishment which has a substantial portion of its stock in movies, for sale or for rent, from which minors are excluded by virtue of age. (See 9.23)

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**Agriculture:** includes farming; ranching; aquaculture; apiculture; dairying; pasturage; horticulture; viticulture; animal and poultry husbandry and the production of poultry and poultry products; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; 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 or commercial boarding of domesticated animals.

**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.

**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 are 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.

**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.

**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 are not limited to, veterinary clinics and animal hospitals.

**Animal Husbandry:** The branch of agriculture concerned with the keeping, care, or raising of livestock, equine, or fur-bearing, domesticated animals. Animal husbandry does not include the commercial boarding of domesticated animals.

**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.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**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 whose primary use is for selling of goods, merchandise, land etc. by a bidding process.

**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 building height measurement, a basement shall be counted as a story where one-half (1/2) its height is above the average level of the adjoining ground.

**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.

**Board:** Shall mean Board of Zoning Appeals.

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

**Boarding House:** A building other than a motel or hotel with three (3) or more guest rooms used as permanent (more than four (4) weeks) lodging 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. Boarding uses or activities include, but are not limited to, kennels, riding stables, or animal exhibits which are used for commercial purposes. (See 9.9)

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

**Borrow Pits:** A borrow pit is a term used in construction and civil engineering. It describes an area where material (usually soil, gravel or sand) has been dug for use at another location. The term is literal - meaning a pit from where material was borrowed, although within an implication of someday returning the material.

**Buffer, perimeter landscape:** An area of land which is set aside along the perimeter of a parcel of land in which landscaping is required to provide an aesthetic transition between different land uses and to eliminate or reduce the adverse environmental impact, and incompatible land use impacts. (Rev. 11-28-12. Z22-C122)

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (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.

**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 measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the decline of a mansard roof; and to the mean height level between eaves and ridges for a gable, hip, or gambrel roof, provided that where the buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

**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.

**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. General business includes retail projects with an aggregate floor area less than 50,000 square feet.

**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.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**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 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.

**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.

**Canopy tree:** Large deciduous shade trees with a mature height of 30 feet or greater and a mature spread of 30 feet or greater. (Rev. 11-28-12. Z22-C122)

**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.

**Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities. See Semi-Public Uses.

**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.

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

**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 rated carrying capacity of over 6000 pounds and used or designed to be used for business or commercial purposes. (See 8.2.2.)

**Commission:** Shall mean the Zoning Commission of Waterville Township.

**Community Alternative Home:** A residence or facility that provides accommodations, personal assistance, and supervision for three to five unrelated individuals who have immunodeficiency syndrome or a condition related to Acquired Immunodeficiency Syndrome (AIDS) and is regulated by the Department of Health pursuant to ORC Chapter 3724.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**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 change to win anything of value. Machines designated for use by the State Lottery Commission are not Computerized Sweepstakes Devices for purposes of this Resolution.

**Compressor and Pump Stations:** A facility that serves to move oil, petroleum products, and natural gas through pipelines. Compressor stations pressurize natural gas so it can be transported through pipelines. Pump stations facilitate the transportation of oil through pipelines by keeping the oil in motion using pumps.

*(Rev. 1-20-16. Z22-C129)*

**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.

**Conservation Development:** A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards (e.g., building arrangements and setbacks) than those that would normally apply under residential district regulations, and which allows for the flexible grouping of houses in order to conserve open space and existing natural resources. Conservation development character differs from conventional residential development in that it takes into consideration the preservation and minimal disturbance of unique natural and cultural variables associated with each site, such as rural character, historic homes, barns, public buildings, and stone walls, scenic views, farmlands, habitats, meadows, stately trees, woodlands, water courses, trails, sensitive groundwater aquifers, and other resources of community priority, as well as regulated wetlands, flood plains, or steep slopes.

**Contiguous Area:** A set of land parcels or subdivision lots which are touching or connected throughout in an unbroken sequence. A contiguous area may extend across a dedicated public road where some of the parcels or lots are contiguous to one another and adjacent to one side of a dedicated public road, and the balance are contiguous to one another and adjacent to the opposite side of the same dedicated public road.

**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 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.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**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.

**Detention Pond:** A pond that is in a low lying area that is designed to temporarily hold a set amount of water while slowly draining to another location.

**Disabled Vehicle:** See **Inoperable Vehicle**

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

- a) an antenna or dish antenna designed to receive communication or other signals from orbiting satellites; and
- b) a low level noise amplifier (LNA) located at the focal point of the receiving antenna which magnifies and transfers the signal. (See 9.4)

**Disposal:** The discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any waste into or on any land or ground or surface water or into the air.

**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.

**Domesticated Animal:** Livestock and other animals, such as horses, dogs, and cats, that through long association with humans have been bred to a degree resulting in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes them different from non-domesticated animals of their kind. This definition does not include wildlife or an exotic animal.

**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 non-transient residential purposes containing one (1) or more dwelling units.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**Dwelling, Multiple Family:** A building or portion thereof containing three (3) or more dwelling units and designed for or occupied by three (3) or more families living independently of each other.

**Dwelling, Single Family:** A detached building containing one (1) dwelling unit and designed for or occupied by one (1) family.

**Dwelling, Two Family:** A detached or semi-detached building containing two (2) dwelling units and designed or occupied by two (2) 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.

**Electric generator:** A device that produces electrical energy from a mechanical energy source.

**Electrical power:** The product of voltage and current.

**Electricity:** Energy made available by the flow of electric charge through a conductor.

**Evergreen:** A plant with foliage that persists and remains green year-round. *(Rev. 11-28-12. Z22-C122)*

**Exception:** See **Conditional Use (Special Exceptions)**

**Exotic Animal:** Any member of a species of animal, reptile or bird, warm or cold blooded, that is not indigenous to the environment and/or is not classified or considered as wildlife, livestock, or a domesticated animal.

**Extraction Industry:** 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. (See 9.5)

**FAA:** The Federal Aviation Administration, or any legally appointed, designated or elected agent or successor.

**Fall zone:** The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

**Family:** One (1) or more persons occupying a premises with a relative permanence in residency whether or not related to each other by birth or marriage who function and hold themselves out as a single housekeeping unit where each "family" member will be expected to join the others in a common duty of operating and maintaining the home and their persons, as distinguished from persons occupying a boarding house, lodging house or hotel herein defined.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**Farm Market:** A location where a producer offers fruits, vegetables and other agricultural products for sale. (See 9.15)

**FCC:** The Federal Communication Commission, or any legally appointed, designated or elected agent or successor.

**Feeder Line:** Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind tow.

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

**Foster Home/ Certified Family Foster Home:** A Foster Home is a family home in which any child is received apart from his or her parents for care, supervision, or training as regulated by the Ohio Department of Job and Family Services pursuant to ORC 2151.01. A Certified Family Foster Home is a foster home operated by persons holding a certificate in force from the Ohio Department of Job and Family Services, issued under Section 5103.03 of the Revised Code.

**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.

**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.
- 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.

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

**Group Homes:** A private residence or facility which provides resident and personal services, care and supervision to a maximum of 16 unrelated persons. This type of facility would serve: homeless, mistreated, or abused children; the mentally ill; those in need of social, mental, or physical rehabilitation; and the elderly. A group home shall not include: an adult care facility, a boarding, lodging or rooming house, a foster home, a MRDD family or group home, or a nursing home as defined herein.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**Ground cover:** A dense, extensive growth of low-growing plants, other than turfgrass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity. (Rev. 11-28-12. Z22-C122)

**HAM Radio Antenna:** Wireless telecommunication antenna used by amateur radio operator holding a valid amateur radio (HAM) license issued by the FCC.

**Hazardous Waste:** Any waste or combination of waste in solid liquid, semi-solid or contained gaseous form which falls within the definition of Hazardous Waste under 3734.01(j) O.R.C.

**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.

**Hedge:** A row of evenly spaced shrubs planted to form a continuous unbroken visual screen. (Rev. 11-28-12. Z22-C122)

**Home Occupation:** An occupation carried on exclusively by the occupant(s) of a dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the external character of the dwelling. (See 9.8)

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

**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.

**Industrialized Unit:** A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured or mobile home as defined in this resolution. For the purpose of this resolution, an industrialized unit is a dwelling.

**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.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**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 mentally ill or developmentally disabled persons.

**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 taking place entirely within an enclosed building. (See 9.3)

**Kenel:** Any lot or premises on which four (4) or more domesticated animals, such as dogs and cats, more than four (4) months of age, are kept for commercial boarding purposes.

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

**Landfill:** A site for the disposal of solid wastes (as defined in Ohio Revised Code Section 3734.01) in a manner that minimizes environmental hazards by compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.

**Landscaping/Lawn Care Services:** A business that provides maintenance and care of lawn and yards including, but not limited to, landscape preparation and maintenance, fertilizing of lawns, snow removal, grass cutting, and shrub and tree trimming and removal (Rev. 12/14/05, Z22-C101)

**Large-Scale Retail Project:** Development of one or more retail establishments on a single site with common parking facilities with an aggregate floor area of 50,000 square feet or greater. (See 9.18)

**Livestock:** Any animal generally used for food or in the production of food or other agricultural purposes, including cattle, sheep, goats, rabbits, poultry, and swine.

**Loading Berth or Space:** A space within the main building or on the same lot, exclusive of off-street parking space and which provides for the standing, delivery/pickup, loading or unloading of packages or materials.

**Lodging House:** See **Boarding House**

**Lot:** A parcel of land occupied or intended for occupancy by a use permitted in this 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.

- a) **Lot Area** - the total horizontal area within the boundaries of a lot exclusive of any public right-of-way, right-of-way easement, alley, public roadway or private place.
- b) **Lot, Corner** - a lot abutting upon two (2) or more streets at their intersection.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

- 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 Interior** - a lot other than a corner lot.
- f) **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.
- g) **Lot Width** - the horizontal distance between the side lot lines, measured at right angles to the lot depth line. The minimum lot width required per Section 4 shall be maintained for the first 300 feet of lot depth in an unbroken and continuous manner, except for those lots with curved frontage. For cul-de-sac lots and other lots with frontage on the outside of a curve, lot width shall be measured as the chord distance between the points on the side lot lines coinciding with the required depth of the front yard and the minimum lot width shall be maintained from the point of measurement to the rear lot line. For lots with frontage on the inside of a curve, lot width shall be measured perpendicular to the lot depth line at the midpoint of the lot depth line and the minimum lot width shall be maintained from the point of measurement to the front lot line.

*(Rev. 10-13-04, Z22-C91)*

**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 building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. (See "Permanently Sited Manufactured Home" and 9.19)

**Manufactured Home Park:** Any lot, parcel or tract of land designed exclusively for the occupancy by manufactured homes or mobile homes used for human habitation, are parked, either free of charge or for revenue purposes, which include any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such Manufactured Home Park; and falling within the definition of a "Manufactured Home Park" in O.R.C. 3733.01. (See 9.20)

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**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 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 Parlor:** An establishment or place primarily in the business of providing massage services operated by anyone not a duly licensed medical doctor, osteopath, chiropractor, nurse, physical therapist treating patients recommended by a licensed physician under a duly licensed physician's direction, or person practicing the art of massage on the face or hands in a duly licensed beauty parlor or barber shop. (See 9.23)

**Mobile Home:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three-hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more sections, is not titled as real estate, and does not qualify as a manufactured home or industrialized unit as defined in O.R.C. 3781.06.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**Modular Home:** See Industrialized Unit

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

**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.

**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 and not being restored to operating conditions. (See 9.3)

**MRDD Family Home:** A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for less than eight mentally retarded or developmentally disabled persons and is regulated by the Department of Mental Retardation and Developmental Disabilities pursuant to ORC 5123.19.

**MRDD Group Home:** A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for between nine and sixteen mentally retarded or developmentally disabled persons and is regulated by the Department of Mental Retardation and Developmental Disabilities pursuant to ORC 5123.19. (See 9.7)

**Mulch:** Non-living organic materials such as wood chips that is customarily placed around the base of trees, shrubs and groundcovers for the purpose of retaining moisture and retarding weed infestation and soil erosion. (Rev. 11-28-12. Z22-C122)

**Native plant species:** Plant species with a geographic distribution indigenous to all or part of Lucas County. Plant species which have been introduced into Lucas County by man are not native plant species. (Rev. 11-28-12. Z22-C122)

**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.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**Non-residential Use:** Any land use which does not serve as a dwelling.

**Nursery:** Land or buildings used for raising flowers, trees, shrubs or grass for commercial purposes where less than fifty percent of the nursery stock for sale is grown on site.

**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 16 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.

**Open Space:** An area that is intended to provide light and air. Open space may include, but is not limited to, meadows, wooded areas, and water bodies.

**Open Space, Restricted:** Open space within a conservation development that is of sufficient size and shape to meet the minimum zoning requirements and that is restricted from further development according to the provisions of this zoning resolution.

**Overlay District:** An additional secondary zoning classification which establishes additional regulations on the use of land, buildings or structures (example, the Flood Plain District).

**Parking Lot:** Any off-street area or structure which meets one (1) of the following conditions:

- 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.

**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 agreement.

**Permanent Foundation:** A permanent masonry, concrete, or locally approved footing or foundation, to which a manufactured or mobile home may be affixed.

**Permanently Sited Manufactured Home:** A manufactured home that meets all of the following criteria:

- a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

- b) The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 900 square feet, excluding garages, porches, or attachments;
- c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- d) The structure was manufactured after January 1, 1995;
- e) The structure is not located in a manufactured home park, as defined in this resolution. (See "Manufactured Home")

**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 tract or parcel of land.

**Pond:** A body of water used for the following purposes: to provide water for livestock, fish and wildlife, recreation, fire control or crop and orchard spraying. (See 9.11)

**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**

**Public Service Facilities (Utilities):** Structures, buildings, and/or transmission, distribution, or collection systems, which are used to provide and maintain public utilities. Uses include, but are 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 are not limited to, government buildings, public schools, public parks, highway maintenance, and storage facilities.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**Public Utility:** Any person, firm, corporation, local department, or board duly authorized to furnish, and furnishing to the public under state or local regulations: electricity, gas, telecommunication, transportation, water, and other similar services. For purposes of this Resolution and in the application of ORC §519.211.1 to the telecommunication provisions herein, the following considerations shall be applied:

- a) Municipality and state agency use of township land for utility purposes shall be considered use by a public utility;
- b) A private utility provider may qualify as a public utility based on three factors: the provision of a good or service to the general public is provided in a reasonable and indiscriminate manner; the utility rates and methods of operation are a matter of public concern requiring a license from the PUCO; and, although a lesser factor due to deregulation, whether there is lack of competition in the local marketplace;
- c) A private utility operating pursuant to a state contract and lease in furtherance of state purposes shall be considered a public utility.

**Radio Tower:** Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure and is not owned or principally used by a public utility.

**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 non-profit 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 and truck campers.

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

**Retention Pond:** A pond that is designed to hold a specific amount of water indefinitely.

**Rooming House:** See **Boarding House**.

**Rotor diameter:** The diameter of the circle described by the moving rotor blades.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**School, Parochial:** Any building or group of buildings and incidental facilities, the secular or private use of which meets state requirements for primary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency. See **Semi-Public Uses**.

**School, Public:** Any public institutional building or group of buildings and incidental facilities that provides educational instruction to students See **Public Uses**.

**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. (See 9.12)

**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.

**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.

**Shopping Center:** See **Large-scale retail project**

**Shrub:** A self-supporting woody perennial plant normally growing to a height of twenty-four (24) inches or greater, characterized by multiple stems and branches continuous from the base. (Rev. 11-28-12. Z22- C122)

**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. (See 11)

**Site Plan - Detailed:** A scaled drawing of a proposed project meeting the requirements listed in Section 10.5 of this Resolution.

**Site Plan - Simple:** A scaled drawing of a proposed project showing the location of property lines, building locations, setbacks, drives/parking areas, fencing/screening and other applicable items (ponds, signs, etc.).

**Sludge:** A solid or near solid by-product of sewage treatment or industrial waste treatment. (See 9.13)

**Small wind turbine:** Is defined as 10kw capacity or less.

**Special Use (Exception):** A use other than a use by (or as of) right.

**Storage Garage:** See **Garage**

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**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 next above it.

- 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.

**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, or encompasses more than 100 square feet of water surface area, and is used or is designed to be used for swimming or recreational bathing. This includes in-ground, and above-ground swimming pools, hot tubs and spas. (See 9.16)

**Telecommunication Tower:** Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure and meets all of the following conditions:

- a) It is constructed on or after October 31, 1996;
- b) Is owned or principally used by a public utility engaged in the provision of telecommunication service;
- c) Is higher than the maximum allowable height permitted in the zoning district in which it is located. (See 9.24)

**Total height:** The highest point, above ground level, reached by a rotor tip.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**Tourist Home:** A building, other than a motel or hotel, with no more than five (5) guest rooms where temporary (four (4) weeks or less) lodging is provided for compensation. (See 9.22)

**Tower:** Towers include vertical structures that support electrical generator, rotor blades, or meteorological equipment.

**Tower height:** The total height of the tower exclusive of the rotor blades.

**Turbine:** Rotary engine in which the kinetic energy of a moving fluid is converted into mechanical energy by causing a bladed rotor to rotate.

**Understory and Ornamental Trees:** Small deciduous trees or large deciduous shrubs with a mature height of 10 to 30 feet. (Rev. 11-28-12. Z22-C122)

**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.

**Waste:** Includes but is not limited to: animal waste, bulking agents, commingled yard waste, compost, foreign matter, hazardous waste, household hazardous waste, industrial solid waste, infectious waste, leachate, lime sludge, municipal solid waste, radioactive waste, residual solid waste, scrap tires, sludge, solid waste, source-separated yard waste, yard waste, liquid waste, toxic chemicals, construction debris, demolition debris and any other substance or material with a potential or capacity to be injurious to human health or the environment without proper disposal.

**Waste Disposal Facility:** Any site, location, tract of land, installation, or building used for incineration, composting, sanitary land filling or any other method of handling, disposing, treating, processing, transferring or storing of waste.

**Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Areas determined to be wetlands are subject to regulation by the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency.

**Wind:** Air moving (sometimes with considerable force) from an area of high pressure to an area of low pressure.

## SECTION 2 DEFINITIONS (cont'd)

### SECTION 2.1 Interpretation of Terms or Words (cont'd)

**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.

**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 nearest part of the main building shall be used.

- 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 or permitted uncovered steps, uncovered balconies, platforms or decks, which are open to the sky. On a corner lot the owner may elect either street frontage as the front yard.
- b) **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 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.
- c) **Side Yard** – A yard extending between the side lot lines and the adjacent side of the main building or any projections thereof.

**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 per Ohio Revised Code Section 519.16. For the purposes of this Zoning Resolution, the term Zoning Administrator is equivalent to Zoning Inspector.

**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.

## SECTION 3 ESTABLISHMENT OF DISTRICTS

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SECTION 3.1	Agricultural District
SECTION 3.2	Residential Districts
SECTION 3.3	Commercial Districts
SECTION 3.4	Industrial Districts
SECTION 3.5	Overlay District
SECTION 3.6	District Map
SECTION 3.7	District Boundaries

### CROSS REFERENCES

SECTION 2	Definitions
SECTION 4	Use Regulation
SECTION 5	Overlay District
SECTION 7	Special Uses

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

### **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; and single-family dwellings. Intense residential development is discouraged.

### **SECTION 3.2        Residential Districts**

#### **3.2.1    "R-A," "R-B," and "R-C" Suburban Residential**

The Suburban Residential District provides for low and medium density, 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. Conservation development is encouraged in this district.

#### **3.2.2    "R-D" Rural Residential**

The Rural Residential District provides for low density residential development where public water and/or sanitary sewers are available. It is intended that uses within this district be contained either within a subdivision or a contiguous area developed with residences on large lots, with minimal intrusion of nonresidential uses. Conservation development is encouraged in this district.

## **SECTION 3 ESTABLISHMENT OF DISTRICTS (cont'd)**

### **SECTION 3.2 Residential Districts (cont'd)**

#### **3.2.3 R-1" Single Family Residential**

The Single Family Residential District is to provide for medium density residential development where public water and public sanitary sewers are available. It is intended that uses within this district be contained with a neighborhood setting, and non-residential uses be directly related to needs of the neighborhood. Conservation development is encouraged in this district.

#### **3.2.4 "R-3" Multi-Family Residential**

The Multi-Family Residential District is to provide for medium-high density residential development on lots which are served by public water and public sanitary sewers and located in proximity to community services such as public transportation, shopping and related urban level services. Conservation development is encouraged in this district.

### **SECTION 3.3 Commercial Districts**

#### **3.3.1 "C-1" Neighborhood Commercial**

The Neighborhood 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.

#### **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. Example of these include, but not limited to, shopping centers, malls, drive-through businesses, motels, restaurants, gas stations, etc. Large-scale retail projects may be allowed subject to the review and approval of a special use permit. All uses and activities shall be inside buildings unless related to the existing primary use of the property.

#### **3.3.3 "C-3" Office Commercial**

The Office Commercial District is to provide for offices, service laboratories, professional buildings which provide health, legal, finance, insurance, or similar business services. Related businesses may be included, also, such as warehousing or restaurants, when serving primarily employees or firms on the site. No drive-through facilities shall be permitted unless completely contained within a building. All other uses and activities shall be inside buildings unless related to the existing primary use of the property.

## **SECTION 3 ESTABLISHMENT OF DISTRICTS (cont'd)**

### **SECTION 3.3 Commercial Districts (cont'd)**

#### **3.3.4 "C-4" Mixed Use Business**

The Mixed Use Business District is intended to provide for a compatible range of commercial, office, and light industrial business uses in a single business park site. The Mixed Business Use District will provide a balance between high development standards and flexibility to ensure that substantial investment in property is protected from poorly planned and low quality development. Such site shall contain not less than 20 acres of contiguous parcels. Non-contiguous parcels and lots may be included in an original established site, but shall not be included toward the minimum site size requirement. Parcels and lots may be added to an established site provided the addition is contiguous to the site, or if non-contiguous, the parcels and lots are situated in the same or an adjacent plat in which all or part of an established site is located. A developer must provide a site plan for all land owned as part of the development. Development standards for lots, yards, parking, signage, landscaping, architectural design, and compliance with all other aspects of this Zoning Code shall be required.

### **SECTION 3.4 Industrial Districts**

#### **3.4.1 "M-1" Industrial/Office Research**

The Industrial/Office Research District is to provide for light industrial, research laboratories, warehousing types of businesses which may be conducted in areas proximate to residential and commercial areas with attempts to provide as much isolation as possible. These uses may include activities of manufacturing, processing, or assembly of products or the provision of services. No offensive or hazardous conditions shall be created by an industry and other disruptive activities shall be minimized to maintain tranquility if near commercial or residential areas. This would include such things as excessive traffic, dust, dirt, noxious gases, smoke, noise, fumes or vibrations. Since certain industrial uses as a part of their operation may have need for sales distribution and sales outlets, it may be permitted only as an accessory use providing that goods and services are produced at the site or are an integral part of a warehousing distribution system. Wherever possible work activities and material handling will be confined to buildings or enclosures. When possible, materials and products will be stored in enclosed structures or areas screened from view of adjoining property. External areas of structures will be landscaped and maintained. Undeveloped areas will be kept free of debris, weeds and routinely maintained by cutting grassed areas.

#### **3.4.2 "M-2" General Industrial**

The "M-2" General Industrial District provides for industries which by their nature and function require large parcels for development, and access to utilities and major transportation networks. These uses may be objectionable to adjacent residential or commercial properties and therefore should be grouped together when similar uses are located. Certain industries may need special consideration because of their potential spill-over effect on surrounding areas. These are provided for either as a conditional use or as a special use. These industries may include such activities as fabricating, processing, smelting and refining, extraction of minerals and stone, foundries, blast furnaces and similar industries which have the potential of creating impacts in the area adjacent to and near the industrial activity. Sales distribution and sales outlets may be permitted as an accessory use providing that goods and services are produced at the site or are an integral part of a warehousing distribution system.

## **SECTION 3 ESTABLISHMENT OF DISTRICTS (cont'd)**

### **SECTION 3.5 Overlay Districts**

#### **3.5.1 "FPD" Flood Plain District**

The Flood Plain District restricts or prohibits certain land uses within the 100 year flood plain as defined by the Flood Hazard Boundary Map, issued by the Federal Emergency Management Administration for Waterville Township.

#### **3.5.2 "Route 64 (Waterville-Swanton Road) Overlay District**

The purpose of the State Route 64 Overlay District is to promote and protect public health and safety by providing for consistent and coordinated treatment of the properties bordering Route 64 in Waterville Township. The Route 64 Overlay District provides standards and requirements intended to preserve the environmental and aesthetic qualities of the Route 64 Corridor and manage access to property in a manner that will maintain traffic safety and roadway capacity.

#### **3.5.3 U.S. 24 Scenic Corridor Overlay District**

The U.S. 24 Scenic Corridor Overlay District provides standards and requirements intended to protect and enhance the historic and natural landscape of this corridor and manage access to property in a manner that will maintain traffic safety and roadway capacity.

### **SECTION 3.6 District Map**

#### **3.6.1 Description**

The location and boundaries of districts established shall be shown on the map entitled "Waterville Township Zoning Plan, 1950". A certified copy of this map is on file in the office of the Board of Waterville Township Trustees. Said map and all notations dimensions and designations shown thereon are hereby declared to be a part of this Resolution.

#### **3.6.2 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 supercede the prior Official District Map.

### **SECTION 3.7 District Boundaries**

#### **3.7.1 Description**

The district boundary lines on said map are intended to follow either centerlines of streets or alleys or lot lines: and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley or lot line shall be construed to be the boundary of the district unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary line shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions. 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.

## **SECTION 3 ESTABLISHMENT OF DISTRICTS (cont'd)**

### **SECTION 3.7 District Boundaries (cont'd)**

#### **3.7.2 Exceptions**

District boundaries following shore lines shall be construed as moving with any shoreline changes. Where boundaries appear to approximately follow such aforesaid lines and are not more than 10 feet distant therefrom, such lines shall be construed to be the boundary lines unless specifically shown otherwise.

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## SECTION 4 USE REGULATIONS

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SECTION 4.1	Permitted Uses
SECTION 4.2	District Use Restrictions
SECTION 4.3	Special Uses
SECTION 4.4	Minimum Dimensional Requirements
SECTION 4.5	Basic Yard, Area, Lot Coverage and Height Requirement for All Buildings Other than Dwellings
SECTION 4.6	Exceptions

### CROSS REFERENCES

SECTION 2	Definitions
SECTION 3	Establishment of Districts
SECTION 5	Overlay District
SECTION 6	Planned Unit Development
SECTION 7	Special Uses
SECTION 8	Off-Street Parking and Loading
SECTION 9	Supplementary Regulations
SECTION 10	Design and Development Provisions for Multi-family, Non-Residential, Commercial, and Industrial Uses
SECTION 13.2	Zoning Certificates
SECTION 13.3	Conditions Under Which Certificates are Required
SECTION 13.4	Application and Issuance of Zoning Certificates
SECTION 13.5	Fees for Zoning Certificates
SECTION 14.2	Membership
SECTION 15	Amendments

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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.

**SECTION 4 USE REGULATIONS (cont'd)**

**SECTION 4.1 Permitted Uses**

**"A" Agricultural**

Accessory Uses (See 9.2)	Ham Radio Antenna
Adult Family Home (See 9.7)	Home Occupation (See 9.8)
Agriculture, Non-exempt	MRDD Family Home (See 9.7)
Commercial Grain Elevator/Storage	Oil and Gas Drilling Wells
Compressor and Pump Stations (See 9.29)	Permanently Sited Manufactured Home*
Dwelling, Single Family	Public Service Facilities (Utilities)
Farm Market (See 9.16)	
Foster Home/Certified Family Foster Home (See 9.7)	

**"R-A", "R-B" and "R-C" Suburban Residential**

Accessory Uses (See 9.2)	Ham Radio Antenna (if no higher than maximum allowable height permitted for principal buildings in zoning district)
Adult Family Home (See 9.7)	Home Occupation (See 9.8)
Compressor and Pump Stations (See 9.29)	MRDD Family Home (See 9.7)
Dwelling, Single Family	Permanently Sited Manufactured Home*
Farm Market (See 9.16)	Public Service Facilities (Utilities)
Foster Home/Certified Family Foster Home (See 9.7)	

**"R-D" Rural Residential**

Accessory Uses (See 9.2)	Ham Radio Antenna (if no higher than maximum allowable height permitted for principal buildings in zoning district)
Adult Family Home (See 9.7)	Home Occupation (See 9.8)
Compressor and Pump Stations (See 9.29)	MRDD Family Home (See 9.7)
Dwelling, Single Family	Permanently Sited Manufactured Home*
Farm Market (See 9.16)	Public Service Facilities (Utilities)
Foster Home/Certified Family Foster Home (See 9.7)	

**"R-1" Single Family Residential**

Accessory Uses (See 9.2)	Ham Radio Antenna (if no higher than maximum allowable height permitted for principal buildings in zoning district)
Adult Family Home (See 9.7)	Home Occupation (See 9.8)
Compressor and Pump Stations (See 9.29)	MRDD Family Home (See 9.7)
Dwelling, Single Family	Permanently Sited Manufactured Home*
Farm Market (See 9.16)	Public Service Facilities (Utilities)
Foster Home/Certified Family Foster Home (See 9.7)	

**"R-3" Multi-Family Residential**

Accessory Uses (See 9.2)	Foster Home/Certified Family Foster Home
Adult Family Home (See 9.7)	Ham Radio Antenna (if no higher than maximum allowable height permitted for principal buildings in zoning district)
Boarding House	Home Occupation (See 9.8)
Community Alternative House	MRDD Family Home (See 9.7)
Compressor and Pump Stations (See 9.29)	Public Service Facilities (Utilities)
Dwelling, Two Family	
Dwelling, Multiple Family	
Farm Market (See 9.16)	

\*Must meet all requirements applicable to dwellings, including minimum floor area requirements.

**SECTION 4 USE REGULATIONS (cont'd)**

**SECTION 4.1 Permitted Uses (cont'd)**

**"C-1" Neighborhood Commercial**

Accessory Uses (See 9.2)	Mortuary
Banks	Nursing Home
Businesses, Neighborhood	Personal Services
Compressor and Pump Stations (See 9.29)	Professional Services
Day Care Facilities	Public Service Facilities (Utilities)
Farm Market (See 9.16)	Public Uses
Financial/Insurance Services	Semi-Public Uses
Health Care Clinics	Telecommunication Tower
Ham Radio Antenna	

**"C-2" General Commercial**

Accessory Uses (See 9.2)	Marine Sales & Service
Agricultural Product Sales	Mortuary
Agricultural Implement Sales & Service	Motor Vehicle Body Shop
Animal Care Facilities (See 9.9)	Motor Vehicle Sales and Rental
Boat Storage	Motor Vehicle Service Station
Building Material Supplies/Storage	Nursery
Businesses, General	Personal Services
Businesses, Highway	Printing and Publishing
Businesses, Neighborhood	Professional Services
Compressor and Pump Stations (See 9.29)	Public Service Facilities (Utilities)
Day Care Facilities	Public Uses
Farm Market (See 9.16)	Recreational Facilities, Commercial
Financial Insurance Services	Restaurant/Lounge
Institutional Health Care Facilities	Self Service Storage Facilities (See 9.12)
Ham Radio Antenna	Semi-Public Uses
Kennel	Telecommunication Tower
Manufactured Home Sales (See 9.23)	

**"C-3" Office Commercial**

Accessory Uses (See 9.2)	Printing and Publishing
Banks (See 4.2)	Professional Services
Compressor and Pump Stations (See 9.29)	Public Service Facilities (Utilities)
Day Care Facilities	Restaurant (See 4.2)
Farm Market (See 9.16)	Service Laboratories
Ham Radio Antenna	Telecommunication Tower
Offices	Warehousing
Personal Services	

**SECTION 4 USE REGULATIONS (cont'd)**

**SECTION 4.1 Permitted Uses (cont'd)**

**"C-4" Mixed Use Business**

Accessory Uses (See 9.2)	Manufacturing, Restricted
Banks	Medical centers, clinics, and hospitals
Business Offices	Metal stamping/Machine shop
Businesses, Neighborhood	Printing and Publishing
Compressor and Pump Stations (See 9.29)	Professional offices
Distribution facilities, including parcel delivery facilities and bottling plants	Public service facilities (Utilities)
Educational facilities including trade or vocational schools and colleges	Restaurants without drive-up or drive-through facilities
Farm Market (See 9.16)	Studios of art, photography, dance, or music
Ham Radio Antenna	Telecommunication Tower

**"M-1" Industrial/Office Research**

Accessory Uses (See 9.2)	Professional Services
Banks (See 4.2)	Public Service Facilities (Utilities)
Building Material Supplies/Storage	Research Laboratories
Compressor and Pump Stations (See 9.29)	Restaurant (See 4.2)
Day Care Facilities	Service Laboratories
Ham Radio Antenna	Self Service Storage Facility (See 9.12)
Manufacturing, Restricted	Telecommunication Tower
Metal Stamping/Machine Shop	Truck Transport Terminals
Offices	Warehousing
Printing and Publishing	

**"M-2" General Industrial**

Accessory Uses (See 9.2)	Motor Vehicle Salvage Yard (See 9.3)
Commercial Grain Elevators/Storage	Oil & Gas Drilling Wells
Compressor and Pump Stations (See 9.29)	Public Service Facilities (Utilities)
Day Care Facilities	Research Laboratories
Ham Radio Antenna	Telecommunication Towers
Manufacturing, General	Truck Transport Terminals
Metal Stamping/Machine Shops	Warehousing
Motor Vehicle Salvage (Rev. 1-20-16. Z22-C129)	

**SECTION 4.2 District Use Restrictions**

- 4.2.1** Restaurants and banks located in a "C-3" Office Commercial District or "M-1" Industrial/Office Research District shall be permitted only when included as part of a structure which is used as an office building.
- 4.2.2** Day Care facilities which are accessory uses are exempt from provisions of this section.

**SECTION 4 USE REGULATIONS (cont'd)**

**SECTION 4.3 Special Uses: As provided for under Section 7.**

**SECTION 4.4 Minimum Dimensional Requirements**

**4.4.1 Basic Yard, Area and Height Requirements for Dwellings**

The following schedule establishes minimum yard, area and height requirements for dwellings by district:

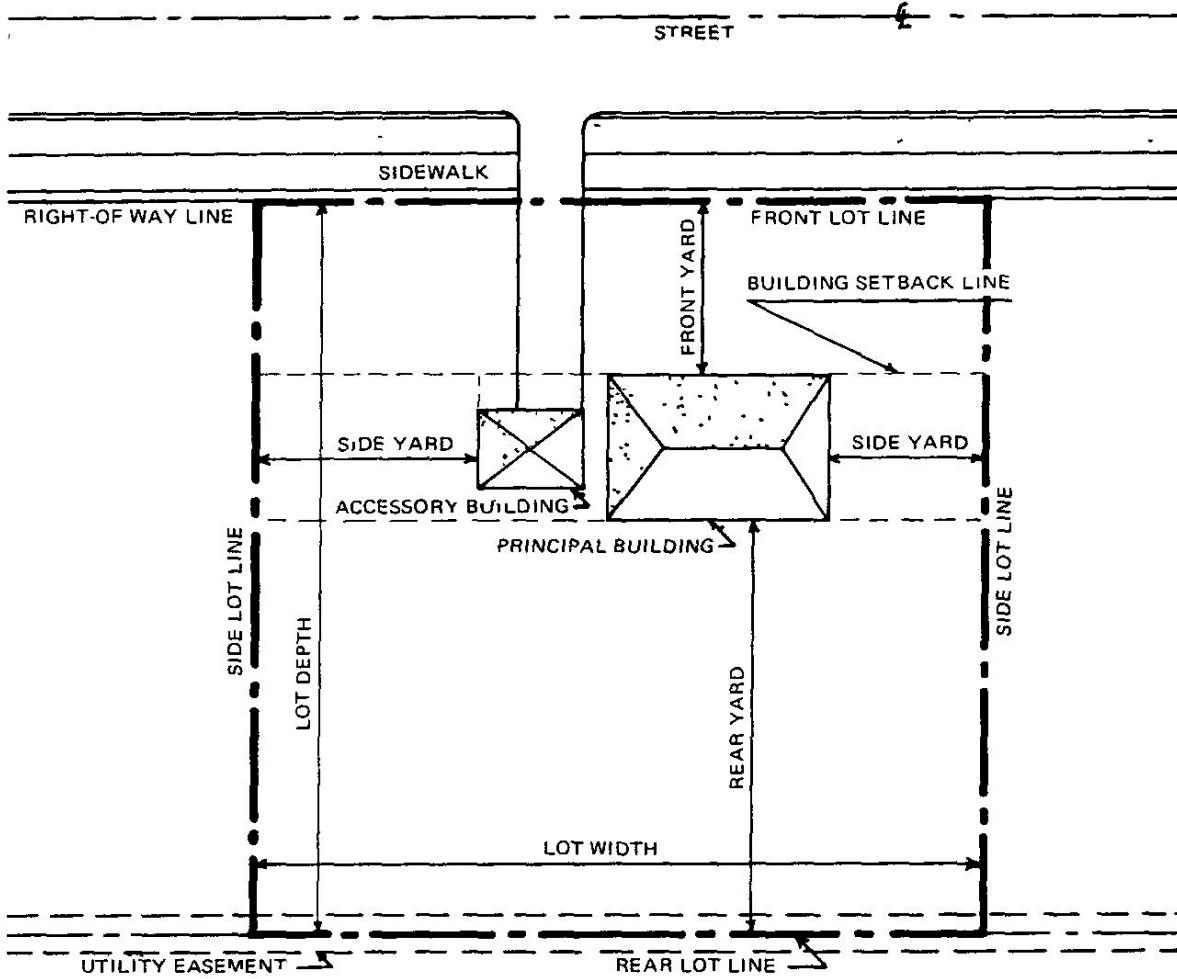
District	TABLE 4 – 1		<u>Dimensional Requirements<sup>1</sup></u>				<u>Maximum Height<sup>2</sup></u>	
	<u>Minimum Lot</u>		<u>Minimum Yard<sup>3</sup></u>			<u>Sum of Both</u>	<u>Stories</u>	<u>Feet</u>
	<u>Area<sup>4</sup></u> <u>(per family)</u>	<u>Width</u> <u>(ft.)</u>	<u>Front</u>	<u>Rear</u>	<u>One Side</u>			
"A" <u>Agricultural</u> Single-family	1 acre	135	50	35	10	20	2 ½	35
"R-A" <u>Suburban Residential (S-F)</u>	12,000 s.f.	80	40	35	10	20	2 ½	35
"R-B" <u>Suburban Residential (S-F)</u>	16,000 s.f.	80	40	35	10	20	2 ½	35
"R-C" <u>Suburban Residential (S-F)</u>	20,000 s.f.	100	40	35	10	20	2 ½	35
"R-D" <u>Rural Residential (S-F)</u>	1 acre	135	50	35	10	20	2 ½	35
"R-1" <u>Single-Family Residential (S-F)</u>	10,500 s.f.	70	30	35	10	20	2 ½	35
"R-3" <u>Multi-Family Residential</u>								
a) <u>Two-Family</u>	6,000 s.f.	90	30	30	10	24	2 ½	35
b) <u>Multi-family</u>	5,000 s.f.	125	30	30	15	30	3	40

Footnote: see

1. Section 4.5 Basic Yard, Area, Lot Coverage and Height Requirement for All Buildings other than Dwellings.
2. Section 4.6.2 Height
3. Section 4.6.4 Corner Lots and 4.6.5 Setbacks of Buildings on Main County Roads
4. Section 2.1 Interpretation of Terms or Words – Lot Area Definition
5. Section 7.2.1 Special Use Permit Required

SECTION 4 USE REGULATIONS (cont'd)

FIGURE 4 - 1



LOT AREA= TOTAL HORIZONTAL AREA

LOT COVERAGE= PER CENT OF LOT OCCUPIED  
BY BUILDING

LOT TERMS

**SECTION 4 USE REGULATIONS (cont'd)**

**SECTION 4.4 Minimum Dimensional Requirements (cont'd)**

**4.4.2 Minimum Floor Area Requirements for Dwellings**

The minimum floor area per family unit in square feet for dwellings erected on any lot shall not be less than that established by the following table. In determining floor area, only the area used for living quarters shall be counted. Garages, carports, porches, and basements are to be excluded.

**TABLE 4 - 2**

<b><u>DISTRICT</u></b>		<b><u>MINIMUM FLOOR AREA</u></b>				
<u>"A" Agricultural</u>		1,200				
<u>"R-A", "R-B", "R-C", and "R-D" Suburban Residential and Rural Residential</u>		1,200				
<u>"R-1" Single-Family Residential</u>		1,200				
<u>"R-3" Multi-Family Residential</u>	<u>2-F</u>	<u>EFFICIENCY</u>	<u>1BD</u>	<u>2BR</u>	<u>3BR OR MORE</u>	<u>PROJECT UNIT AVG</u>
a) One Story	900	--	--	--	--	--
b) More than one story	1,200	--	--	--	--	--
c) Apartment	--	400	540	700	900	620

**SECTION 4 USE REGULATIONS (cont'd)**

**SECTION 4.5 Basic Yard, Area, Lot Coverage and Height Requirement for All Buildings Other than Dwellings**

The following table establishes the yard, area, lot coverage and height requirements for all buildings except dwellings and structures accessory to dwelling by district:

**TABLE 4 - 3**

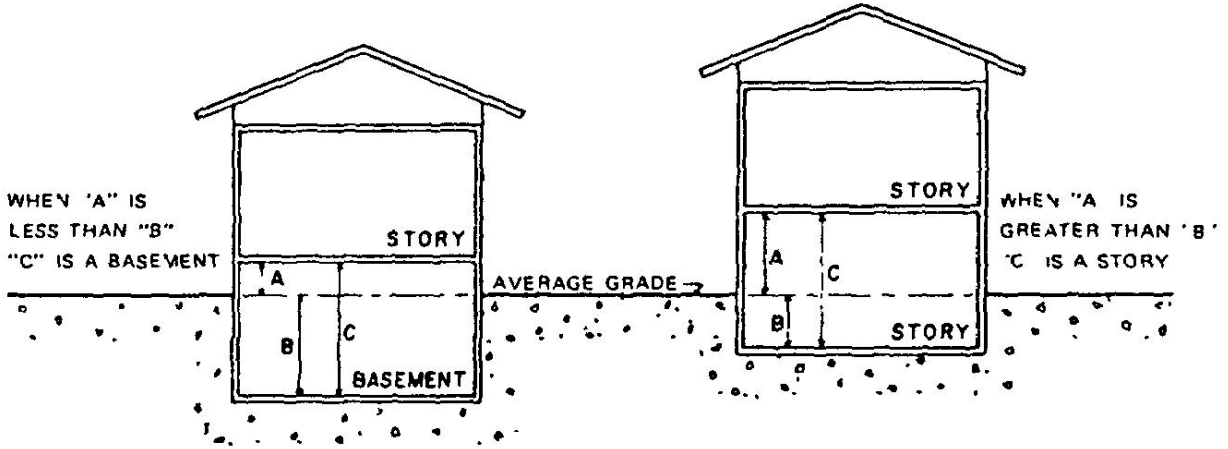
<u>Districts</u>	<u>Minimum Lot</u>		<u>Minimum Yard (feet)<sup>1</sup></u>			<u>Maximum Height<sup>2</sup></u>	
	<u>Area<sup>3</sup></u>	<u>Width (ft.)</u>	<u>Front</u>	<u>Rear</u>	<u>One Side</u>	<u>Stories</u>	<u>Feet</u>
"A" Agricultural	3 acres	250	60	60	50	3	45
"R-A," "R-B," "R-C," and "R-D" Suburban and Rural Residential	2 acres	200	60	60	50	2	40
"R-1" Single-family Residential	1 acre	200	50	50	40	2	35
"R-3" Multi-family	1 acre	50	50	50	40	2	40
"C-1" Neighborhood Commercial	25,000 s.f.	60	30	10	none	2	35
"C-2" General Commercial	25,000 s.f.	100	40	10	none	2	35
"C-3" Office Commercial	1 acre	80	60	40	30	3	45
"C-4" Mixed Use Business	20 acre parcel minimum		40	25	25	3	35
"M-1" Industrial / Office Research	1 acre	150	50	40	30	3	45
"M-2" General Industrial	5 acres	250	50	40	30	4	60

Footnotes:

1. See 4.6.1, Non Residential Uses Abutting or Opposite an "A" or "R" District  
See 4.6.4, Corner Lots  
See 4.6.5, Setback of Buildings on Main County Roads
2. See 4.6.2, Height
3. See 2.1, Interpretation of Terms or Words - Lot Area Definition

SECTION 4 USE REGULATIONS (cont'd)

FIGURE 4 - 2



**BASEMENT & STORY**

**SECTION 4.6 Exceptions**

**4.6.1 Nonresidential Uses Abutting or Opposite an "A" or "R" District**

TABLE 4 - 4			
Minimum Yards	Minimum Yard (feet)		
USES	<u>Front</u>	<u>Side</u>	<u>Rear</u>
Public/Semi-Public	100	50	100
Commercial	70	30	50
Industrial	100	50	100

When the boundary line of two (2) zoning districts divide a lot held in single ownership, the above yard requirements shall apply and extend from the zoning district line.

## SECTION 4 USE REGULATIONS (cont'd)

### SECTION 4.6 Exceptions (cont'd)

#### 4.6.2 Height

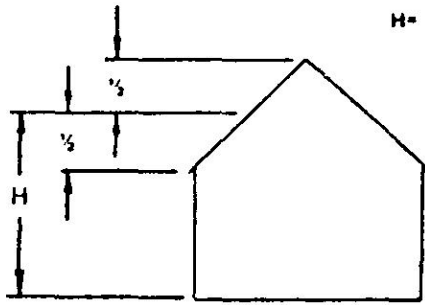
- a) **Building Height Bonus:** The maximum height of buildings and number of stories specified under Sections 4.4 and 4.5 may be exceeded for public and semi-public buildings, commercial, industrial and apartment buildings provided the required front, side and rear yards are increased by one (1) foot for each foot of additional building height to a maximum height of 60 feet.
- b) **Exempt Structures:** Height regulations of buildings shall not apply to ham radio antennas, radio towers, telecommunication towers, monuments, church spires/bell towers, water, or fire towers, chimneys or cooling towers, silos, and flagpoles in districts where such structure are otherwise permitted except where the height of such structure will present a hazard to the safe landing and takeoff of aircraft at an established airport.

#### 4.6.3 Architectural Projections

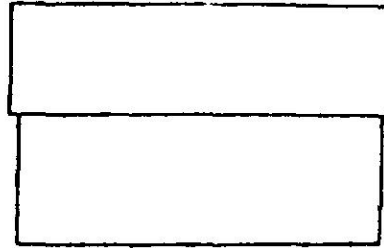
Open covered structures such as porches, canopies, balconies, platforms, and carports; structures such as patios, balconies, platform or decks that are covered and similar architectural projections, shall be considered a part of the building to which attached and shall not project into the required minimum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

SECTION 4 USE REGULATIONS (cont'd)

FIGURE 4 - 3  
H= HEIGHT OF BUILDING

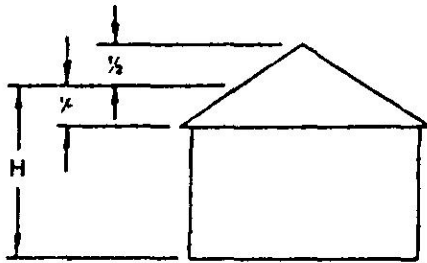


END VIEW

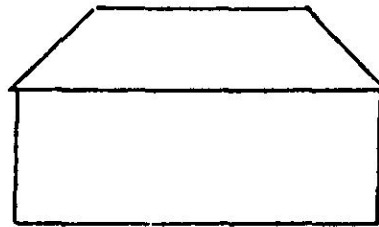


SIDE VIEW

GABLE ROOF

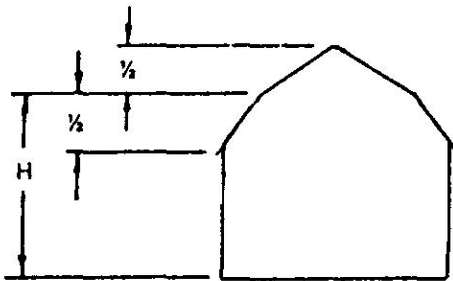


END VIEW

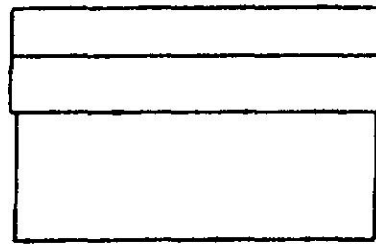


SIDE VIEW

HIP ROOF

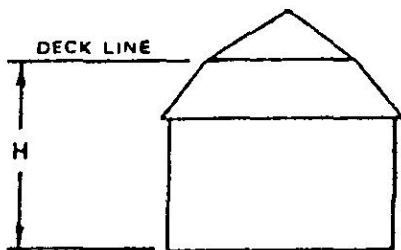


END VIEW

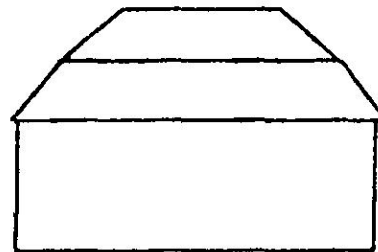


SIDE VIEW

GAMBREL ROOF



END VIEW



SIDE VIEW

MANSARD ROOF

ROOF TYPES AND BUILDING HEIGHT

**SECTION 4 USE REGULATIONS (cont'd)**

**SECTION 4.6 Exceptions (cont'd)**

**4.6.4 Corner Lots**

Corner lots and lots having frontage on more than one (1) street shall provide the minimum front yard requirements on each street.

**4.6.5 Setbacks of Buildings on Main County Roads**

On lots and lands abutting roads having 60 feet or less right-of-way, no buildings shall hereafter be erected, enlarged, or reconstructed to extend nearer to the centerline of the road than 80 feet. For other main county roads, the setbacks shall be as follows:

**a) Setback shall be 90 feet from centerline of existing right-of-way for:**

Eber Road	Hertzfeld Road	Stitt Road
Finzel Road	Noward Road	Weckerly Road
Heller Road	River Road	Whitehouse-Spencer Road

**b) Setback shall be 100 feet from the Centerline of the existing right-of-way for:**

Dutch Road  
Neapolis-Waterville Road  
Waterville-Monclova Road

**c) Setback shall be 125 feet from centerline of existing right-of-way for:**

Berkey-Southern Road (SR 295)

**d) Setback shall be the greater of 50 feet from the right-of-way line or 150 feet from the centerline for:**

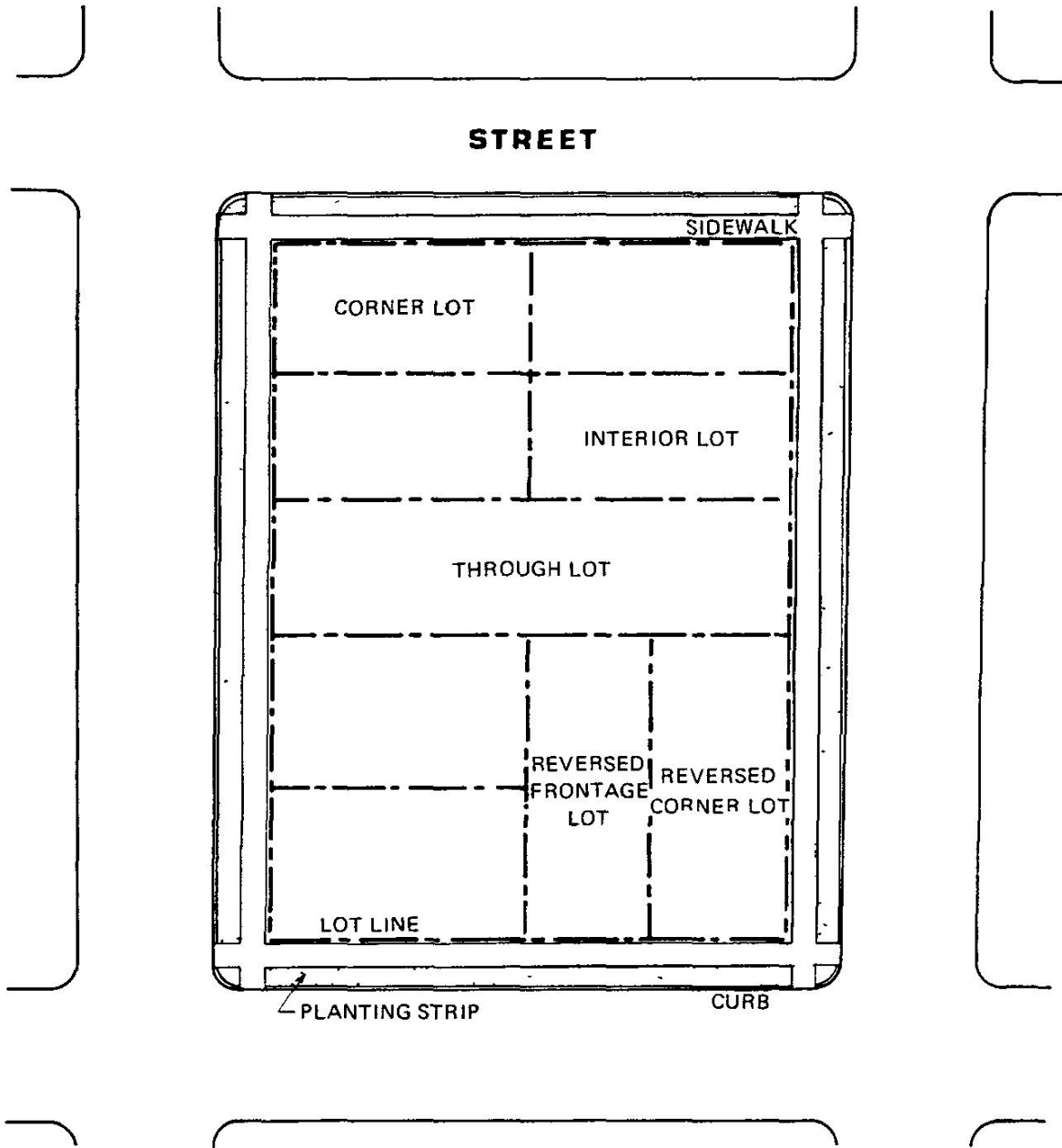
Waterville-Swanton Road (SR64)

**e) Setback shall be 150 feet from the centerline of the existing right-of-way for:**

Toledo-Napoleon Road (US 24)

SECTION 4 USE REGULATIONS (cont'd)

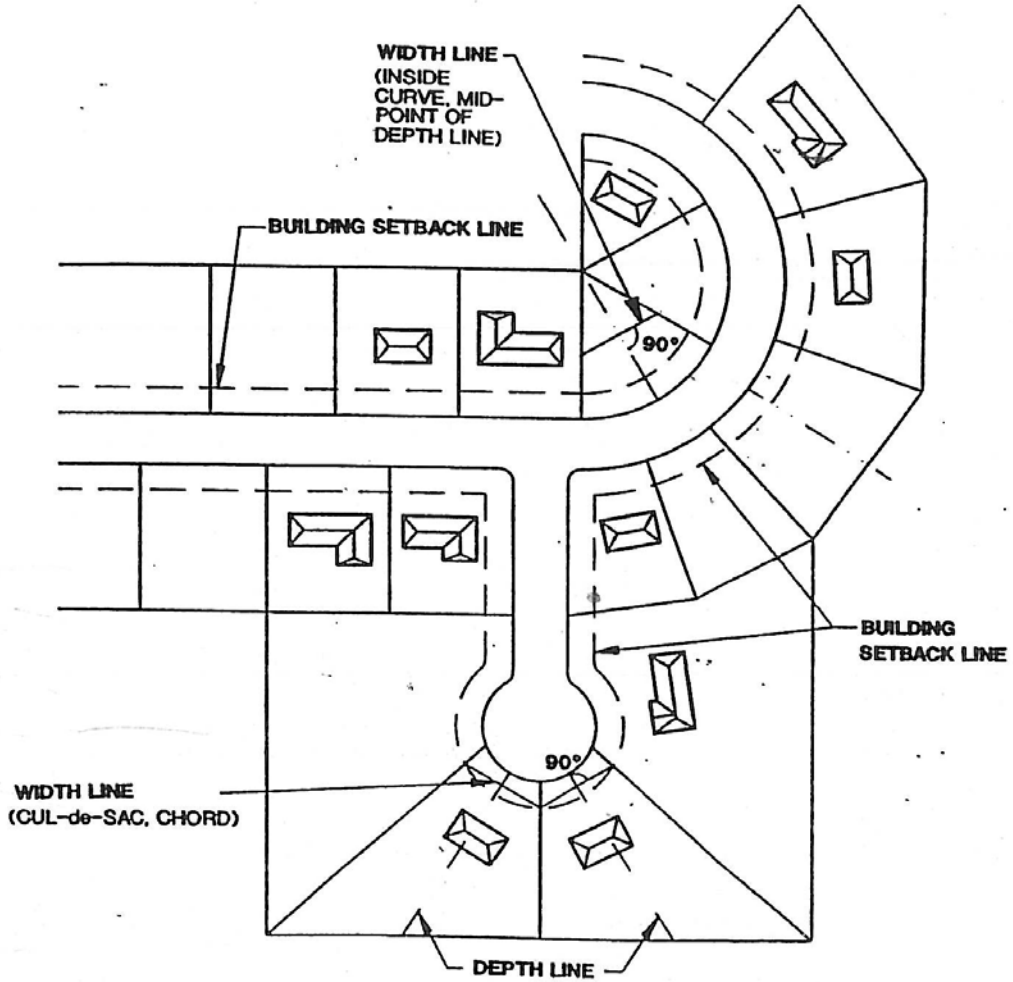
FIGURE 4 - 4



TYPE OF LOTS

SECTION 4 USE REGULATIONS (cont'd)

FIGURE 4-5



LOT WIDTH

## SECTION 5 OVERLAY DISTRICTS

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SECTION 5.1	Flood Plain District
SECTION 5.2	Route 64 (Waterville-Swanton Road) Overlay District
SECTION 5.3	U.S. 24 Scenic Corridor Overlay District

### CROSS REFERENCES

SECTION 2	Definitions
SECTION 4	Use Regulations
SECTION 9	Supplementary Regulations
SECTION 10	Design and Development Provisions for Multi-family, Non-residential, Commercial, and Industrial Uses

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### **SECTION 5.1      Flood Plain District**

#### **5.1.1 Findings of Fact**

- a) The flood hazard areas of Waterville Township are subject to periodic inundation which could potentially result in loss of life and property, health and safety hazards, and extraordinary public expenditures for flood protection and relief.
- b) These flood losses are caused by:
  - 1) the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities; and
  - 2) the occupancy of flood hazard areas by uses vulnerable to floods.
- c) The National Flood Insurance Program's Flood Insurance Rate Map for Lucas County, dated October 6, 2000, and any officially published revisions to this map, is adopted as the official map for the enforcement of the terms of these regulations.
- d) The land lying within the 100 year flood plain as indicated on the Flood Insurance Rate Map representing the area with a one (1) % or greater chance of being flooded in any given year shall be that land which is controlled by these regulations.
- e) The actual boundaries shall coincide with the 100 year Flood Boundary as determined by the Lucas County Building Regulation Department and the Lucas County Engineer.

#### **5.1.2 Statement of Purpose**

It is the purpose of **Section 5** to promote the public health, safety and general welfare and to minimize those losses described in **Section 5.1.1** by provisions designed to:

- a) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or cause excessive increases in flood heights or velocities;

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.1 Flood Plain District (cont'd)

- b) Require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;
- c) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

#### 5.1.3 Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Resolution and other applicable regulations which apply to uses within the jurisdiction of this Resolution.

#### 5.1.4 Warning and Disclaimer of Liability

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Resolution does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Resolution shall not create liability on the part of Waterville Township or any officer or employee thereof, for any flood damages that result from reliance on this resolution or any administrative decision lawfully made thereunder.

#### 5.1.5 Abrogation and Greater Restrictions

It is not intended by this Resolution to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions, the provision of this Resolution shall prevail.

#### 5.1.6 Severability

If any section, clause, provision or portion of this Flood Plain **Section 5** is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

#### 5.1.7 Establishment of a Regulatory Flood Plain District

**Section 5** shall apply to all lands within the jurisdiction of Waterville Township shown as being located within the boundaries of the 100 year flood plain on the Flood Insurance Rate Map for the unincorporated areas of Lucas County prepared for the Federal Emergency Management Agency.

#### 5.1.8 Permitted Uses

- a) The following uses having a low flood damage potential and not obstruction flood flows, shall be permitted within the regulatory flood plain district to the extent that they are not prohibited by any other section of this resolution and provided they do not require structures, fill, or storage of materials or equipment. But no use shall adversely affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.1 Flood Plain District (cont'd)

- b) The Zoning Inspector shall issue permits for the following permitted uses, except for agricultural uses, in accordance with **Section 5.1.8.a**.
  - 1) agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting. No permit shall be required;
  - 2) industrial-commercial uses such as loading areas, parking areas, and airport landing strips;
  - 3) private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails; and
  - 4) Residential uses such as lawns, gardens, parking areas, and play areas.

#### 5.1.9 Prohibited Uses

Any use which, when combined with all other existing and anticipated uses, causes an increase in the water surface elevations of the base flood by more than one-half (1/2) foot at any point, shall be prohibited within an area lying within the 100 year flood plain. In addition, the following structures and uses are hereby prohibited in an area lying within the 100 year flood plain:

- a) The storage or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive, or could be injurious to human, animal, or plant life in time of flooding or that have a high flood damage potential;
- b) Mobile homes.

#### 5.1.10 Special Exception Uses

- a) All uses other than those specified in **Section 5.1.8** and **5.1.9** may be permitted upon application to the Township Zoning inspector for issuance of a special exception permits as provided by **Section 5.1.12**.
- b) Structure or other uses shall be permitted within an area lying within the 100 year flood plain as special exception uses to the extent they are not prohibited by any other provisions of this Resolution or any other regulation and they meet the requirements specified in **Section 5.1.12**. Requirements and Review Procedures for Special Exception Permits, and the following applicable standards:
  - i. All structures and substantial improvements to structures shall be constructed in accordance with applicable regulations as determined by Lucas County Building Regulation Department;

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.1 Flood Plain District (cont'd)

- ii. All filling, excavated and/or removal of work associated with the elevation of any structure or addition to a structure shall be carried out under plans approved by the Lucas County Engineer and Lucas County Building Department;
- c) There shall be no disposal of garbage, solid waste material, or demolition material (including discarded blacktop) on land lying within the 100 year flood plain except upon the issuance of a special exception permit for sites approved under applicable Local and State regulations.

#### 5.1.11 Specific Determination of Flood Plain District Boundary

All plans for the location of structures and facilities regulated under this section which lie within a distance of 100 feet from the Regulatory Flood Plain District shall be subject to approval by the Township Zoning Inspector.

- a) The Zoning Inspector may require the applicant to provide soil survey or topographical information if there is any reason to believe that the property involved could be included in the Flood Plain District.
- b) Whenever the Zoning Inspector needs to determine the exact extent and nature of areas susceptible to potential problems of flooding, wetness, or water pollution in such areas, the Township Zoning Inspector shall require that the applicant provided a detailed on-site survey. Such on-site survey shall be made by a certified engineer or by a soil scientist in accordance with accepted on-site survey techniques. All such on-site studies are to be furnished by the applicant.
- c) On any site or portion of a site which is found, based upon detailed investigation, to contain potential hazards due to flooding, chronic wetness, or water pollution, the flood plain use regulations set forth in this resolution shall apply.
- d) An initial determination as to the boundaries of the Flood Plain District shall be made by the Township Zoning Inspector by scaling distances on the Flood Insurance Rate Map. Any dispute concerning these boundaries shall be resolved by reference to **Section 5.1.1** for determination of actual boundaries.

#### 5.1.12 Procedure and Requirements for Zoning Inspector Approval of Special Exception Permit

The Zoning Inspector shall evaluate, on a case-by-case basis, all applications for a Special Exemption Permit to determine whether the proposed use would be allowable under the terms and intent of these regulations. The Zoning Inspector shall rely on technical assistance from the Lucas County Engineer's Office, the Soil Conservation Service, Lucas County Building Inspector, or any other agency or commission whose expertise would be valuable in such an evaluation.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.1 Flood Plain District (cont'd)

- a) The Zoning Inspector shall require the applicant to furnish detailed information as is deemed necessary to render a decision on the suitability of the particular site for the proposed use. Such information shall include a set of plans drawn to scale showing the nature, location, dimensions, and elevation of the lot; existing and proposed structures; storage of materials, and the relationship of the above to the location of the channel.
- b) The Zoning Administrator shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, and county regulations.

#### 5.1.13 Existing Structures Which Do Not Comply With Terms of Flood Plain District

A structure or the use of a structure or premises which was lawful before the adoption of these regulations, but which is not in conformity with the provisions of the regulations may be continued subject to the following conditions:

- a) No structure which is located below a regulatory flood protection elevations shall be expanded, extended, replaced, reconstructed, substituted, enlarged, or altered within the Regulatory Flood Plain District except for repairs and maintenance necessary to keep it in sound condition and customary remodeling shall be considered any improvement or alteration of structure, the cost of which shall not exceed 50% of the current appraised value of said structure;
- b) If any structure created which does not comply in terms of these regulations is destroyed, to an extent of 75% or more of its value, it may be reconstructed only if in conformity with the provisions of this resolution.

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

#### 5.2.1 Purpose and Intent

The purpose of the Route 64 Overlay District is to promote and protect public health and safety by providing for consistent and coordinated treatment of the properties bordering Route 64 in Waterville Township. Route 64 is the major east-west route through Waterville Township and links the Village City of Waterville with the City of Whitehouse. As a state route, Route 64 is a regionally significant roadway that will likely serve as a major commercial corridor as the surrounding townships and villages continue to grow and develop. The Route 64 Overlay District provides architectural and landscaping standards intended to retain a rural look and feel emphasizing landscaping with limited exterior lighting, have attractive signage, advance more human-scale structures and manage access to property in a manner that will maintain traffic safety and roadway capacity.

*(Rev. 11-28-12. Z22-C122)*

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.2 Route 64 Overlay District Boundaries

The boundaries of the District are hereby established as shown on the Zoning District Map. The District includes all land within 1200 feet from the Route 64 centerline, excluding existing residential parcels along Finzel and Noward Roads, extending from the City of Waterville corporate limits to the Village of Whitehouse corporate limits.

*(Rev. 11-28-12. Z22-C122; Rev. 03-24-14. Z22-C124)*

#### 5.2.3 Review and Approval Procedures

- a) Site plan review and approval shall be necessary for all new multi-family or nonresidential development and for any existing multi-family or non-residential structure that is enlarged by 50% or more or when the enlargement contains 5,000 square feet or more in floor area. The site plan review shall be as specified in **Section 10.5** (requiring the submission of a detailed site plan) and by additional provisions in this section. The City of Waterville and the Village of Whitehouse may review and comment on the site plan as part of the site plan review process. In addition, the Ohio Department of Transportation (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.
- b) Review and approval shall be necessary for all landscape plans as specified in **Section 10.4** (requiring the submission of a detailed landscape plan) and by additional provisions in this section.
- c) Review and approval shall be necessary for all sign permits as specified in **Section 11.3** (requiring the submission of an application) and by additional provisions in this section.

*(Rev. 11-28-12. Z22-C122)*

#### 5.2.4 Permitted and Special Uses

All uses which are permitted or special uses in the underlying zoning district(s) except the uses expressly excluded in **Section 5.2.5**.

*(Rev. 11-28-12. Z22-C122)*

#### 5.2.5 Excluded Uses

Adult-oriented uses  
Auction Market  
Automobile/truck repair and body shop garage when not in conjunction with new car sales  
Auto wrecking/salvage yard/junk yard  
Boat storage  
Building material supplies/storage  
Dwelling, Single Family  
Flea market

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.5 Excluded Uses (cont'd)

Kennel  
Manufactured home, mobile home or industrialized dwelling unit sales  
Manufactured home park  
Nursery  
Self service storage facilities  
Sweepstakes/Internet Cafe  
Truck transport terminal  
Used car sales when not in conjunction with new car sales

*(Rev. 11-28-12. Z22-C122)*

#### 5.2.6 Accessory Buildings and Uses

- a) 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.
- b) Unless permitted in site plan approval, accessory uses and structures shall be prohibited in any required landscape or buffer area.

*(Rev. 11-28-12. Z22-C122)*

#### 5.2.7 Setback, Height and Frontage Standards

- a) **Minimum Front Yard Setback:** The minimum front yard setback along Route 64 shall be the greater of 100 feet from the right-of-way line or 170 feet from the centerline of Route 64. 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 as specified in **Sections 4.5 and 4.6.**
- b) **Orientation to Build-to Lines for Streetfront Buildings.** Build-to lines may be established by development projects, in order to form visually continuous, pedestrian-oriented streetfronts with no vehicle use area between building faces and the street. Lines shall be based on a consistent relationship of buildings to the street sidewalk.
- c) **Minimum Side Yard Setback:** As specified in the underlying zoning district- except as specified in **Section 5.2.16.k.**, Special Setback and Buffer Requirement Abutting Residential Districts.
- d) **Minimum Rear Yard Setback:** As specified in the underlying zoning district except as specified in **Section 5.2.16.k.**, Special Setback and Buffer Requirement Abutting Residential Districts.
- e) **Maximum Building Height:** As specified in the underlying zoning district.

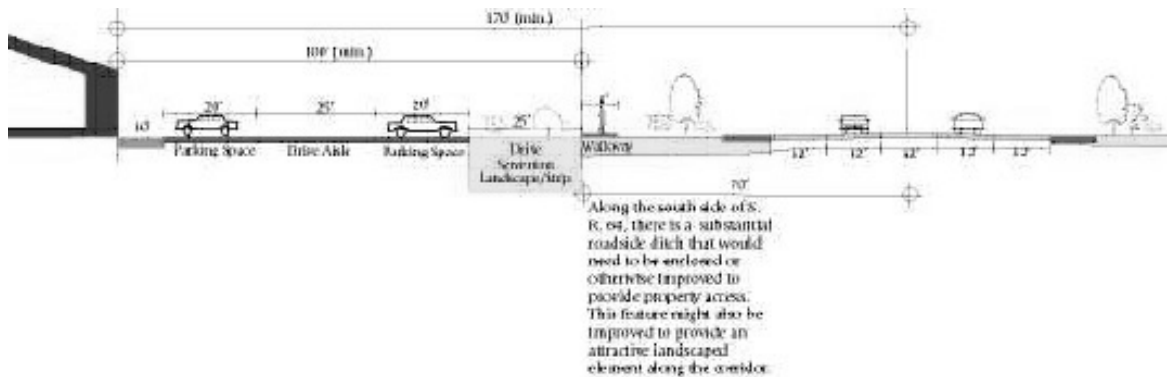
## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.7 Setback, Height and Frontage Standards (cont'd)

- f) **Minimum Front Yard Landscape Area (Green Strip):** Twenty-five (25) feet along Route 64 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. See **Section 5.2.16.h** Frontyard Green Strip Buffer, for landscaping requirements.
- g) **Lot Frontage:** No existing lot that has frontage on Route 64 may be subdivided or parcel split in such a manner so as to reduce such frontage on Route 64 to less than 200 feet, unless a traffic impact study is reviewed and approved as specified in **Section 5.2.13**. Existing lots of record at the time of this amendment's adoption with widths of under 200 feet retain their legal status in accordance with **Section 12** of the Zoning Resolution.

(Rev. 11-28-12. Z22-C122)



**FIGURE 5-1 ROUTE 64 CROSS SECTION**

#### 5.2.8 Off Street Parking and Loading Requirements

- a) The number of parking spaces required are as established in **Section 8** of this Resolution depending upon the zoning and the intended land use. Parking is prohibited in the front yard landscape area, in the side and rear yard setback, and in any special setback and buffer area. Efforts to break up large expanses of pavement are to be encouraged by the interspersing of appropriate planting area wherever possible.
- b) As part of the Site Plan Review, the Township may authorize up to a 33 percent reduction in the number of required off-street parking spaces for developments or uses that locate 50 percent or more of the parking spaces on the site plan to the rear of the principal structure.
- c) No loading berth or space shall be located in a front or side yard, nor in a required rear yard.

(Rev. 11-28-12. Z22-C122)

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.9 Building Orientation

- a) When there is no more than one building in a proposed development and the building is not part of a larger planned development the building shall orient its active wall towards Route 64, or towards a street in the interior of the development if none of the building's facades has frontage on Route 64.
- b) Buildings within a multi-building development shall be arranged and grouped so that their primary orientation complements one another and adjacent, existing development. Buildings should:
  1. Frame the corner of an adjacent street intersection or entry point to the development; (See Figure 5-2)
  2. Frame a "main street" pedestrian and/or vehicle access corridor within the development site;
  3. Frame at least three sides of parking areas, public spaces, or other site amenities; or
  4. Frame outdoor dining or gathering spaces for pedestrians between buildings. (See Figure 5-3)

(Rev. 11-28-12. Z22-C122)

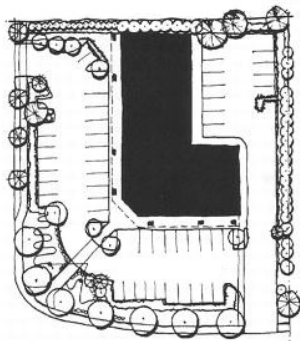


FIGURE 5-2  
BUILDING FRAMING CORNER

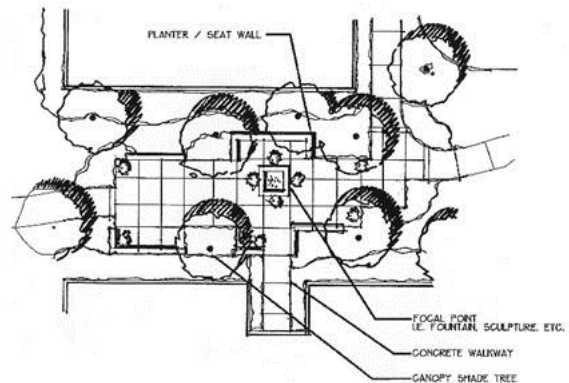


FIGURE 5-3  
GATHERING SPACE BETWEEN BUILDINGS

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

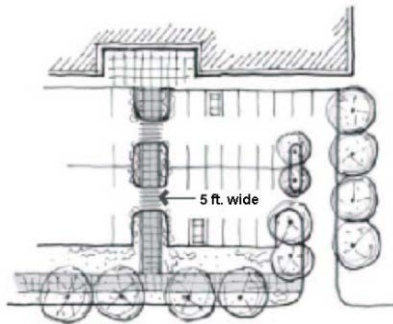
#### 5.2.9 Building Orientation (cont'd)

- c) Outparcels and outparcel buildings shall be organized to reinforce, rather than obscure, the identity and function of the other buildings within the same development.
  1. Outparcels and their buildings should be clustered in order to define street edges, entry points, and intimate spaces for gathering or seating between buildings.
  2. The even dispersal of outparcel sites in a widely-spaced pattern along off-site streets is strongly discouraged.
  3. Spaces between buildings on outparcels should be improved to provide small-scale pedestrian amenities such as plazas, seating areas, pedestrian connections, gathering spaces, or well-landscaped parking areas.
  4. Doors and other entrances may be on any side of the building and do not have to be located on the primary façade.
  5. No more than fifty (50) percent of the off-street parking area shall be located between the front facade and SR 64.

(Rev. 11-28-12. Z22-C122)

#### 5.2.10 Pedestrian Access and Circulation

- a) Sidewalks. Sidewalks at least six (6) feet in width shall be provided along all sides of the lot that abut a public or private right-of-way.
- b) Entrances. At least one main entrance of any building shall face and open directly onto a five (5) foot wide connecting walkway to the street sidewalk without requiring pedestrians to walk around buildings or around parking lot outlines which are not aligned to a logical route. (See Figure 5-4)



**FIGURE 5-4**  
**CONNECTING WALKWAY FROM ENTRANCE TO**  
**STREET SIDEWALK**

SECTION 5 OVERLAY DISTRICTS (cont'd)

SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

5.2.10 Pedestrian Access and Circulation (cont'd)

- c) **Walkways Along Buildings.** Continuous walkways no less than five feet (5) wide shall be provided along any façade featuring a customer entrance and along any façade abutting customer parking areas. Such walkways may be located at least three (3) feet from the façade of the building to provide planting beds for foundation landscaping.
- d) **On-Site Connections.** Walkways connecting all businesses and the entries of multiple commercial buildings frequented by the public on the same development site shall be provided. (See Figure 5-5)

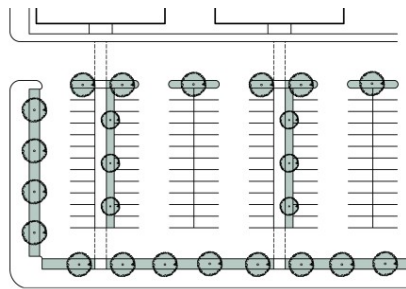


FIGURE 5-5  
ON-SITE CONNECTING WALKWAYS

- e) **Perimeter Connections.** Where practicable and appropriate, connecting walkways to adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants, adjacent public park, greenway, or other public or civic use.
- f) **Parking Lot Walkways.** Where appropriate, walkways shall be provided for every four parallel rows of cars within a landscaped median as specified in **Section 5.2.16.e.4.iv**, Interior Landscaping for Parking Areas. (See Figure 5-6)

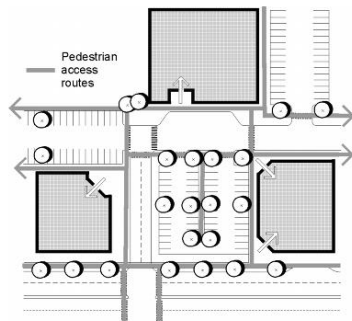


FIGURE 5-6  
PARKING LOT WALKWAYS

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.10 Pedestrian Access and Circulation (cont'd)

- g) **Walkway Design in Parking Lots.** Connecting walkways may cross parking aisles or driveways if distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete, or stamped or scored integral colored asphalt to enhance pedestrian safety and comfort. Raised walkways may be installed if elevated six (6) inches with tapered side slopes and meet ADA standards. (See Figure 5-7)

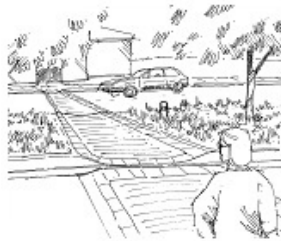


FIGURE 5-7 RAISED WALKWAY CROSSING PARKING AISLES

- h) **Future Connectivity.** For sites abutting vacant or underdeveloped land, the Township may require new development to provide for the opportunity for future connection to its interior pathway system through the use of walkway stub-outs, building configuration, and/or parking lot layout.
- i) **Exceptions.** Any building which has only vehicle bays and/or service doors for intermittent/infrequent nonpublic access to equipment, storage or similar rooms (e.g. self-service car washes and utilities) shall be exempt from the connecting walkway requirement.

*(Rev. 11-28-12. Z22-C122)*

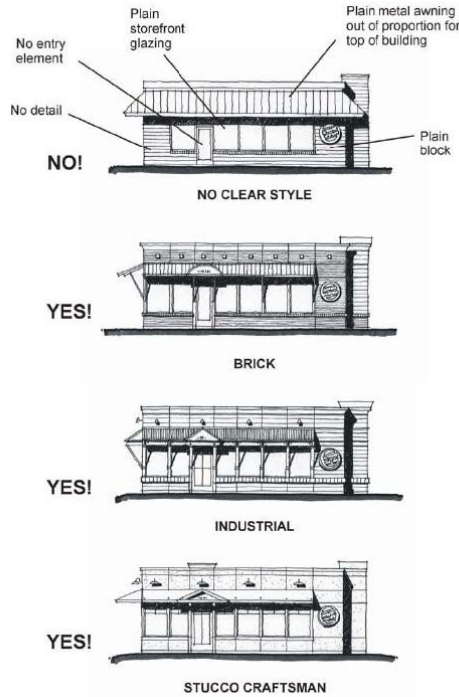
#### 5.2.11 Architectural Standards

- a) **Architectural Character**
1. **Shopping Centers.** The architectural design of buildings within a development, including freestanding outparcel structures, shall be organized around a consistent architectural theme in terms of the architectural style, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures should adjust some aspects of their standard architectural model to be consistent with the development's architectural theme.
  2. **Convenience Uses and Drive-Up Restaurants.** Use of standardized corporate identification themes integrated into the architectural design is generally not acceptable. Excessive use of such themes is discouraged.

SECTION 5 OVERLAY DISTRICTS (cont'd)

SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

5.2.11 Architectural Standards (cont'd)



**FIGURE 5-8**  
**THIS IMAGE SHOWS HOW FRANCHISE ARCHITECTURE CAN BE MODIFIED TO FIT AN ARCHITECTURAL STYLE WITHIN A DEVELOPMENT**

3. **Multi-Sided Architecture.** Although the front façade of a building is expected to be the focal point in terms of the level of architectural character and features, all sides of buildings shall incorporate architectural detailing on all facades that is consistent with the front façade.

b) **Building Transparency**

Building transparency provided by storefront windows, entrances, and other openings is a key element to establish a pedestrian-oriented context, and should be provided by retail and commercial development in the following amounts:

1. Strip shopping centers or other multi-tenant commercial buildings should dedicate a minimum of 40% of the length of the front façade, of each tenant space, to windows or transparent entrances.
2. Buildings or tenant spaces that occupy 40,000 square feet or more of gross floor area should dedicate a minimum of 25% of the length of the front façade to windows or transparent entrances.

**SECTION 5 OVERLAY DISTRICTS (cont'd)**

**SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)**

**5.2.11 Architectural Standards (cont'd)**

3. Outparcel structures should dedicate a minimum of 35% of the length of the front façade to windows or transparent entrances.
4. Offices and other noncommercial structures should dedicate a minimum of 25% of the length of the front façade to windows or transparent entrances.
5. Building transparency openings must consist of clear, non-tinted, non-mirrored, and uncovered window glass permitting views of the building's interior to a depth of at least 4 feet.

**c) Façade Massing**

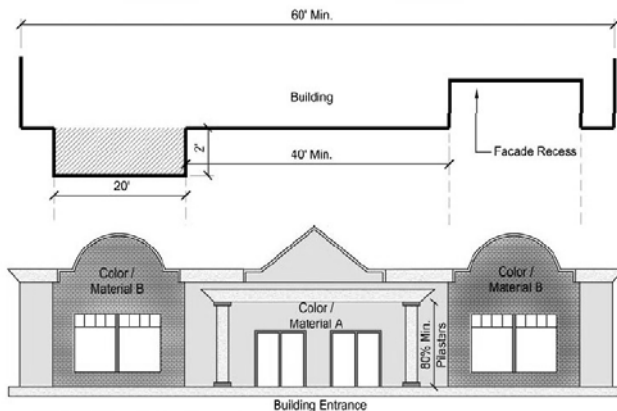
**1. Offset Required**

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two (2) feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet.

**2. Offset Alternatives**

The following alternatives can be used in place of the required front façade offsets:

- i. Pilasters having a minimum depth of one (1) foot, a minimum width of one (1) foot, and a minimum height of 80% of the façade's height; and/or
- ii. Roofline changes when coupled with correspondingly aligned façade material changes.



**FIGURE 5-9 ILLUSTRATION OF HOW THE FAÇADE OFFSET PROVISIONS MAY BE APPLIED**

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.11 Architectural Standards (cont'd)

##### d) **Roof Line Changes**

1. Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
2. When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes. (See Figure 5-10)



**FIGURE 5-10**  
**ROOF LINE CHANGES WITH CORRESPONDING WALL CHANGES**

##### e) **Building Design and Mass Façade Base Treatment**

All architectural elevations of principal buildings shall consist of a base, a body, and a cap.

1. The base shall occupy the lowest portion of the elevation, and shall have a height no less than eight (8) percent of the average wall height.
2. The body shall occupy the middle portion of the elevation, and shall have a height no less than 60 percent of the average wall height.
3. The cap shall occupy the highest portion of the elevation, excluding the roof, and shall have a height no less than eight (8) percent of the average wall height, not to exceed the height of the base.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.11 Architectural Standards (cont'd)

4. The cap shall consist of at least one of the following architectural features: a cornice, parapet, awning, canopy, or eaves.
5. The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture. A cap and base shall incorporate at least two of these design elements.

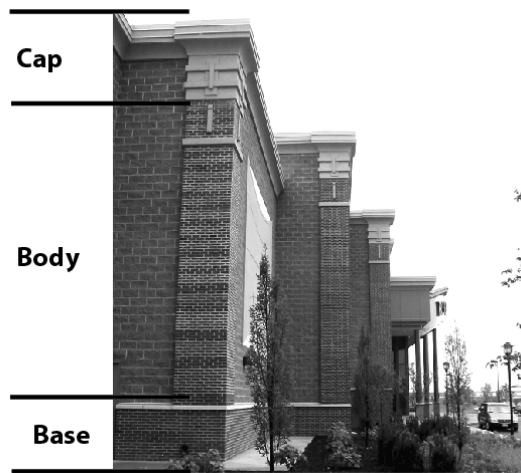


FIGURE 5-11 IMAGE OF A BUILDING WITH A CLEAR, BASE, BODY, AND CAP

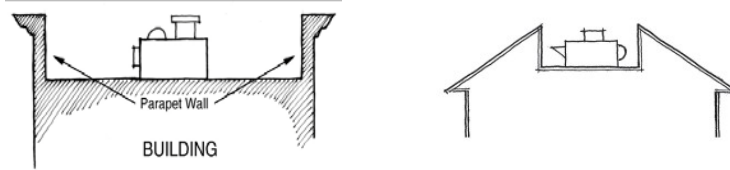
#### f) **Roofs**

1. **Flat Roofs.** All roof types are permitted except that where any non-architectural roofing materials (e.g., tar and paper) are utilized, such roofing shall be concealed with parapet walls that have 3-dimensional cornice treatments or similar screening methods.
2. **Roof Penetrations and Equipment.** All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three-dimensional cornice treatment so as to have a minimal visual impact as seen from:
  - i. A public street.
  - ii. Existing single family uses.
  - iii. Vacant land zoned for residential.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.11 Architectural Standards (cont'd)



**FIGURE 5-12 EXAMPLES OF HOW TO SCREEN ROOF MOUNTED MECHANICAL EQUIPMENT**

- g) **Customer Entrances**  
Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features.

1. Canopies/porticos above the entrance;
2. Roof overhangs above the entrance;
3. Entry recesses/projections;
4. Arcades that are physically integrated with the entrance;
5. Raised corniced parapets above the entrance;
6. Gabled roof forms or arches above the entrance;
7. Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
8. Display windows that are directly adjacent to the entrance;
9. Architectural details above and/or directly adjacent to the entrance, such as tile work and moldings, that are integrated into the building structure and design; or
10. Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

*(Rev. 11-28-12. Z22-C122)*

#### 5.2.12 Exemptions to Architectural Standards

The Township may, through the Site Plan approval process, exempt all or parts of the architectural standards in this section for commissioned buildings by an architect for a site when, in the opinion of the Township, the design constitutes a unique, one of a kind building that meets the intent of these standards.

*(Rev. 11-28-12. Z22-C122)*

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.13 Access Management and Traffic Impact Studies

a) **General**

Access along Route 64 shall be reviewed relative to the distance from other drive approaches and from roadway intersections. Access permits shall be reviewed and approved by the Lucas County Engineer and the Ohio Department of Transportation prior to Township approval. Access options that reduce or eliminate driveways and curb cuts are preferred, pursuant to **Section 10.7**. When deemed appropriate pursuant to **Section 10.7.2**, Waterville Township shall require the developer to prepare a traffic impact study.

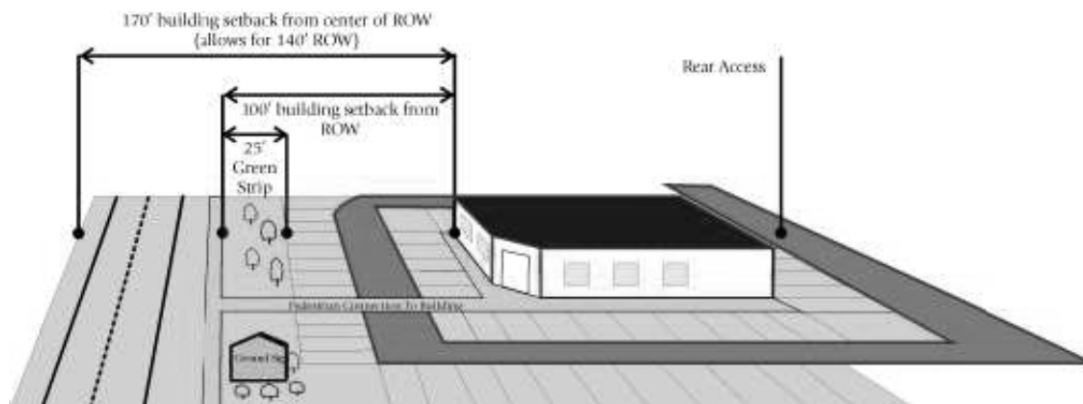
b) **Access Control**

A Site Plan for property in the Route 64 Overlay District shall address access issues raised by a traffic impact study, any applicable corridor plans, and in terms of general requirements of this zoning resolution. The following specific requirements shall also be considered:

1. **Planned Major Intersections.** A major intersection is planned at State Route 64 and Noward Road.
2. **Existing and Future Development.** Existing development adjacent to and surrounding the subject site and a description of future development as proposed by the Waterville Township Land Use Plan.

c) **Access Drives**

1. The preferred type of access to a lot with frontage on Route 64 is a rear access drive, located in the rear of a property and connecting to adjoining parcels.



**FIGURE 5-13 ILLUSTRATION OF COMMERCIAL SITE WITH REAR ACCESS DRIVE**

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.12 Access Management and Traffic Impact Studies (cont'd)

2. An access drive may be publically dedicated right-of-way, constructed at the owner's expense and built to Lucas County and/or ODOT Standards. If a private access road is proposed, requirements such as curbing, width of right-of-way, and road width may be modified or approved by the Township. If a private access road is permitted pursuant to this section, reciprocal easement agreements between adjoining parcels are required.
3. To the greatest extent practical, direct access to Route 64 should be limited to right-in and right-out driveways or temporary, two-way drives that will be closed when a surrounding property develops and an access drive is provided in the future.
4. The distance between Route 64 and access drive shall be determined by the Ohio Department of Transportation or the Lucas County Engineer; subject to the jurisdictional authority of the roadway.
5. The access drive shall be constructed before any occupancy or use is permitted. A bond, escrow or other assurance shall be required by an appropriate authority for the completion of the access drives/roads. Where access drives are not appropriate, driveway sharing and/or cross access between parking areas of the adjacent parcels shall be substituted.
6. No commercial ingress and egress shall be located within 30 feet of any A or Residence District subject to final determination by ODOT.

*(Rev. 11-28-12. Z22-C122)*

#### 5.2.14 Signage Requirements

Notwithstanding the regulations contained in **Section 11** "Signs and Outdoor Advertising Structures," low profile signs shall be the only freestanding sign permitted in the Route 64 Zoning Overlay district. In addition to the requirements of **Section 11**, the following sign requirements shall apply within the Route 64 Zoning Overlay District.

##### a) **Low Profile Signs**

1. One (1) low-profile sign shall be allowed per lot.
2. Maximum size of fifty (50) square feet per face in any C or M district.
3. Maximum height of five (5) feet. Supporting elements (including bases) are included in measurement of sign height.
4. A low-profile sign display area cannot be wider than the base and shall have a solid architectural base that supports the sign. Low-profile signs may not be mounted on a pole, pylon, or pedestal.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.14 Signage Requirements (cont'd)

5. Architectural elements such as the base, columns, pilasters, cornices, and similar details shall be constructed with materials that match or are compatible with the materials and colors found on the primary building and should reflect the design theme of the building style.
  6. The low profile sign shall be located in a landscaped area equal to or greater in size than the total sign face area.
  7. Low-profile signs may be located in landscaped areas required in **Section 5.2.16.h**, Landscaping and Buffering, Frontyard Green Strip Buffer.
  8. Signs shall be set back a minimum of 15 feet from the road right-of-way line and a minimum of 20 feet from any intersecting road right-of-way lines to ensure clear sight distance or as required by ODOT or by the Lucas County Engineer.
  9. Low-profile signs located in a C or M district shall be located a minimum distance of 75 feet from any lot lines of parcels zoned R-A, R-B, R-C or R-1 single family residential district; and 50 feet from any lot lines of parcels zoned R-3 multi-family district, PUD, or a residentially used lot in an A district.
  10. There shall be a minimum of 150 feet spacing requirement between low-profile signs unless a closer spacing is allowed by the Township as part of the Site Plan approval.
- b) **Wall Signs**  
In addition to the wall sign requirements of **Section 11.8** no wall sign shall project above the roof line.
- c) **Signs Related to Fuel Sales**  
For fuel or gas stations, digital signs are permitted as long as they comply with the following:
1. The sign is integral to the permitted low-profile sign.
  2. The sign shall not exceed six (6) square feet and shall be included in the maximum sign area allowed.
  3. Digital signs related to fuel sales shall be subject to the following additional requirements:
    - i. The sign shall not change or alternate more than once every 60 minutes.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.14 Signage Requirements (cont'd)

- ii. The sign shall remain static and motionless for the duration of the display time.
- iii. The sign shall not contain animation, scrolling or running letters or text, flashing lights, or intermittent, alternating message changes.
- iv. The illumination color of the sign shall be restricted to a single color at all times.
- v. The sign shall not exceed illumination intensity levels of 5,000 nits during daylight hours and 500 nits during nighttime hours. The sign shall have illumination dimming technology to assure daytime and nighttime levels are not exceeded and maintain effective illumination based on ambient light conditions.
- vi. The illumination intensity shall be pre-set by the manufacturer not to exceed the levels stated above, and further protected from end-user manipulation by software or other means as approved by the Township. The manufacturer certification shall be required as a part of the sign permit application.
- vii. The light produced by a digital sign above ambient light brightness at a distance of 100 feet can be no more than 0.3 foot candles.

#### d) **Temporary Signs**

Portable signs, flags, pennants, twirling signs, sandwich board signs, balloons or other gas filled figures are prohibited except as follows:

1. The sign shall be for a special event, not a routine business activity.
2. The sign shall not be displayed for more than 10 consecutive days.
3. Each business site may be issued 2 nonconsecutive sign permits for a temporary sign within any calendar year.
4. A sign permit is required.

#### e) **Prohibited Signs**

In addition to the signs prohibited in **Section 11.4** the following are also prohibited in the Route 64 Overlay District.

1. Changeable Copy Sign as defined under **Section 11.2**, Definitions except for Signs Related to Fuel Sales.
2. Electronic Message Centers as defined under **Section 11.2**, Definitions.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.14 Signage Requirements (cont'd)

3. Freestanding signs other than low-profile signs, such as pole signs or off-premises signs that display any commercial message, as well as building projecting signs.
4. No temporary sign, commercial message flag or pennant shall be attached to a permanent flag pole.

*(Rev. 11-28-12. Z22-C122)*

#### 5.2.15 Utilities

All utilities shall be located underground in all new developments.

*(Rev. 11-28-12. Z22-C122)*

#### 5.2.16 Landscaping and Buffering Standards

Buffer yards and landscaping and screening requirements shall conform with **Section 10.4**, Landscape Requirements, and other criteria in this resolution. In addition to the requirements of **Section 10.4** the following standards shall apply to the Route 64 Overlay District.

a) **General Requirements for Submission**

The General Requirements for Submission shall be the same as provided under **Section 10.4.2** and the following general requirements:

1. No landscaping, tree, shrub, fence, wall or similar item shall be placed in zones of ingress or egress at street corners, or in the intersection of a public right-of-way, that the ODOT and/or County Engineer, determines is an obstruction to visibility, or is otherwise a traffic hazard, or does not comply with **Section 9.6** Fencing.
2. A required buffer may be located wholly or partially within a required setback.
3. Water, sanitary sewer, electrical, telephone, natural gas, cable, or other service lines may be located within buffers.
4. Required trees and shrubs must be installed a minimum of five feet away from any flow line of a swale.
5. The parking of vehicles is prohibited in a required buffer.

b) **Landscape Plan Approval**

Approval shall be as provided for under **Section 10.4.3**.

c) **Minimum Plant Material Specifications**

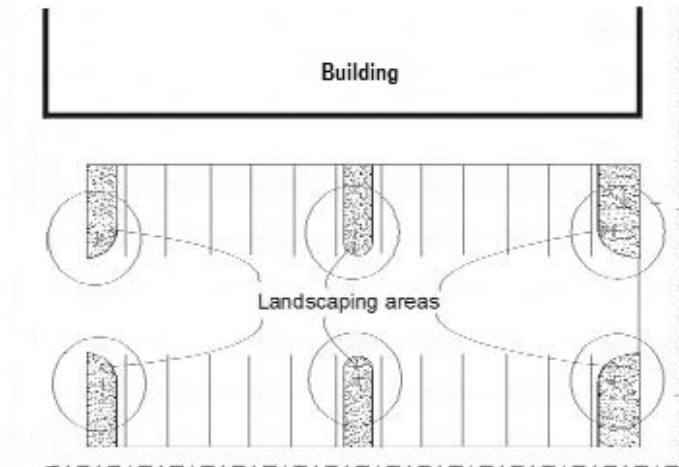
Specifications shall be as provided for under **Section 10.4.4.a**.

**SECTION 5 OVERLAY DISTRICTS (cont'd)**

**SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)**

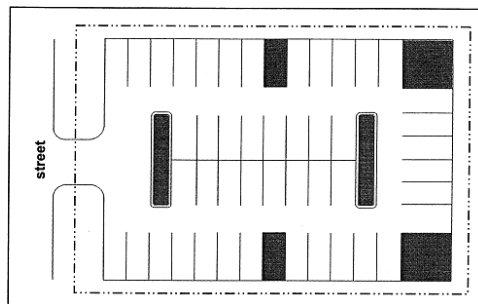
**5.2.16 Landscaping and Buffering Standards (cont'd)**

- d) **Maintenance and Replacement for Required Landscaping**  
Maintenance and Replacement shall be as provided for under **Section 10.4.4.b.**
- e) **Interior Landscaping for Parking Areas**
  - 1. For all parking areas between five (5) and nineteen (19) parking spaces (generally two or less rows of parking) at least a total of 5% of the paved area shall be landscaped under the provisions of this section. (See Figure 5-14)



**FIGURE 5-14 PARKING LOT LANDSCAPE AREAS WITH TWO ROWS OF PARKING**

- 2. For all parking areas with more than twenty (20) parking spaces (generally with more than two rows of parking) at least a total of ten (10) percent of the paved area shall be landscaped under the provisions of this section. (See Figure 5-15)



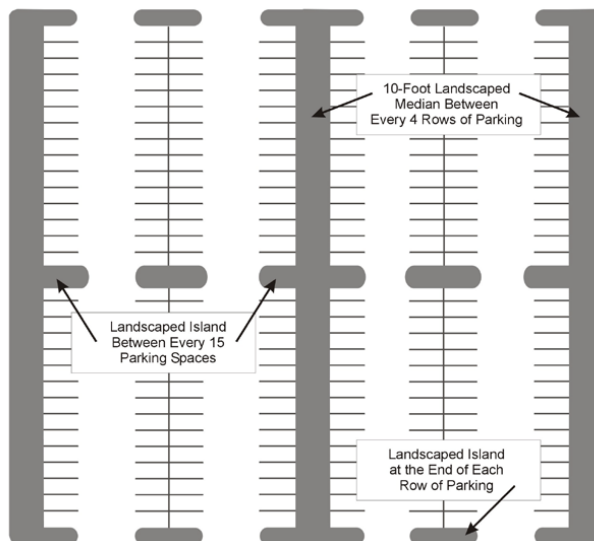
**FIGURE 5-15 PARKING LOT INTERIOR LANDSCAPE AREAS WITH MORE THAN TWO ROWS OF PARKING**

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.16 Landscaping and Buffering Standards (cont'd)

3. The required landscaping shall be located within landscaped islands. Landscaped areas that extend into parking areas from the perimeter landscaping may count toward this requirement but only that area that extends into the parking area.
4. Landscaped islands shall be developed and distributed throughout the parking lot to define major circulation aisles and driving lanes; and to provide visual and climatic relief from broad expanses of pavement.
  - i. Each island shall have a minimum dimension of nine feet in any horizontal direction.
  - ii. Landscape islands shall be located at the end of each parking row with a minimum size of 135 square feet for single loaded parking rows, and a minimum size of 270 square feet for double loaded rows.
  - iii. No more than fifteen (15) parking spaces shall be located in a continuous row without being interrupted by a landscaped island.
  - iv. Landscape medians with a minimum width of 10 feet shall be located as to separate every four parallel rows of cars and shall run the full length of the parking row. (See Figure 5-16)



**FIGURE 5-16 EXAMPLE OF INTERIOR LANDSCAPING REQUIREMENT FOR PARKING AREAS**

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.16 Landscaping and Buffering Standards (cont'd)

5. Island Planting Requirements
  - i. There shall be a minimum of two deciduous trees and four shrubs provided for every 15 parking spaces, or fraction thereof; such trees shall be planted within the required landscaped islands.
  - ii. Each individual landscape island shall include a minimum of one tree and two shrubs.
  - iii. Additional shrubs or low, spreading plant materials may be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.
  - iv. The landscape medians/islands that separate every fourth row of parking spaces, running the full length of the parking area, shall be planted with a minimum of one tree per 40 lineal feet.
  - v. When a walkway is incorporated into a median, the median width shall be increased to 15 feet.
  - vi. The trees and shrubs shall be distributed throughout the parking lot islands to decrease the appearance of a single expanse of pavement and to create a canopy effect
  - vii. The area not covered by the canopy of the tree, but within an interior landscape area, shall be covered by shrubs, grass, ground cover, or mulch.
6. The landscaped islands shall be protected by the installation of continuous curbs or wheel stops with a height of six inches, except as modified to accommodate stormwater runoff.
7. The landscaped islands should be designed, to the maximum extent feasible, to accommodate stormwater runoff. Landscape islands in parking lots may alternately be designed and planted to serve as a dual-purpose landscape area and stormwater treatment facility. When landscape islands are designed as a stormwater treatment facility, usage of trees as the primary landscaping material shall not be required when the Township determines that trees are incompatible with native plantings proposed for use as a means of stormwater treatment.

**SECTION 5 OVERLAY DISTRICTS (cont'd)**

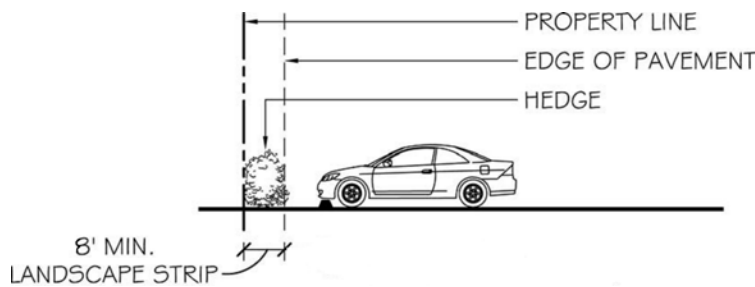
**SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)**

**5.2.16 Landscaping and Buffering Standards (cont'd)**

f) Perimeter Landscaping Requirements for parking lots

1. **Perimeter Adjacent to Property Line**

Vehicular use areas shall maintain a minimum perimeter planting strip along adjacent private property lines with an average width of eight (8) feet with 30 inch high shrubs planted three (3) to five (5) feet on center based on plant species unless the vehicular use area is adjacent to or a continuation of a vehicular use area on an adjacent property. (See Figure 5-17)



**FIGURE 5-17 LANDSCAPE STRIP ADJACENT TO PROPERTY LINE**

2. **Perimeter Adjacent to Right-of-way**

A continuous hedge shall be located within the 25 foot Frontyard Green Strip next to any parking area. The hedge shall be composed of a row of shrubs with a minimum planting height of 30 inches and on-center spacing of three (3) to five (5) feet, based on plant species. This is in addition to the required Green Strip plantings in **Section 5.2.16.h**, Frontyard Green Strip Buffer.

g) **Street Trees within the Tree Lawn**

1. Per **Section 10.4.7**, one (1) shade tree at 30 feet on-center.
2. The location of trees shall be coordinated with adjacent parcels to create a consistency in the spacing of trees.
3. Street tree locations shall comply with any ODOT requirements.

h) **Frontyard Green Strip Buffer**

A 25 foot green strip along Route 64 and 15 foot along side streets within the overlay district shall be provided in accordance with the following requirements. See Figure 5-18.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.16 Landscaping and Buffering Standards (cont'd)

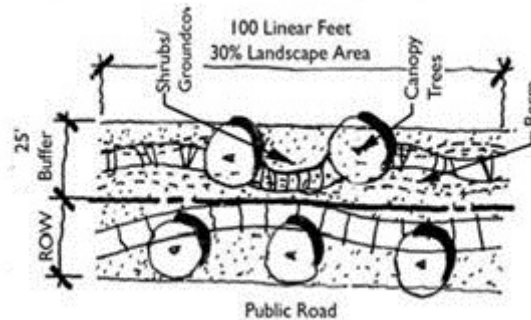
1. No off street parking shall be located within the landscape area; however permitted signs, walkways, and access drive (generally perpendicular to the right-of-way line) are allowed.
2. The landscaped screening area shall feature undulating landscaped earth mounding designed with physical variations in height and alignment throughout the length of the mounding with a maximum slope of 3:1 (horizontal to vertical distance). The transition between existing grade and the slope of the mound should be gradual with contouring intended to make the mound appear as part of natural landscape. Gradual slope variation within the mound will encourage a more natural appearance. A masonry wall may be substituted for the earth berm to a height not to exceed four (4) feet.
3. Earth mounds shall have an elevation at least two (2) feet higher than the finished elevation of any adjacent parking lot.
4. Earth mounds and decorative landscape treatments shall not block adequate safe sight distances at drive locations and intersections.
5. Vegetative plantings consisting of trees, shrubs, and ground cover shall be arranged and installed in an irregular pattern to accentuate the physical variations in height and alignment and achieve a more natural appearance as set forth below. Ground cover shall be used and maintained to prevent erosion of the earth mound.
  - i. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
  - ii. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than 18 to 24 inches at installation (depending on species) in height.
  - iii. Understory trees shall be planted not more than thirty (30) feet on centers, and shall not be less than six (6) feet in height.
  - iv. Evergreen trees shall not be less than four (4) feet in height at the time of planting. Narrow evergreens shall be planted not less than four (4) feet apart.
  - v. Large deciduous trees shall be planted not more than fifty (50) feet on centers. Tall evergreen trees should be stagger planted, with branches touching the ground and no more than ten (10) feet between trees.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.16 Landscaping and Buffering Standards (cont'd)

- vi. A thirty (30) percent coverage with groundcover (landscape area verses sod area) is intended. The landscape buffer layout shown below is schematic and designer may adjust layout as long as minimum requirements are provided. (See Figure 5-18)



**FIGURE 5-18 ILLUSTRATION OF FRONT YARD GREEN STRIP BUFFER**

#### i) **Bioretention Areas**

1. Stormwater retention/detention facilities in landscaped areas shall be designed as landscape amenities. They shall be an organic feature with a natural, curvilinear shape. The facilities shall have 75 percent of surface area covered with live vegetation appropriate for the depth and design of the retention/detention facility, and be lined with native grasses, indigenous plants, wet root tolerant plant types and groupings of boulders to create a functional yet, natural site feature. Facilities with a slope up to and including 10% grade may be grassed and irrigated to blend into the adjacent landscaped area. Stone slopes are not acceptable within any landscape or buffer area.
2. Storm drainage, bioretention areas or swales must be submitted with and approved as part of the site plan when located within a required landscape buffer area. A cross section and landscape detail of each facility shall be submitted with the final landscape plan for review and approval.

#### j) **Native Species**

The Township may approve the substitution of native grasses for up to 50 percent of required shrubs.

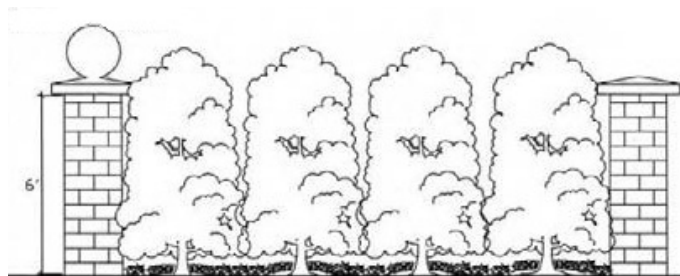
**SECTION 5 OVERLAY DISTRICTS (cont'd)**

**SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)**

**5.2.16 Landscaping and Buffering Standards (cont'd)**

**k) Special Setback and Buffer Requirement Abutting Residential Districts**

1. Within the Route 64 Overlay District, there shall be a special 75-foot side and rear setback abutting any R-A, R-B, R-C or R-1 single family residential district or residentially used lot in an A agricultural district.
2. Within the Route 64 Overlay District, there shall be a 50-foot side and rear setback abutting any R-3 multi-family district or any PUD.
3. This setback shall be provided for main building, accessory building, access drive, parking, loading docks, and dumpsters.
4. Located within the setback area next to the property line there shall be a landscape buffer. The minimum width of the landscape buffer shall be 30 feet or the height of the nonresidential structure up to the width of the special setback.
5. The landscape buffer shall contain an opaque screen utilizing option 1, 2 or 3 and the following plant material:
  - i. Opaque Screen Option 1. At least a six foot masonry fence installed between the buffer center line and the inside edge of the buffer.
  - ii. Opaque Screen Option 2. A double row of staggered evergreen trees planted a maximum of 15 feet on center to form at least a six-foot solid screen evergreen hedge after three years between masonry piers spaced every 30 feet installed between the buffer center line and the inside edge of the buffer. (See Figure 5-19)



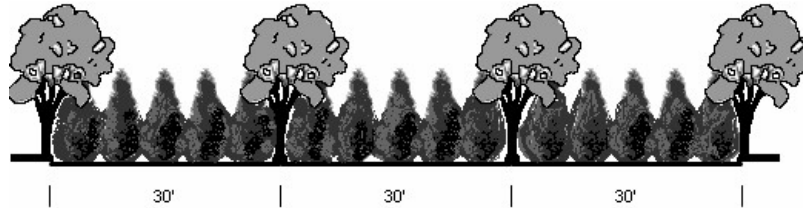
**FIGURE 5-19 OPAQUE SCREEN WITH EVERGREEN AND PIERS**

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.16 Landscaping and Buffering Standards (cont'd)

- iii. Opaque Screen Option 3. A double row of staggered evergreen trees planted a maximum of 15 feet on center to form at least a six-foot solid screen evergreen hedge after three years between trees spaced every 30 feet installed between the buffer center line and the inside edge of the buffer. (See Figure 5-20)



**FIGURE 5-20 OPAQUE SCREEN WITH EVERGREENS AND TREES**

- iv. Five understory trees per 100 lineal feet.
  - v. 25 shrubs per 100 lineal feet
6. All plant material within buffer areas shall be installed within the required setback line of the proposed development site as close to the property line as practical.
  7. Ground mounding and plant material shall equal half the height of the nonresidential structure.
- l) **Foundation Plantings / Building Perimeter**  
When a building is not abutted by a sidewalk, shrubs shall be placed around the building perimeter of the primary facade a minimum of three feet from the building. The number and spacing of plant material shall be proportional to the size of the building.
  - m) **Screening of trash, mechanical equipment and loading areas**
    1. Trash containers, trash compactors, roll-off recycling containers, and groupings of three or more recycling containers and/or recycling containers larger than 10-cubic yards shall be screened from public view on all four sides with a solid wall constructed of masonry and a gate constructed of compatible, durable, low-maintenance materials, and shall be appropriately landscaped. Masonry used shall be the same as the main building. Alternative compatible, durable, material other than masonry may be approved by the Township through the Site Plan approval process.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.16 Landscaping and Buffering Standards (cont'd)

2. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meters (subject to public utility easements), shall be screened from public view with landscaping or with an architectural treatment compatible with the building architecture.

#### n) **Rear Access Drives**

1. Rear access drives dedicated as a public or private right of way shall be landscaped as provided for in **Section 5.2.16.h**, Frontyard Green Strip Buffer.
2. When a rear access drive is provided as a cross access easement full end parking landscape islands shall be provided adjacent to the drive. If the parking spaces are parallel to the drive, a 10 wide landscape buffer with one shade tree at 30 feet on center shall be provided.

#### o) **Walls and Fences Used in Landscaping**

In addition to any other requirements for walls or fences established in this resolution, walls and fences shall be subject to the following:

1. When walls or fences are used to fulfill any buffering or screening requirements of this article, a detailed drawing shall be shown on the proposed site plan.
2. Where materials are not otherwise specified, walls and fences shall be constructed of weather-proof materials, this includes industrial grade vinyl. Evergreen hedges or decorative metal fences with live plant material may be approved by the Township through the site plan approval process.
3. Finished side shall face adjacent property.

#### p) **Irrigation Standards**

An irrigation plan with construction details shall be included with the landscape plan.

#### q) **Deviation from Landscaping Requirements**

1. To achieve the optimal landscape design on individual sites, or to coordinate the landscape design in an area, it may be necessary to deviate from the strict application of landscaping requirements. An application for such deviation may be approved by the Township through the site plan approval process.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.16 Landscaping and Buffering Standards (cont'd)

2. The application for deviation shall be subject to the submittal and procedural requirements of this section, and shall be accompanied by written and graphic material sufficient to illustrate the conditions that the modified standards will produce, so as to enable the Township to determine that the deviation will produce an environment, landscape quality and character superior to that produced by the existing standards, and will be consistent with the intent and purpose of this section.

*(Rev. 11-28-12. Z22-C122)*

#### 5.2.17 Outdoor Lighting Standards

a) **Intent**

The intent of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting to preserve, protect and enhance the rural look, feel and human scale of development along the Route 64 overlay corridor. This section supplements **Section 10.1.1.b**, Glare and Light.

b) **Applicability**

1. Unless specifically exempted below, all existing and proposed development within the Route 64 Overlay District shall meet the provisions of this subsection.
2. Buildings lawfully existing as of the effective date of this section may be renovated or repaired without modifying outdoor lighting in conformance with this section, provided there is no increase in gross floor area in the building or the impervious area of the site.
3. Where a building existed as of the effective date of this section, and the building is enlarged in gross floor area or impervious area on the site by 10 percent or 2,000 square feet, whichever is less, outdoor lighting as specified in this section shall be provided.
4. All outdoor lighting fixtures existing and legally installed prior to the effective date of this subsection shall be exempt from the requirements of this subsection. When existing lighting fixtures become inoperative, their replacements are subject to the provisions of this subsection.

c) **Prohibited Sources**

The following light fixtures and sources shall not be used where the source of the direct light emitted is visible from adjacent lots:

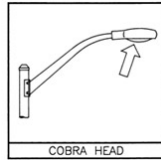
1. Low-pressure sodium and mercury vapor light sources;

**SECTION 5 OVERLAY DISTRICTS (cont'd)**

**SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)**

**5.2.17 Outdoor Lighting Standards (cont'd)**

- 2. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources (See Figure 5-21); and



**FIGURE 5-21 PROHIBITED CORBA HEAD FIXTURE**

- 3. Searchlights and other high-intensity narrow-beam fixtures.

**d) Design Requirements**

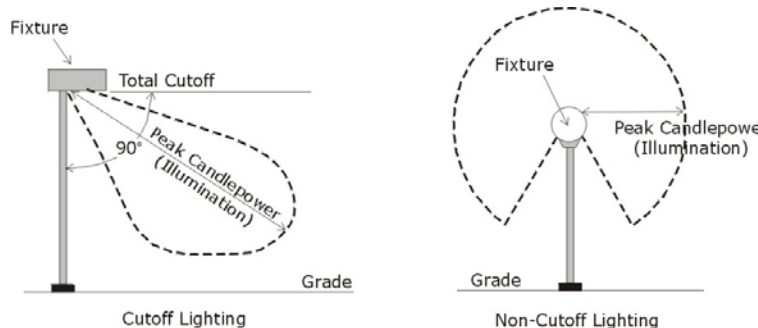
Outdoor lighting shall primarily be used to provide safety, while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed to illuminate any portion of a site shall meet the following requirements:

**1. Fixture (Luminaire)**

The light source shall be concealed and shall not be visible from any street right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spill onto adjacent properties, all lighting fixtures shall be cutoff fixtures. The Township may make an exception for non-cut off lights when used for decorative purposes only.

**2. Fixture Height**

Lighting fixtures shall be a maximum of 24 feet in height within parking areas and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas. Light fixtures located within 50 feet of the property line of any A, R or PUD district may not exceed 15 feet in height. Non-cutoff lights, when allowed, shall not exceed 10 feet in height. (See Figure 5-22)



**FIGURE 5-22 LIGHTING TYPES – CUTOFF AND NON-CUTOFF**

**SECTION 5 OVERLAY DISTRICTS (cont'd)**

**SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)**

**5.2.17 Outdoor Lighting Standards (cont'd)**

**3. Light Source (Lamp)**

Only incandescent, fluorescent, light-emitting diode (LED), metal halide, or color-corrected high-pressure sodium may be used. The same light source type shall be used for the same or similar types of lighting throughout the development.

**4. Mounting**

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

**e) Specific Lighting**

**1. Security Lighting**

i. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded (cutoff) so the light source (lamp) is not visible from off-site.

ii. Security fixtures, including but not limited to floodlights and wall packs, may not face ground floor residential uses.

iii. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.



YES! Fully Shielded



Wall Pack



NO! Unshielded Wall Packs

**FIGURE 5-23 WALL PACK SECURITY LIGHTING**

**2. Accent and Decorative Seasonal Lighting**

Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed or shielded to minimize light spill.

**3. Canopy Area Lighting**

All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a cutoff fixture with a recessed lens cover flush with the bottom surface of the canopy that provides a shielded light distribution.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District (cont'd)

#### 5.2.17 Outdoor Lighting Standards (cont'd)

4. **Commercial Parking Area Lighting**

All commercial parking areas shall be required to provide lighting consistent with the design requirements of this subsection during nighttime hours of operation.

f) **Illumination Levels**

1. A minimum illumination of 0.5 foot-candles shall be maintained when measured at grade in all vehicular use areas and pedestrian pathways.
2. Lighting shall not exceed an average of 5 foot-candles in any non-residential district. The maximum foot-candle level shall be 10.
3. The maximum under canopy light level shall be 10 foot-candles for automotive refueling, automated teller machines or similar installations.
4. Light originating on a site shall not trespass beyond the site property line to exceed 0.3 foot-candles when next to a residential district or use and 2 foot-candles when next to a non-residential district.
5. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property shall be prohibited. See **Section 10.1.1.b.1**, Glare and Light, for standards.
6. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of either drivers or pedestrians.

g) **Lighting Plan Submission and Approval**

A lighting plan must be prepared and submitted as part of the Detailed Site Plan as provided for in **Section 10.5.b.7**.

### SECTION 5.3 U.S. 24 Scenic Corridor Overlay District

#### 5.3.1 Purpose and Intent

The purpose of the U.S. 24 Scenic Corridor Overlay District is to implement specific elements of the Waterville Township Land Use Plan and to encourage and promote orderly, healthy, and safe development and redevelopment within the U.S. 24 Scenic Corridor south of the Village of Waterville. This Overlay Zoning District is intended to impose higher development standards to protect and enhance the historical and scenic natural landscape, wooded areas, and vistas within this Scenic Corridor. The presumption behind the preservation designation in the Land Use Plan is that the land should not be developed commercially and should retain its rural agriculture zoning status.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.3 U.S. 24 Scenic Corridor Overlay District (cont'd)

#### 5.3.2 Permitted, Accessory, and Special Land Uses

Permitted, accessory, and special land uses shall be those which are permitted as principle, accessory or special land uses in the underlying zoning district, with the exception of Sweepstakes/Internet Cafes which are prohibited within the overlay district.

#### 5.3.3 U.S. 24 Scenic Corridor 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. 24 right-of-way to a depth of 600 feet from the centerline of the right-of-way along both sides, extending from the Village of Waterville (Neowash Road) to the southern township boundary.

#### 5.3.4 Site Review and Approval Procedures

Site plan review and approval pursuant to **Section 10.5** shall be required for all new multi-family or nonresidential development and for any existing multi-family or nonresidential structure that is enlarged by fifty (50) percent or more or when the enlargement contains 5,000 square feet or more in floor area.

#### 5.3.5 General Development Standards

- a) All development standards applicable to the underlying zoning district, along with those development standards imposed in this Section shall apply to property within the U.S. 24 Scenic Corridor Overlay District.
- b) **Minimum Frontage Requirement:** 200 feet.
- c) **Minimum Front yard Setback:** 150 feet.

#### 5.3.6 Architectural Design Review Guidelines

- a) Site plan review of buildings within the U.S. 24 Scenic Corridor Overlay District shall include review of architectural design elements pursuant to **Section 10.6**.
- b) Building design features, especially roof and wall features shall provide an attractive and subtle appearance that will not detract from the natural scenery and rural environment.

#### 5.3.7 Parking Lot Requirements

- a) All parking lot and loading standards contained in **Section 8**, parking lot landscaping design contained in **Section 10.4**, and exterior lighting performance requirements contained in **Section 10.1** which are applicable to the underlying zoning district, along with those development standards imposed in this Section, shall apply to property within the U.S. 24 Scenic Corridor Overlay District.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.3 U.S. 24 Scenic Corridor Overlay District (cont'd)

- b) Parking lots shall be located in rear yards to preserve visible open space from the right-of-way.

#### 5.3.8 Landscape Design Review

- a) All landscape design standards pursuant to **Section 10.4** applicable to the underlying zoning district, along with those development standards imposed in this Section shall apply to property within the U.S. 24 Scenic Corridor Overlay District.
- b) Development in the U.S. 24 Scenic Corridor Overlay District shall preserve existing woodlots and scenic vistas.

#### 5.3.9 Signage Requirements

- a) All signage standards contained in **Section 11** applicable to the underlying zoning district, along with those development standards imposed in this Section shall apply to property within the U.S. 24 Scenic Corridor Overlay District.
- b) Freestanding signs shall be limited to one low profile sign with a maximum height of six (6) feet and a maximum sign area of 30 square feet per face. Low profile signs may have exterior illumination only; however, the lighting may not cause glare from uplighting or light spillover.
- c) Billboards and off-premises signage shall be prohibited in the U.S. 24 Scenic Corridor Overlay District.

#### 5.3.10 Access Management and Traffic Impact Studies

- a) Access along SR 24 shall be reviewed relative to the distance from other drive approaches and from roadway intersections. Access permits shall be reviewed and approved by the Lucas County Engineer and the Ohio Department of Transportation prior to Township approval. Access options that reduce or eliminate driveways and curb cuts are preferred, pursuant to **Section 10.7**. When deemed appropriate pursuant to **Section 10.7.2**, Waterville Township shall require the developer to prepare a traffic impact study.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.4 State Route 295 Overlay District

#### 5.4.1 Purpose and Intent

The purpose of the State Route 295 and Interchange Overlay District is to promote and protect public health and safety by providing for consistent and coordinated treatment of the properties bordering State Route 295 from Archbold Whitehouse Road Yawberg south the township line in the area of the new interchange with U.S. 24 in Providence Township. State Route 295 is the major north-south route through Waterville Township and abuts Providence Township on the west side from Archbold Whitehouse Road to Mohler Road. As a state route, State Route 295 is a regionally significant roadway that will likely serve as a major commercial corridor as the surrounding townships and villages continue to grow and develop. The State Route 295 Overlay District provides standards and requirements intended to preserve the environmental qualities of the corridor and manage access to property in a manner that will maintain traffic safety and roadway capacity for future commercial development. The district includes language to discourage future residential development and minimize longer-term land use conflicts common between commercial and residential uses.

*(Z22-C126. 01-28-15.)*

#### 5.4.2 Applicability

The standards of the State Route 295 Overlay District apply to all development, except single family, two family, and agricultural uses except for the development standards of Sec. 5.4.8 applying to lot frontage and lot area.

*(Z22-C126. 01-28-15.)*

#### 5.4.3 State Route 295 and Interchange Overlay District Boundaries

The boundaries of the District are hereby established as shown on the Zoning District Map. The District includes all land within 1,000 feet from of the State Route 295 centerline, within the township, extending from Archbold Whitehouse Road south to the township boundary.

*(Z22-C126. 01-28-15.)*

#### 5.4.4 Review and Approval Procedures

Site plan review and approval shall be necessary for all new multi-family or non-residential development and for any existing multi-family or non-residential structure that is enlarged by 50% or more or when the enlargement contains 5,000 square feet or more in floor area. The site plan review shall be as specified in Section 10.5 (requiring the submission of a detailed site plan) and by additional provisions in this section. The Ohio Department of Transportation (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.

*(Z22-C126. 01-28-15.)*

#### 5.4.5 Permitted and Special Uses

All uses which are permitted or special uses in the underlying zoning district(s) except the uses expressly excluded in Section 5.4.6.

*(Z22-C126. 01-28-15.)*

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.4 State Route 295 Overlay District (cont'd)

#### 5.4.6 Excluded Uses

Adult-oriented uses  
Auction Market  
Automobile/truck repair garage when not in conjunction with new car sales  
Auto wrecking/salvage yard/junk yard  
Boat storage  
Extraction industry  
Flea market  
Landfill  
Manufactured home, mobile home or industrialized dwelling unit sales  
Manufactured home park  
Off-premises signs  
Pole and Roof Signs  
Sale of fireworks  
Self-service storage facility  
Sweepstakes/Internet Cafe  
Truck transport terminal  
Used car sales when not in conjunction with new car sales

*(Z22-C126. 01-28-15.)*

#### 5.4.7 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.

*(Z22-C126. 01-28-15.)*

#### 5.4.8 Development Standards

- a) **Minimum Front Yard Setback.** The minimum front yard setback along State Route 295 shall be the greater of 50 feet from the right-of-way line or 125 feet from the centerline of State Route 295. 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 as specified in Sections 4.5 and 4.6.
- b) **Minimum Side Yard Setback.** As specified in the underlying zoning district.
- 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 where the rear yard abuts an agricultural or residential zoning district outside the overlay district.
- d) **Maximum Building Height.** As specified in the underlying zoning district.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.4 State Route 295 Overlay District (cont'd)

#### 5.4.8 Development Standards (cont'd)

- e) **Minimum Front Yard Landscape Area.** Twenty-five (25) feet along State Route 295 and 25 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.
- f) **Lot Frontage – Residential.** No existing lot in the overlay may be subdivided in such a manner so as to reduce frontage to less than 300 feet in “A” or “R” districts.
- g) **Lot Frontage – Commercial.** No existing lot in the overlay may be subdivided in such a manner so as to reduce frontage to less than 200 feet in a “C” district unless a traffic impact study is reviewed and approved by the Lucas County Engineer and the Ohio Department of Transportation.
- h) **Lot Area.** No existing lot in the overlay in an “A” or “R” district may be subdivided unless each lot has a lot area of at least 2 net acres.
- i) Existing lots of record at the time of this amendment’s adoption with lot frontage or area not in conformance with this overlay district retain their legal status in accordance with Section 12 of the Zoning Resolution.

(Z22-C126. 01-28-15.)

#### 5.4.9 Parking and Loading Requirements

- a) The number of parking spaces required are as established in Section 8 of this Resolution depending upon the zoning and the intended land use. Parking is prohibited in the front yard landscape area and in the rear yard setback when adjoining a residential district. Efforts to break up large expanses of pavement are to be encouraged by the interspersing of appropriate planting area wherever possible.
- b) Semi-truck loading berths or bays for merchandise and materials shall be suitably screened by landscaping or fencing.

(Z22-C126. 01-28-15.)

#### 5.4.10 Architectural Review Requirements

- a) Variation in Massing. Building facades facing public streets shall have visual breaks and incorporate architectural design features. The design of a building façade facing a public street shall reduce its apparent mass or bulk by dividing the building into smaller masses. The apparent mass of a building may be reduced by such techniques as variations in roof form and parapet heights, incorporating clearly pronounced recesses and projections, introducing wall plan offsets, use of other reveals and projections and subtle changes in texture and color of wall surfaces, changes in allowable building materials, use of deep set windows with mullions, use of ground level arcades and second floor galleries/balconies, and other techniques that reduce the apparent mass of a building.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.4 State Route 295 Overlay District (cont'd)

#### 5.4.10 Architectural Review Requirements (cont'd)

- b) Minimum Wall Variegation. Exterior walls shall be variegated in order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. Variegation shall be visually established by using architectural features such as columns, ribs or pilasters, piers, and fenestration pattern.
- c) Well-Defined Primary Entrance. The primary building customer entrance(s) shall be clearly defined and contrast with the surrounding wall plane. This can be accomplished with the following techniques individually or in combination: canopies or porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms, arches, architectural details such as tile work and moldings which are integrated into the building structure and design, integral planters or wing walls that incorporate landscaped areas and/or places for sitting, and other architectural techniques with aesthetic distinction.
- d) Reduction in Perceived Height. The design of a building greater than two stories shall reduce its perceived height through the use base and top treatments that divide mass into smaller scale components that appear to provide a well-defined base, middle and top to the building. The following examples are techniques that can be used: low planters and walls; base planting; a base architectural veneer banding (wainscot); treatments defined by different materials, texture or color; the addition of covered walkways or architectural awning that provide deep shadow at ground level; features such as distinct and multiple architectural roof forms; clearly pronounced eaves; distinct parapet designs and cornice treatments, and other techniques that reduce apparent height of a building.
- e) Minimization of Unsightly Features. The design of the building and building site shall reduce the emphasis on unsightly structures integral to the building function, and any auxiliary structures, which detract from the overall aesthetic quality of the site. Minimally, attention shall be given, but not limited to, the following:
  - 1. All building shall have architectural features fully concealing rooftop equipment, such as HVAC units from public view.
  - 2. All large waste receptacles shall be completely concealed from public view by structure consistent with the main building exterior material and architecture.
  - 3. In order to reduce the scale of parking areas, no single parking area shall exceed 200 spaces unless divided into two or more sub areas separated from each other by landscaping, public streets or buildings.

## SECTION 5 OVERLAY DISTRICTS (cont'd)

### SECTION 5.4 State Route 295 Overlay District (cont'd)

#### 5.4.10 Architectural Review Requirements (cont'd)

- f) Building Materials and Colors. The following materials are encouraged as predominant building materials on any vertical surface visible from the right-of-way: brick, wood, natural stone, cut stone, field stone, cast stone, glass, and stucco, or any combination thereof. The following materials are encouraged only when integrated with the above materials for accent purposes: exterior insulation and finish systems (EIFS) or equivalent products; colored, fluted and textured concrete block; tilt-up panels; and vinyl siding. Colors shall be low-reflectance, subtle, neutral or earth tone colors. The following exterior building materials are discouraged: smooth-faced concrete blocks, smooth-faced tilt-up concrete panels, metal panels, and wood sheet goods.
- g) Design Review. The Zoning Commission shall have the authority to review and approve the plans submitted for architectural design review as part of the Site Plan Review Process to ensure compliance with the provisions of this section. The Zoning Commission may exempt all or parts of the requirements in this section when, in the opinion of the Zoning Commission, the design of the building constitutes a unique building meeting the design intent of the design requirements. Decisions rendered by the Zoning Commission may be appealed to the Board of Zoning Appeals.

*(Z22-C126. 01-28-15.)*

#### 5.4.11 Access Management and Traffic Impact Studies

Access in the Zoning Overlay District shall be reviewed relative to the distance from other drive approaches and from roadway intersections. Access permits shall be reviewed and approved by the Lucas County Engineer and the Ohio Department of Transportation prior to Township approval. Access options that reduce or eliminate driveways and curb cuts are preferred. When deemed appropriate Waterville Township shall require the developer to prepare a traffic impact study.

*(Z22-C126. 01-28-15.)*

#### 5.4.12 Signage Requirements

Notwithstanding the regulations contained in Section 11 "Signs and Outdoor Advertising Structures," low profile signs shall be the only freestanding sign permitted in the Zoning Overlay district. Other freestanding signs, such as pole signs or off-premises signs that display any commercial message, as well as building projecting signs, shall be prohibited in the Zoning Overlay District.

*(Z22-C126. 01-28-15.)*

#### 5.4.13 Outside Storage or Refuse

All outdoor storage and refuse containment units shall be suitably screened from public view and conform to the requirements of Section 10.2.

*(Z22-C126. 01-28-15.)*

**SECTION 5 OVERLAY DISTRICTS (cont'd)**

**SECTION 5.4 State Route 295 Overlay District (cont'd)**

**5.4.14 Utilities**

Utilities shall be underground wherever possible.  
*(Z22-C126. 01-28-15.)*

**5.4.15 Landscape Buffering Requirements**

Buffer yards and landscaping and screening requirements shall conform with Section 10.4 and other criteria in this resolution.  
*(Z22-C126. 01-28-15.)*

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## **SECTION 6 PLANNED UNIT DEVELOPMENT**

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SECTION 6.1	Purpose
SECTION 6.2	Description
SECTION 6.3	Procedure
SECTION 6.4	General Standards
SECTION 6.5	Residential PUD Standards
SECTION 6.6	Commercial PUD Standards
SECTION 6.7	Industrial PUD Standards
SECTION 6.8	Conservation Development
SECTION 6.9	Change to Approved Plan
SECTION 6.10	Expiration and Extension of Approval Period

### CROSS REFERENCES

SECTION 2	Definitions
SECTION 3	Establishment of Districts
SECTION 4	Use Regulation
SECTION 7	Special Uses
SECTION 8	Off Street Parking and Loading
SECTION 9	Supplementary Regulations
SECTION 10	Design and Development Provisions for Multi-family, Non-residential, Commercial and Industrial Uses

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### **SECTION 6.1**      **Purpose**

The Planned Unit Development (PUD) is a voluntary procedure that provides an overlay zoning district intended to encourage innovative design, conservation of significant natural features and consolidation of open space and provide for a mixture of uses with an integrated design. The Planned Unit Development allows greater design flexibility so that natural features and open space may be preserved and enhanced through the siting of development in a coordinated and efficient manner.

### **SECTION 6.2**      **Description**

The Planned Unit Development may be a residential, commercial, or industrial development with a minimum site area of at least twenty (20) acres. Where a combination of either residential, commercial, or industrial uses is proposed, a maximum of ten (10) percent of the total acreage may be developed with uses not permitted in the underlying zoning district. The Board of Township Trustees shall review and find that the combination of uses meets the standards set forth in Section 6.4. Signs for uses developed pursuant to the ten (10) percent provision shall conform to the sign regulations for the District in which the use is first permitted. All planned unit developments shall be platted in accordance with applicable subdivision rules and regulations.

## SECTION 6 PLANNED UNIT DEVELOPMENT (cont'd)

### SECTION 6.3 Procedure

The Planned Unit Development shall be submitted and processed pursuant to **Section 15 – Amendments**. The applicant shall submit a "Request for Zoning Change" application with twenty (20) copies of the development plan and a reduction along with the required application fee. The application shall include the following:

### SECTION 6.3 Procedure (cont'd)

#### 6.3.1 General Information

- a) Name, address and phone number of the applicant.
- b) Name and address of registered surveyor, engineer and/or landscape architect who prepared the plan.
- c) Legal description of the property.
- d) Present use of the property.
- e) Conceptual overview of the development.
- f) Proposed provision of utilities.
- g) Proposed ownership and maintenance of common open space.
- h) Anticipated timing and phasing of the development.

#### 6.3.2 Development Plan Information

- a) A vicinity/project location map.
- b) Location, type and density of development types.
- c) Conceptual drainage plan.
- d) Location and amount of open space(s).
- e) Gross lot acreage, net lot acreage, maximum allowable density, proposed density with calculations indicated.
- f) Maximum site coverage.
- g) Topography at two foot contour intervals.
- h) Existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses.
- i) Street layout and names.
- j) Existing buildings to remain or to be removed, and if the existing buildings remain, proposed use.
- k) All proposed signs excluding street signs.
- l) Proposed method of street lighting.
- m) Landscape material to be used and proposed locations.
- n) Location, area, and dimensions of all lots, setbacks, and building envelopes.
- o) Required number of parking spaces and number of spaces proposed.
- p) Area identification (entrance) structures.

#### 6.3.3 Additional Information

The Board of Township Trustees, Zoning Commission, Zoning Inspector and/or review agencies may require additional information such as professionally prepared maps, survey drawings, studies or reports including environmental assessments and/or traffic impact studies for the development. The expense of providing this information is the responsibility of the applicant.

**SECTION 6 PLANNED UNIT DEVELOPMENT (cont'd)**

**SECTION 6.4 General Standards**

- a) The development shall be in conformance with the goals and objectives of the Waterville Township Land Use Plan (adopted 2001), and the Waterville Township Zoning Resolution.
- b) The uses are compatible within the PUD and with surrounding land uses.
- c) The arrangement of land uses and buildings on the site integrate the topography, natural features, views, traffic access and the arrangement of usable common open space.

**SECTION 6.5 Residential PUD Standards**

- a) The maximum number of dwelling units permitted in the PUD shall not exceed the number of units permitted without the PUD, as determined by the minimum lot area in the underlying zoning district. 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 4.4.1**. For purposes of the calculation, net residential acreage equals eighty (80) percent of the gross parcel acreage, and gross parcel acreage is the total parcel area excluding public rights-of-way and flood plain. Open space may be included in gross parcel acreage, but the amount of open space within a lake, pond or golf course that may be included in the gross parcel acreage for density calculation purposes is limited to one-third of the open space required under **Section 6.5.c**. The maximum number of dwelling units (DU's) permitted per gross acre according to this calculation is listed below for each zoning district.

<u>Zoning District</u>	<u>Maximum Dwelling Units Per Gross Acre</u>
A	0.80
R-D	0.80
R-C	1.74
R-B	2.17
R-A	2.90
R-1	3.32
R-3 (two-family)	5.80
R-3 (multi-family)	6.96

- b) No more than forty (40%) percent of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway, and parking area pavement.

## SECTION 6 PLANNED UNIT DEVELOPMENT (cont'd)

### SECTION 6.5 Residential PUD Standards (cont'd)

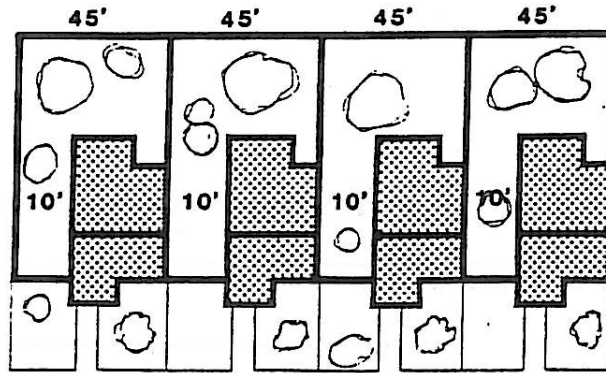
- c) No less than twenty (20) percent of the gross site acreage, none of which is part of any yard or perimeter open space, shall be allocated to usable, accessible and consolidated common open space and may be allocated on a plat by plat basis (one-third of the required common open space may be a lake or pond). No more than one-third of the required open space may be within a lake, pond or golf course. All dwellings must have access to open space that is counted toward the twenty (20) percent requirement, with accessibility detail to be included in the development plan, unless the open space is utilized for farming when authorized in a conservation easement or in the Homeowners Association's covenants and restrictions.
- d) An open space area void of buildings, structures, parking areas, or other above-ground improvements except fencing shall be maintained along all perimeter property lines of the Planned Unit Development as follows (this perimeter open space may be a dedicated open space lot or an open space easement):
  - 1) When abutting an "A" or "R" District, the open space perimeter area shall be provided with a minimum depth equal to the required rear yard setback of the PUD's underlying zoning district;
  - 2) When a residential area of a Planned Unit Development abuts a "C" or "M" District, an open space perimeter area shall be provided that has a minimum depth of seventy-five (75) feet.
- e) Building height shall be in accordance with the underlying zoning.
- f) There are no minimum lot size, lot-width, building or structure setback requirements except as provided for in **Section 6.5.d and 4.6.5**.
- g) Telephone, electrical, cable, and other utility appurtenances and dumpsters shall be sufficiently screened.

### SECTION 6.6 Commercial PUD Standards

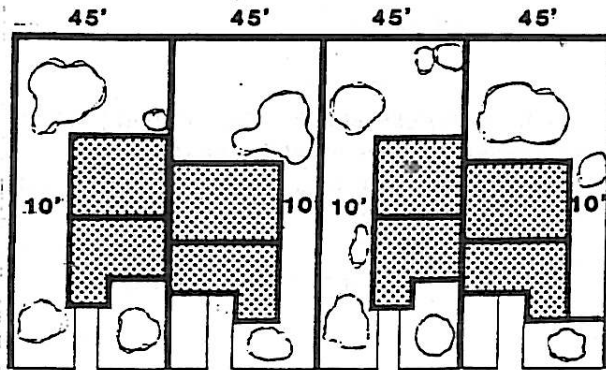
- a) Commercial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to **Section 8**, Off-Street Parking and Loading Requirements, and the number of spaces required shall be determined by each specific use within the Planned Unit Development. Parking shall be screened in accordance with **Section 8.2.2 and Section 10.4** – Landscaping and Screening. Exterior lighting fixtures shall comply with the lighting regulations in accordance with Section 10.1(b).

Figure 6-1

EXAMPLES OF ZERO LOT LINE DEVELOPMENT

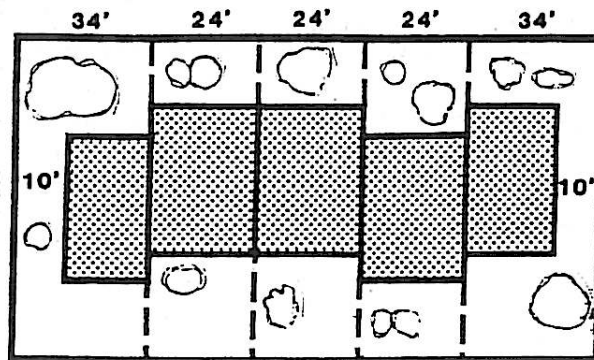


PARALLEL ZERO LOT LINES



COMMON ZERO LOT LINES

Multi Family Units



## SECTION 6 PLANNED UNIT DEVELOPMENT (cont'd)

### SECTION 6.6 Commercial PUD Standards (cont'd)

- b) An open space area void of buildings, structures, parking areas, or other above-ground improvements except fencing shall be maintained on all perimeter property lines of the Planned Unit Development:
  - 1) A minimum open space depth of 30 feet shall be provided unless a greater setback is required as listed in the underlying zoning district;
  - 2) A minimum open space distance of seventy-five (75) feet shall be provided when abutting an "A" or "R" District.
- c) No less than ten (10) percent of the gross site acreage, none of which shall be a part of any yard, shall be allocated to usable, accessible and consolidated common open space (one-third of the required common open space may be a lake or pond).
- d) No more than sixty-five (65) percent of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway and parking area pavement.
- e) There shall be no minimum lot size, lot-width, or building, or structure setback requirements except as provided in **Section 6.6.b and Section 4.6.5**.
- f) Telephone, electrical, cable and other utility appurtenances and dumpsters shall be sufficiently screened.

### SECTION 6.7 Industrial PUD Standards

- a) Industrial Planned Unit Development shall utilize natural features to screen lighting and parking. Parking and lighting shall be screened in accordance with **Section 10.4 – Landscaping and Screening**, and **Section 10.1(b) - Lighting**.
- b) A minimum open space width of seventy-five (75) feet void of buildings, structures, parking areas, or other above-ground improvements except fencing shall be provided and maintained on all perimeter property lines of the Planned Unit Development unless a greater setback is required by this Zoning Resolution.
- c) No less than ten (10) percent of the gross site acreage, none of which shall be a part of any yard, shall be allocated to usable, accessible and consolidated common open space (one-third of the required common open space may be a lake or a pond).
- d) There shall be no minimum lot size, lot width, building or structure requirements except as provided in **Section 6.7.b and Section 4.6.5**.

## **SECTION 6 PLANNED UNIT DEVELOPMENT (cont'd)**

### **SECTION 6.8 Conservation Development**

The Waterville Township Land Use Plan encourages conservation development in those areas of the Township designated for residential development. Conservation development clusters buildings on part of the site in order to preserve open space, natural features, and/or farmland on the remainder of the site. This clustering or grouping is accomplished by allowing flexibility on development standards such as setbacks. The Planned Unit Development provides the mechanism for undertaking conservation development, with the area to be preserved serving as the open space required under the Planned Unit Development regulations. While the Planned Unit Development Regulations require a minimum of twenty percent open space, the open space may exceed this percentage and typically does in a conservation development. The required open space area may include area utilized for farming when authorized in a conservation easement or in the Homeowner Association's covenants and restrictions. All open space associated with a Planned Unit Development, including open space used for farming, must be included in the legal description and site plan for the Planned Unit Development. Any change in use for the open space shown in an approved Planned Unit Development that results in a reduction in the overall open space area requires approval of an amendment to the Planned Unit Development in accordance with **Section 6.9.b**.

### **SECTION 6.9 Change to Approved Plan**

- a) Minor changes or alterations to the development plan as approved by the Board of Township Trustees that meet the criteria set forth in this section may be administratively reviewed and approved by the Zoning Administrator.
- b) The following items are considered major changes and require an amendment to the Planned Unit Development that follows the same approval process as required for an original Planned Unit Development:
  - 1) Any change in the overall acreage or boundaries of the Planned Unit Development;
  - 2) Any change in use in the Planned Unit Development;
  - 3) Any change that significantly alters the open space areas and their location(s) or reduces the overall open space area;
  - 4) A significant change in street pattern;
  - 5) An increase in the number of buildings or dwelling units;
  - 6) Changes in the building/building envelope location(s) or lot lines that result in a significant change in the coverage ratio, yard area or lot area.

### **SECTION 6.10 Expiration and Extension of Approval Period**

If construction of any phase of the approved Planned Unit Development begins within two (2) years after approval is granted, the approval shall be valid until the development is completed. If no construction has begun within two (2) years after the approval is granted, the Planned Unit Development shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit may be approved by the Board of Township Trustees.

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## **SECTION 7 SPECIAL USES**

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SECTION 7.1	Purpose
SECTION 7.2	Special Uses and Procedures

### CROSS REFERENCES

SECTION 2	Definitions
SECTION 3	Establishment of Districts
SECTION 4.5	Basic Yard, Area, Lot Coverage and Height Requirements for all Buildings Other Than Dwellings
SECTION 5	Overlay District
SECTION 8	Off-Street Parking and Loading
SECTION 9	Supplementary Regulations
SECTION 10	Design and Development Provisions for Multi-family, Non-Residential, Commercial, and Industrial Uses
SECTION 13	Enforcement
SECTION 15	Amendments

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### **SECTION 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. The "special uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or the planned development of the community. The "special uses" fall into two (2) categories, as follows:

- 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.

### **SECTION 7.2 Special Uses 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. Special Uses existing at the time of adoption of this Resolution may be continued and shall be considered as uses conforming to the Resolution.

#### **7.2.1 Special Uses Permitted**

##### **In an "A" District:**

Airport or Aircraft landing field	Institutional Health Care Facilities
Animal Care Facilities	Landscaping/Lawn Care Services (Rev. 12/14/05, Z22-C101)
Auction Market	Nursery
Boarding of Livestock and Domesticated Animals	Nursing Homes
Borrow Pits	Radio Tower
Cemetery/Memorial Gardens	Small Wind Turbine
Dwelling, Two-Family	Tourist Home/Bed and Breakfast
Flea Market	

**SECTION 7 SPECIAL USES (cont'd)**

**SECTION 7.2 Special Uses and Procedures (cont'd)**

**In any "A" or "R" Districts:**

Borrow Pits	Recreational Facilities, Non-commercial
Day Care Facilities	Semi-Public Uses
Group Homes	Telecommunication Tower (See 9.26)
Public Uses	
Recreational Facilities, Commercial	

**In any "R" District:**

Borrow Pits  
Ham Radio Antenna (if higher than maximum allowable height permitted for principal buildings in zoning district)  
Telecommunication Tower (See 9.26)

**In an "R-3" District:**

Adult Group Home	Nursery School
Borrow Pits	Nursing Home
Health Care Clinic	
MRDD Group Home	
Self Service Storage Facilities	

**In a "C-1" District:**

Borrow Pits	Recreational Facilities, Commercial
Manufactured Home Parks (See 9.22)	Recreational Facilities, Non-Commercial
Motor Vehicle Service Stations	Restaurants/Lounges
Radio Tower	Self Service Storage Facilities

**In a "C-2" District:**

Animals	Large-Scale Retail Project
Auction Markets	Radio Tower
Boarding of Livestock and Domesticated	Sweepstakes/Internet Cafe
Borrow Pits	
Flea Markets	

**In a "C-3" District:**

Borrow Pits	Radio Tower
Manufacturing – Restricted	Research Laboratories

## SECTION 7 SPECIAL USES (cont'd)

### SECTION 7.2 Special Uses and Procedures (cont'd)

#### In a "C-4" Mixed Business Use District:

Automotive refueling and/or service stations	Large-Scale Retail Project
Automotive washing facility	Movie theaters
Borrow Pits	Outdoor commercial sales or rental of goods stored outside a building
Building material, supplies, equipment, or storage yards	Outdoor recreational facilities publicly owned or operated such as but not limited to, golf and tennis clubs, athletic fields, and swimming pools
Coliseums, stadiums, and similar facilities designed to seat more than one thousand (1,000) people at one time	Radio Tower
Commercial recreation facilities open to the general public, such as theme parks	Research Laboratories
Community centers open to the general public	Restaurants with drive-up or drive-through facilities
Convenience stores	Self-service storage facilities
Day care facilities	Wholesaling, including the storage, handling, or sale of merchandise primarily to retailers or other wholesalers
Hotels and motels	
Indoor recreational uses such as bowling alleys and skating rinks	

#### In any "M-1" District:

Airport or Aircraft landing field	Manufacturing – General
Borrow Pits	Radio Tower
Nursery/Landscaping Business with on site composting	Waste Disposal Facility

#### In any "M-2" District:

Adult-Oriented Uses	Manufacturing – Heavy
Airport or Aircraft landing field	Nursery/Landscaping Business with on-site composting
Borrow Pits	Radio Tower
Extraction Industries	Waste Disposal Facility
Landfill	

#### 7.2.2 Expiration of Special Use Permit

A Special Use Permit 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 special use ceases to exist for more than two (2) years.

#### 7.2.3 Procedure for Special Uses

The procedure for filing of the application, review fees, notices, referral to the County Planning Commission, public hearing by the Zoning Commission and the Trustees, passage, and determination of a Special Use shall be the same as procedures for an amendment to the Zoning Resolution as shown in **Section 15**. In addition, a detailed site plan meeting the requirements of **Section 10.5** is required.

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## SECTION 8 OFF-STREET PARKING AND LOADING

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SECTION 8.1	Purpose
SECTION 8.2	Off-Street Parking and Loading Requirements
SECTION 8.3	Space Requirements

### CROSS REFERENCES

SECTION 2	Definitions
SECTION 4.1	Permitted Uses
SECTION 5	Overlay District
SECTION 6	Planned Unit Development
SECTION 7	Special Uses
SECTION 8.3.2(b)	Public Parking Areas Location
SECTION 9.18	Large Scale Retail Project
SECTION 10.5	Site Plan Review (Detailed Site Plan)

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### **SECTION 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.

### **SECTION 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.

## SECTION 8 OFF-STREET PARKING AND LOADING (cont'd)

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

- 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 **Section 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 14.3.2.c and .d**.

#### 8.2.2 Special Requirements

- a) **Setback:** Parking areas for multi-family and nonresidential uses shall be setback a minimum of 25 feet from the street right-of-way and a minimum of 10 feet from any side or rear lot line. No parking shall be permitted in any district in front of the main building except on the driveway or a paved parking area.
- 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. In those instances where the property is in a remote location and not in close proximity to other buildings or dwellings, the Zoning Commission may consider waiving the requirement to pave certain portions of the parking area as part of the Site Plan Review process. 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.

## SECTION 8 OFF-STREET PARKING AND LOADING (cont'd)

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

- 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.
  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 shall be screened from the front and side with landscaping not less than four (4) feet nor greater than six (6) feet in height.

## SECTION 8 OFF-STREET PARKING AND LOADING (cont'd)

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

- i) **Lighting:** Notwithstanding the lighting performance requirements of **Section 10.1.1**, any lighting used to illuminate any off-street parking areas shall be so arranged as to reflect light away from adjoining residential properties or the 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 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 within an "A" or "R" district for a period of more than two (2) weeks, excluding vehicles which are stored in an enclosed building, providing no business is conducted in connection therewith while such vehicle is parked or stored.
  - 3. Recreational vehicles, boats, boat trailers and/or utility trailers shall not be parked or stored in a front, side or rear yard of an R-A, R-B, R-C, R-1 or R-3 District, except when loading and unloading for a temporary period not to exceed 24 hours. The aforementioned shall not be parked or stored in the front yard of an R-D or "A" 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 may be stored in the side or rear yard of an "A" district, and must be a minimum of 10 feet from a lot line.
- 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.
- 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 all four (4) 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.

## SECTION 8 OFF-STREET PARKING AND LOADING (cont'd)

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

- 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 must observe the setbacks established in **Section 8.2.2.a**. 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.

SECTION 8 OFF-STREET PARKING AND LOADING (cont'd)

SECTION 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.

Figure 8-1

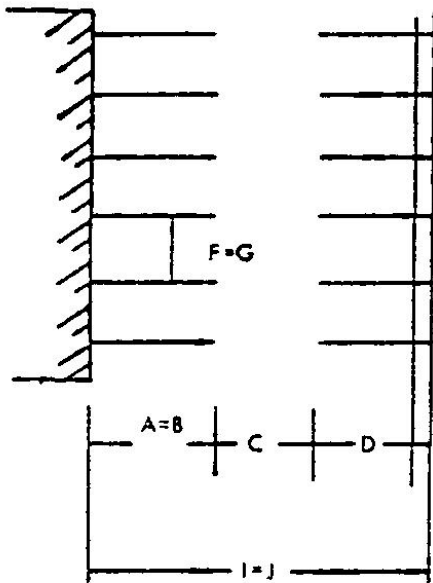


figure 8-2

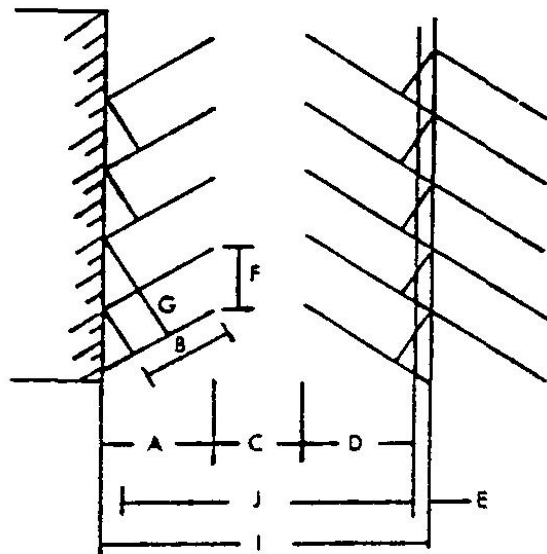


TABLE 8 - 1

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

**SECTION 8 OFF-STREET PARKING AND LOADING (cont'd)**

**SECTION 8.3 Space Requirements (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**

<b><u>USE</u></b>	<b><u>PARKING SPACES REQUIRED</u></b>
<b>a) <u>Residential Dwellings</u></b>	
Boarding House, Tourist Home, Dormitory	One (1) for each sleeping room or tenant, whichever is greater
Single, Two Family	Two (2) for each unit
Multi-family	Two (2) for each unit
<b>b) <u>Semi-Public/Institutional</u></b>	
Adult Day Care, Community Centers, Church Social Centers	One (1) for every 300 square feet of gross floor area
Child Day Care or Nursery School	Six (6) or two for each classroom whichever is greater
Church or Temple	One (1) for every five (5) seats in main assembly area/auditorium

**SECTION 8 OFF-STREET PARKING AND LOADING (cont'd)**

**SECTION 8.3 Space Requirements (cont'd)**

<b><u>USE</u></b>	<b><u>PARKING SPACES REQUIRED</u></b>
Elementary School	Two (2) for each classroom or one (1) for every five (5) seats in the main auditorium, whichever is greater
High School, College or Technical School	Four (4) for each classroom or one (1) for every four (4) seats in the main auditorium, whichever is greater
Hospital	One (1) for every four beds
Institutional Health Care Facility	One (1) for every four beds
Libraries, Museums, Art Galleries, or Community Centers	10 or one (1) for every 300 square feet of gross floor area whichever is greater
<b>c) <u>Recreational Facility</u></b>	
Bowling Alley	Four (4) for each alley plus one (1) for each 100 square feet or gross floor area used for bar, restaurant or entertainment areas
Campground	1.5 spaces for each site
Golf Course	Four (4) for each hole
Health Spa	One (1) for every 300 square feet of floor area
Lodge or Club	One (1) for every five (5) members
Skating Rinks	One (1) for every 100 square feet of gross floor area
Swimming Pools	One (1) for every 50 square feet or water surface area and one (1) for every 30 square feet or gross floor area for spectator seating
Tennis Courts/Racquet Clubs	Two (2) for each court
<b>d) <u>Commercial</u></b>	
Animal Care Facilities/Kennels	One (1) for every 400 square feet of gross floor area

**SECTION 8 OFF-STREET PARKING AND LOADING (cont'd)**

**SECTION 8.3 Space Requirements (cont'd)**

<b><u>USE</u></b>	<b><u>PARKING SPACES REQUIRED</u></b>
Auction/Market, Flea Market	One (1) for every 200 square feet of gross floor area or outdoor sales area
Auditorium, Theaters, Arenas or Conference Centers	One (1) for every four (4) seats or one (1) for every 30 square feet of gross floor area, whichever is greater
Banks or Financial Institutions	One (1) for every 300 square feet of gross floor area
Banquet / Recreational Hall	One (1) for every 200 square feet of gross floor area
Bar, Restaurant or Tavern	One (1) for every 75 square feet of gross floor area
Boarding of domesticated pets	One (1) for every 400 square feet of gross floor area
Farm Market	One (1) for every 200 square feet of gross floor area of outside sales area
Funeral Home / Mortuary	One (1) for every 200 square feet of gross floor area
Hotel / Motel	One (1) for every room and one (1) for every 100 square feet of gross floor area of bar, restaurant, and conference rooms
Motor Vehicle, Agricultural Implement, Recreational Vehicle, or Manufactured Home Sales	One (1) for every 5,000 square feet of lot area and one (1) for every 300 feet of gross floor area
Motor Vehicle Service / Repair	Two (2) for each service bay or one (1) for every 2 (two) pumps, whichever is greater
Offices	One (1) for every 300 square feet of gross floor area
Retail Store (appliance, printing, salon, hardware, carry-out, furniture, etc.)	One (1) for every 200 square feet of floor area
Self Service Storage Facility	Two (2) for on site manager or office
Shopping Center	One (1) for every 200 square feet of leasable area
Sweepstake/Internet Café	One (1) for each 50 square feet of gross floor area.

**SECTION 8 OFF-STREET PARKING AND LOADING (cont'd)**

**SECTION 8.3 Space Requirements**

**USE**

**PARKING SPACES REQUIRED**

**e) Manufacturing / Industrial**

Manufacturing / Processing / Warehousing

One (1) for every two (2) employees on the shift of the highest number of employees and one (1) for each motor vehicle used in the business

- 1) Loading Spaces: A loading space shall be required for each building, use or occupancy which has a gross floor area of 10,000 square feet. One (1) additional space shall be required for each 20,000 square feet of gross floor area thereafter.

## SECTION 9 SUPPLEMENTARY REGULATIONS

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SECTION 9.1	General
SECTION 9.2	Accessory Buildings
SECTION 9.3	Motor Vehicle Salvage Yards and Junk Yards
SECTION 9.4	Dish Antennas
SECTION 9.5	Extraction Industries
SECTION 9.6	Fencing
SECTION 9.7	Group Homes
SECTION 9.8	Home Occupations
SECTION 9.9	Boarding of Domesticated Animals and Kennels
SECTION 9.10	Causes of Blight or Blighting Factors
SECTION 9.11	Ponds
SECTION 9.12	Self Service Storage Facilities
SECTION 9.13	Waste Disposal Facility
SECTION 9.14	Regulation of Agriculture
SECTION 9.15	Farm Markets
SECTION 9.16	Swimming Pools
SECTION 9.17	Private Tennis Courts
SECTION 9.18	Large-Scale Retail Project
SECTION 9.19	Manufactured Homes
SECTION 9.20	Manufactured Home Parks
SECTION 9.21	Manufactured Home Sales
SECTION 9.22	Tourist Home/Bed and Breakfast
SECTION 9.23	Adult-Oriented Uses
SECTION 9.24	Telecommunication Towers and Radio Towers
SECTION 9.25	Nursery and Landscape/Lawn Care Service
SECTION 9.26	Small Wind Turbine
SECTION 9.27	Extraction of Minerals from Borrow Pits
SECTION 9.28	Sweepstakes/Internet Café

### CROSS REFERENCES

SECTION 1	General Provisions
SECTION 4	Use Regulations
SECTION 5	Overlay District
SECTION 6	Planned Unit Development
SECTION 7	Special Uses
SECTION 8	Off-Street Parking and Loading
SECTION 10	Design and Development Provisions for Multi-family, Non-Residential, Commercial, and Industrial Uses
SECTION 12	Non Conforming Lots, Structures and Uses
SECTION 13	Enforcement
SECTION 14	Board of Zoning Appeals
SECTION 15	Amendments

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### SECTION 9.1 General

The following supplementary district 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. In addition to the zoning district requirements, the following supplementary regulations shall regulate the uses and structures in Waterville Township.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.2 Accessory Buildings

#### 9.2.1 General

- a) No accessory use, building, or structure or pond shall be permitted on any lot which does not contain a dwelling or a main building.
- b) Temporary shelters not permanently affixed to a foundation used for vehicle or boat storage are not permitted.

#### 9.2.2 Setback

Accessory buildings and structures shall have a minimum setback of 10 feet from each lot line, shall be no closer than 15 feet from the main building, and shall be located outside of utility easements.

#### 9.2.3 Yard Requirement

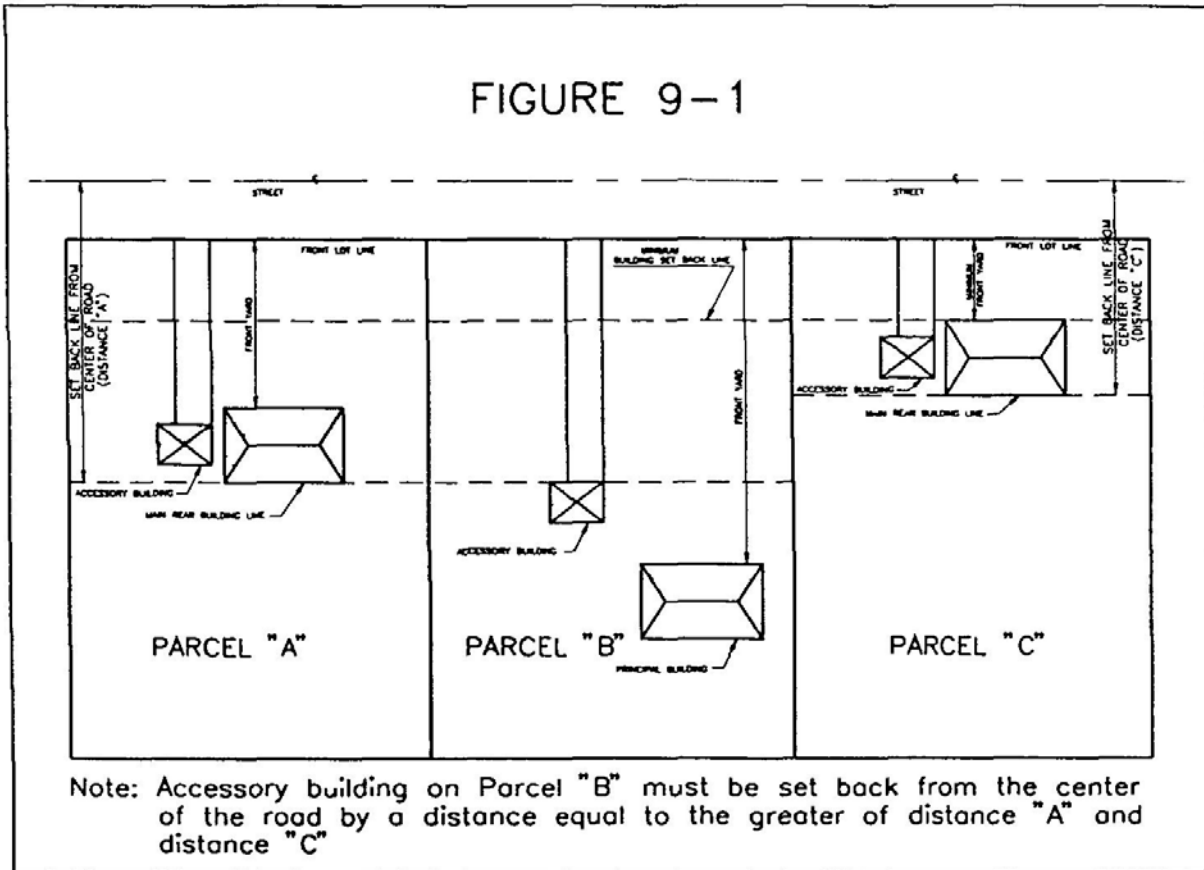
- a) Accessory buildings shall not be located in any front yard nor in the side yard of a corner lot when that yard faces a street or road except as provided for under **Section 9.2.4**.
- b) Accessory buildings may not exceed 25 feet in height and may not occupy more than 30% of a required rear yard in total.

#### 9.2.4 Exceptions

- a) Private bus shelters may be located in any yard, but shall not exceed four (4) feet times four (4) feet (length x width) in area and seven (7) feet in height.
- b) An accessory building may be permitted in a front yard or a side yard of a corner lot, when that yard faces a street or road, with the following requirements.
  - 1. The minimum lot area shall be 2 acres and have a minimum depth of 500 feet.
  - 2. No accessory building shall be located forward of the rear building line of a main building located on an adjacent parcel and that said main rear building line being the greater distance from the center line of the road.

SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

FIGURE 9-1



3. Trees and natural screening is required on all sides of the building which is visible to abutting parcels and public roadways.
4. Height of trees and/or screening shall be equal to the lesser of the height of the accessory building or 20 feet and have a minimum depth of 20 feet.
5. The use of such building for raising of livestock shall conform to the provisions of **Section 9.14**.

**SECTION 9.3**      **Motor Vehicle Salvage Yards and Junk Yards**

**9.3.1**    **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, driveways and fencing.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.3 Motor Vehicle Salvage Yards and Junk Yards (cont'd)

#### 9.3.2 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.

#### 9.3.3 Licensing

- a) Applicants for junkyards 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.

#### 9.3.4 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.

#### 9.3.5 Fencing and Screening

Any area used as a motor vehicle wrecking yard or junkyard 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.

#### 9.3.6 Industrial Standards

Notwithstanding the requirements set forth herein, all motor vehicle salvage yards and junkyards shall meet the Industrial Standards as set forth in **Section 10**.

#### 9.3.7 Off-Street Parking and Loading

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

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.3 Motor Vehicle Salvage Yards and Junk Yards (cont'd)

#### 9.3.8 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.

#### 9.3.9 Pavement

All roadways internal to the site shall be paved or maintained to minimize dust.

### SECTION 9.4 Dish Antennas

**9.4.1** In accordance with the Telecommunications Act of 1996, dish antennas with a diameter of one (1) meter (39.37 inches) or less when located in an "A" or "R" district are exempt from the provisions of this Resolution. Dish antennas with a diameter in excess of one (1) meter (39.37 inches) are permitted in "A" and "R" districts provided:

- a) The dish antenna shall be located in the rear of the lot, at least ten (10) feet away from the main building, and setback from the rear and side property lines a minimum of ten (10) feet or the height of the proposed structure, whichever is greater.
- b) Where a dish antenna is proposed to be independently supported, its height shall not exceed fifteen (15) feet above the surrounding grade.
- c) Where a dish antenna is proposed to be attached to a roof of a building, its height shall not exceed fifteen (15) feet above the highest point of the roof it is located on.

**9.4.2** In accordance with the Telecommunications Act of 1996, dish antennas with a diameter of two (2) meters (78.74 inches) or less when located in "C" or "M" district are exempt from the provisions of this Resolution. Dish antennas with a diameter in excess of two (2) meters (78.74 inches) are permitted in "C" and "M" districts provided:

- a) The dish antenna shall be located in the rear of the lot, at least ten (10) feet away from the main building, and setback from the rear and side property lines a minimum of ten (10) feet or the height of the proposed structure, whichever is greater.
- b) Where a dish antenna is proposed to be independently supported, its height shall not exceed fifteen (15) feet above the surrounding grade.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.4 Dish Antennas (cont'd)

- c) Where a dish antenna is proposed to be attached to a roof of a building, its height shall not exceed fifteen (15) feet above the highest point of the roof it is located on.

#### 9.4.3 Requirement for issuance of a permit:

- a) Before installation of a dish antenna one meter or more (in "A" and "R" districts) or two meters (in "C" and "M" districts) in diameter, a zoning permit must be obtained;
- b) The following requirements must be met to obtain a zoning permit for installation of a dish antenna:
  - 1. Provide a written description of location and a sketch showing location on the site;
  - 2. Review by the Waterville Township Zoning Administrator.

### SECTION 9.5 Extraction Industries

#### 9.5.1 Removal

The removal of soil, sand and gravel, and or minerals shall not exceed 25% of the total surface area of a parcel. All extraction industries in the removal of products shall meet the requirements of Surface Mining and Reclamation 1514.10 O.R.C.

#### 9.5.2 Refilling

The refilling of an area which has been excavated for the extraction of soil, sand and gravel shall be considered waste disposal and shall meet the requirements set forth by the Lucas County Board of Health for solid waste disposal under 3734.05 O.R.C.

### SECTION 9.6 Fencing

#### 9.6.1 General

- 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 six (6) feet in height in any remaining yards except as required under **Section 10.4**.

#### 9.6.2 Corner Lot

No fence, structure or planting screens shall be created or maintained within 30 feet of the corner (point of intersection of the two (2) streets rights-of-way) at a height exceeding 2 1/2 feet above curb or street grade.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.7 Group Homes

#### 9.7.1 General

- a) All group homes must be licensed by the appropriate state or county licensing agency (examples are Ohio State Department of Mental Health, Ohio State Department of Human Services, Lucas County Health Department, etc.).
- b) Public utilities of sewer and water should be provided where possible. In non-sewered areas, appropriate approval shall be obtained from the Lucas County Board of Health or Ohio Environmental Protection Agency.
- c) The proximity and nature of the group homes to the surrounding area should be considered in determining the feasibility to the location or the conditions of approval. To minimize concentration of group homes within the township and promote integration rather than segregation of the handicapped in the community, a distance separation between group homes shall be one (1) mile in non-sewered areas of the township. In the developed sewered areas, group homes may be located no closer than one-half (1/2) mile of each other.
- d) The owner should maintain a planned continuing contact with the adjacent residents and as necessary with the neighborhood with respect to operation of the facility. An awareness and acceptance of the group home and its residents shall be a goal. A report of activities and any incidents may be required as a condition of approval, or subsequent thereto, by the township.

#### 9.7.2 Occupancy and Dwelling

- a) Group homes which contain one (1) to five (5) residents, exclusive of the care-provider(s), shall be operated by a resident/owner of the home and shall not require a lot larger than the residential district within which it is located.
- b) Residence will be restricted to a maximum of two (2) persons per bedroom, exclusive of the bedrooms needed for the resident care-provider.
- c) Any group home which contains more than five (5) persons [exclusive of the care-provider(s)] will require a site no less than five (5) acres that has a combination of sufficient width and length to provide necessary separation. This requirement may be waived when sufficient width and area at the road frontage can provide adequate separation.

### SECTION 9.8 Home Occupations

#### 9.8.1 General

- a) For all "A" Districts, a home occupation may include the use of one accessory building as a place for operation of the home occupation or for purposes of storage of equipment. The accessory building shall not exceed the lesser of 10% of the lot area or 2,000 square feet in area maximum.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.8 Home Occupations (cont'd)

- b) For all "R" Districts, a home occupation shall be confined to the dwelling and shall comply with part (d) of this Section.
- c) The home occupation shall not involve the employment of any person other than a resident of the dwelling.
- 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, no outside storage of any kind related to the home occupation, nor other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, nonilluminated and wall mounted or low profile.
- f) No traffic shall be generated by such home occupation in greater volume than would normally be expected for a residential dwelling in a comparable 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 premises.
- h) No commodities shall be sold other than articles produced upon the premises by such home occupation. Items commonly collected or traded and occasionally sold by hobbyists such as coins, stamps, and other collectibles may be considered as exempt from this prohibition if all other requirements are met.
- i) Parking of commercial vehicles shall conform to **Section 8.2.2(j)** of this Resolution.

#### 9.8.2 Requirement for Issuance of Permit

- a) All existing home occupations conforming to the home occupation regulations in effect prior to this amendment shall be permitted to continue in accordance with the grandfather provisions contained in **Section 12**.
- b) All new and existing home occupations shall be required to obtain a zoning certificate in accordance with the provisions contained in **Section 13**. An application for a home occupation zoning certificate shall include a letter detailing the proposed use and addressing each of the general requirements contained in **Section 9.8.1**. Appeals shall be provided in accordance with **Section 14.3**.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.9 Boarding of Domesticated Animals and Kennels

Buildings, structures and improvements for the boarding of 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.

#### 9.9.1 General Requirements

- a) Must be located in an "A" district and requires a special use permit.
- b) The minimum lot area shall be two (2) acres.
- c) 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.
- d) Suitable fencing or landscaping shall be installed around pens and/or enclosures used for housing or containing animals set back from the property line a minimum of five (5) feet.
- e) Hour of operation shall be between 8:00 A.M. and 7:00 P.M. for all days of the week.
- f) Advertising signs shall be in accordance with **Section 11**.
- g) On-site parking shall be provided in accordance with **Section 8**.

### SECTION 9.10 Causes of Blight or Blighting Factors

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 Waterville 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.
- 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 out door 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.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.10 Causes of Blight or Blighting Factors (cont'd)

- 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 woodmetal or any other materials or other castoff materials of any kind whether or not same could be put to any reasonable use.
- 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 otherwise 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 usable for its intended purpose.
- 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.
- g) Excessive growth of weeds in lawn and landscape areas.
- h) In addition to the regulations regarding on-site storage of building materials in Section 9.10.b, a developer of a subdivision shall make arrangements with the Township to remove mud and dirt from streets, contain construction debris onsite, and clean up related construction debris round off-site during the construction process. (Rev. 12/14/05, Z22-C101)

### SECTION 9.11 Ponds

#### 9.11.1 General Requirements

- a) Ponds shall be permitted in all "A" and "R" Districts on parcels of three (3) acres or greater; and in all "C" and "M" Districts.
- b) All ponds shall require a permit and meet requirements of **Section 13.4 Application and Issuance of Zoning Certificates**, which includes written application for a zoning certificate accompanied with a site plan, including an elevation view of the pond.
- c) Ponds shall conform to the U.S. Soil Conservation Service specifications and recommendations.
- d) If a pond is deemed to pose a safety hazard because of the density of development or in close proximity to a road in the vicinity of the parcel, the township may require four (4) foot perimeter fencing be installed as specified under **Section 9.16**. (Revised 12/04/06 – Z22-C105)

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.11 Ponds (cont'd)

#### 9.11.2 Area and Design Requirements

- a) Minimum pond surface area shall be one quarter (1/4) acre. Maximum surface area shall not exceed the lesser of 25% of the net acreage of the parcel or one acre.
- b) 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.
- c) 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.
- d) 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.
- e) To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage from pond development, then diverted to a suitable outlet or drainage ditch.
- f) Retention ponds located in subdivisions shall be at least (1/4) acre in size – Landscaping and mounding must be installed at 4 feet in height a the right-of-way line for traffic safety purposes. (Rev. 12/04/06 – Z22-C105)

#### 9.11.3 Setback

- a) A pond shall have 100 feet minimum setback from the centerline of public roadway right-of-way. (Revised 12/04/06 – Z22-C105)
- b) Ponds on parcels of five (5) acres or less shall have a side yard setback of not less than 10 percent of the width of the parcel, with a minimum setback of 25 feet. Ponds on parcels of more than five (5) acres shall have a minimum side yard setback of 25 feet. (Revised 10/13/06 – Z22-C105)
- c) A pond shall be located no closer than 100 feet to a septic tank, or leach field.
- d) Retention ponds located in subdivisions shall be located a minimum of 85 feet from the centerline of the road. (Revised 12/04/06 – Z22-C105)

#### 9.11.4 Refilling

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.

#### 9.11.5 Requirement for Issuance of Permit

Provide a written description of location and simple site plan.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.12 Self Service Storage Facilities

#### 9.12.1 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.

#### 9.12.2 Specific Requirements

- a) **Lot Area:**
  - 1) Minimum lot area shall be two (2) acres.
  - 2) Maximum lot area shall be three (3) acres for "R-3" Districts.
- 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 4.6.1.**
  - 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 (see figure 4-3).
- 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 detailed 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.
- g) **Signs:** Shall conform to requirements under **Section 11.**
- h) **Pavement:** All roadways and parking areas shall be paved with concrete, asphalt or bituminous pavement.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.12 Self Service Storage Facilities (cont'd)

- 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. Storage or parking spaces for vehicles shall not extend forward of the rear building line nor be within any required yard.

### SECTION 9.13 Waste Disposal Facility

#### 9.13.1 Zoning Requirements

No waste disposal facility shall be established, operated, used or located within the Township unless such facility is located, within an M-1 or M-2 Zoning District.

No waste disposal facility shall be established, operated or located within the Township unless such facility has been issued a Special Use Permit under **Section 7** of this Resolution.

A Special Use Permit issued hereunder shall be conditioned on the operator and site having and maintaining valid permits, licenses and registrations required by any regulatory agency or authority having jurisdiction over such operations.

Except as specifically provided for and permitted under this **Section 9.13**, no person shall dispose of waste nor operate any waste disposal facility or solid waste transfer facility within the unincorporated territory of the Township.

#### 9.13.2 Interpretation

This Section is intended to be interpreted and applied so as not to be in conflict with the general laws of the State of Ohio.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.13 Waste Disposal Facility (cont'd)

Unless specifically defined otherwise in this Resolution, the terms used in **Section 9.13.1** shall have the same meanings as the definitions established for such terms in the Ohio Revised Code and Ohio Administrative Code.

### SECTION 9.14 Regulation of Agriculture

1. In any platted subdivision approved under R.C. 711.05, 711.09, or 711.10, or in any area consisting of fifteen or more lots approved under R.C. 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agriculture is regulated as follows:
  - a) On lots of one acre or less, within such subdivision or area, agriculture is prohibited. This provision does not prohibit the raising of fruits or vegetables for consumption by the residents of a dwelling located on such lot.
  - b) On lots greater than one acre but not greater than five acres, within such subdivision or area, buildings or structures incident to the use of land for agricultural purposes shall conform to all set back building lines, height and size requirements of this Resolution; provided however, that such buildings or structures are not permitted within 50 feet of a dwelling or an adjacent property line, excepting fences as are more specifically provided for herein; and all such buildings or structures shall be adequately screened from view.
  - c) On lots greater than one acre but not greater than five acres, within such subdivision or area, dairying and animal and poultry husbandry, which includes, but is not limited to, the care and raising of livestock, equine, and fur-bearing animals, are regulated as follows:
    - i) When at least thirty-five per cent of the lots within such subdivision or area are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under R.C.4503.06, dairying and animal and poultry husbandry shall be considered nonconforming uses of land and buildings or structures.
    - ii) For health and safety reasons, use of any such lot for dairying and animal and poultry husbandry shall not exceed one animal for each whole acre, excluding the first whole acre. (Examples provided for interpretation purposes: A lot of 1.5 acres in size may not have any animals; a lot of 2.0 acres or greater in size may have one animal; a lot of 3.0 acres or greater in size may have two animals; a lot of 4.0 acres or greater in size may have three animals; a lot of 5.0 acres in size may have four animals; a lot of 4.95 acres in size may have three animals; a lot greater than 5.0 acres is not regulated by this Section.)

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.14 Regulation of Agriculture (cont'd)

- iii) Keeping animals in excess of the number permitted herein shall be deemed to constitute a public nuisance affecting the health, safety and welfare of Township residents.
  - iv) Animals are not permitted within 50 feet of any dwelling. Animals are not permitted within 5 feet of an adjacent property line. Areas within a lot where animals are permitted shall be securely fenced and adequately screened from view. Fences must contain any animals at least 50 feet away from any dwelling and at least 5 feet away from any adjacent property line. Fences required by this Section are also subject to regulation under **Section 9** of this Zoning Resolution.
2. The Zoning Inspector shall determine whether any particular lot is located within such subdivision or area as is regulated by this Section of the Resolution and shall make such other determinations as may be required under this Section. Appeal from the determination of the Zoning Inspector may be made to the Board of Zoning Appeals.

### SECTION 9.15 Farm Markets

1. **General:** Farm markets shall be permitted where 50% or more of the gross income received from the market is derived from produce raised on farms owned or operated by a market operator within a normal crop year.
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.
3. **Off Street Parking and Loading:** Farm markets shall conform to all applicable parking requirements set forth in **Section 8** of this Resolution.

### SECTION 9.16 Swimming Pools

1. Swimming pools shall not be permitted in a side or front yard in an "A" or "R" District.
2. **Fence Enclosure:** Swimming pools exceeding 12 feet in diameter or length (as applicable to the shape of the pool) or which encompass more than 100 square feet of water surface area, and having greater than two (2) feet of depth capacity for water shall be enclosed or protected by an adequate fence enclosure at least 48 inches high.
  - a) The fence enclosure shall not allow passage of any objects larger than a four (4) inch-diameter (102 mm) sphere.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.16 Swimming Pools (cont'd)

- b) **Gates:** Pedestrian access gates shall open outward away from the pool and shall be self-closing and have self-latching, key-type locks. Gates other than pedestrian access gates shall have a self-latching device. The gate and barrier shall have no opening greater than one-half (1/2) inch (12.7 mm) within eighteen (18) inches (457 mm) of the release mechanism. The gate release mechanism shall be located on the poolside of the gate at least three (3) inches (76 mm) below the top of the gate.
  - c) **Above Ground Pool/Retractable Steps:** An above ground pool of 48 inches or higher height, does not require a fence enclosure if the pool structure is free of any cross bars or other climbing surfaces and unsupervised children can be prevented from using the pool by retractable steps. If a deck is later added to an above ground pool, then a pool enclosure shall be required unless the deck is equipped with retractable steps.
- 3. **Setback:** All swimming pools, pool aprons, pumps, filters, pool water disinfection equipment, or any pool related equipment shall be set back a minimum of ten (10) feet from any property line.
  - 4. **Permit Application:** The swimming pool and fence enclosure application shall only require one permit. A written description of the location and a simple site plan showing location on the site and distance from leach field and septic tank where applicable. All applications for an above ground pool must contain drawings showing retractable steps.
  - 5. **Lighting:** All lights used for illuminating family pools or the surrounding areas shall be so designed, located and installed as to confine the direct beams to the lot or parcel on which the pool is located, and so as not to constitute a nuisance or undue annoyance to occupants of abutting property.
  - 6. **Fences:** All fences and gates shall be maintained in good condition. Wood materials, other than decay resistant woods, shall be protected against decay by use of paint or other preservatives.

### SECTION 9.17 Private Tennis Courts

Private tennis courts shall be permitted in any "A" or "R" District with the following requirements:

- a) A site plan shall be submitted showing dimensions, and location of the court in relation to property lines, utility easements, septic fields where applicable, and setbacks from property lines. The site plan shall be subject to review by the Zoning Commission with recommendation to the Zoning Inspector.
- b) Courts shall not be placed over any septic field or within any public right-of-way.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.17 Private Tennis Courts (cont'd)

- c) Maximum court dimensions shall be 120 x 60 feet or 7200 square feet in area.
- d) The site plan shall indicate drainage flow and where appropriate, a drainage system shall be installed with suitable outlet, to prevent adverse effects of drainage onto adjoining properties.
- e) Courts shall be fenced when court surface is within 20 feet of a property line. The fence shall not exceed 10 feet in height and be separated from the property line with landscaping and/or plant screening not to exceed four (4) feet in height.
- f) Lighting where provided shall be so arranged as to reflect away from adjoining residential properties or public way and shall be limited to the hours of 7 a.m. to 11 p.m.
- g) A written description and a simple site plan shall accompany the permit application.

### SECTION 9.18 Large Scale Retail Project

A large-scale retail project shall meet the following requirements:

- 1. Contain a minimum lot area of five (5) acres and minimum frontage of 300 feet on an arterial roadway as shown on the Toledo-Lucas County Major Street and Highway Plan.
- 2. Submission of a site plan in conformance with the requirements in **Section 10** and a plat in accordance with applicable subdivision rules and regulations. Site plan
- 3. Submission of a traffic impact study prepared by a qualified professional engineer documenting the impact of the proposed large-scale retail project on adjacent streets and roadways, necessary traffic improvements and/or traffic controls, and the developer's plan to fund such improvements. The traffic impact study shall be subject to the review and approval of the Lucas County Engineer, Waterville Township and, if applicable, the Ohio Department of Transportation.
- 4. Compatibility with adjacent land uses and the adopted Waterville Township Land Use Plan. Items considered in determining compatibility include the following:
  - a) Provision of an appropriate step-down or transition between land uses;
  - b) Provision of adequate buffering and screening between land uses; and
  - c) Conformance with the land use recommended for the area in the adopted Waterville Township Land Use Plan.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.19 Manufactured Homes

Manufactured Homes as defined under **Section 2** that do not meet the criteria for a Permanently Sited Manufactured Home as defined under **Section 2** shall not be permitted as a residence in the township except as provided for under **Section 9.20** or as a temporary use under **Section 14.3.2(h)**.

### SECTION 9.20 Manufactured Home Parks

#### 9.20.1 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 than five (5) acres if it is an extension or enlargement of 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 open 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 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 37-1-27 of the Administrative Code; be platted in accordance with the Lucas County Subdivision Regulations and subject to site plan review.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.21 Manufactured Home Sales

#### 9.21.1 General

Manufactured Home Sales shall be subject to the provisions of **Section 10**.

#### 9.21.2 Requirements for Display, Sales and Storage of Units

1. All Manufactured Home units used for display and sales purposes shall be arranged on the parcel in an orderly manner parallel to lot lines.
2. Minimum separation between units shall be five (5) feet.
3. Units shall be placed in a position level with street grade of the public street upon which the parcel has frontage.
4. Units which are stored on the parcel and not used for display shall be placed to the rear of the parcel on blocks or supports, in a position parallel to a lot line, and leveled as in Part 3 of this section.
5. Display and sales areas shall be paved in accordance with provisions of **Section 8.2**. Landscaping/grassed areas may be utilized in display area in lieu of pavement.
6. Display and sales office units shall rest on a closed perimeter foundation or on piers/blocks which are enclosed with a perimeter skirt around the base of each unit.
7. Partially enclosed units, parts, or sections of units or materials and equipment utilized in construction or movement of units (i.e. chassis, trailers, etc.) shall not be stored in open view from the street frontage(s) of the parcel.

### SECTION 9.22 Tourist Home/Bed and Breakfast

#### 9.22.1 General Requirements

- a) Minimum lot size of two (2) acres.
- b) Location within the Agricultural zoning district.

#### 9.22.2 Specific Requirements

- a) There shall be a maximum of five (5) guest rooms.
- b) The exterior appearance of the structure shall not be altered from its single-family character.
- c) The owner must live on the premises. The tourist home/bed and breakfast use shall remain incidental to the primary residential use of the property and shall not occupy more than 50 % of the floor area.
- d) This use shall be treated as a home occupation for purposes of sign regulation.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.23 Adult-Oriented Uses

- 1) Adult-oriented uses shall not be located within 500 feet of any residentially or agriculturally zoned district, school, church, park, playground or other use established specifically for the activities of minors, measured by radius from the property line of the location of the adult use.
- 2) Adult-oriented uses shall not be located within a 1,000 foot radius of two other such uses.
- 3) Off-street parking shall be provided in accordance with **Section 8**, "Off-Street Parking and Loading."
- 4) The Township shall reserve the right to review facilities established under this section after it has been in operation for a period of one (1) year upon the recommendation of the Zoning Commission and/or initiation by the Township Trustees.

### SECTION 9.24 Telecommunication Towers and Radio Towers

Pursuant to the Telecommunications Act of 1996 and ORC Section 519.211, and the Township Trustees being duly notified of a person's intent to construct a telecommunication tower on a site located within an area zoned for residential use, this section sets forth standards for the Zoning Commission and Township Trustees to consider when reviewing the special use request. These minimum standards include:

- a) The applicant must 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, Ohio Department of Transportation).
- b) The applicant shall provide proof of notification to adjacent property owners as required by OSRC Section 519.211.
- c) The applicant must demonstrate at the time of application that no technically suitable and feasible site is available in a nonresidential district and that the site is located in the lease restrictive district that includes a technically suitable and feasible site.
- d) The structure containing the telecommunication tower shall be located on its own lot which meets the square footage requirements of the district.
- e) The structure shall be located on the lot in conformance with all setback requirements of the district and shall not exceed 100 feet in height.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.24 Telecommunication Towers and Radio Towers (cont'd)

- f) Structures must be screened with fencing, masonry, shrubbery or other screening materials.
- g) The applicant shall notify the Zoning Inspector within 30 days of ceasing operations at the site and shall remove the structure(s) within 60 days of ceasing operation.
- h) No advertising or illumination other than that required by law may be located on the structure.
- i) The applicant must demonstrate the “co-location” of the telecommunication tower with other telecommunication towers or facilities in the vicinity was considered. Co-location shall be encouraged wherever feasible.

### SECTION 9.25 Nursery and Landscaping/Lawn Care Service

#### 9.25.1 General Requirements

- a) A special use permit and site plan review in accordance with **Section 10.5** shall be required.
- b) The site shall be located on a major street within the Agricultural zoning district.  
(Rev. 12/14/05, Z22-C101)

#### 9.25.2 Specific Requirements:

- a) The only retail activity permitted is the sale of nursery stock.
- b) Machinery and equipment shall not be stored within the required yard areas, and shall be suitably screened or fenced.
- c) Any storage building or other non-residential building shall not be located within the required yard area for such buildings in the Agricultural zoning district.
- d) Off-street parking shall be provided for in accordance with **Section 8.3.2**. (Rev. 12/14/05, Z22-C101)

### SECTION 9.26 Small Wind Turbine (Revised 4/25/07, Z22-C106)

#### 9.26.1 General Requirements:

- a) Small wind turbines shall be allowed in Agricultural “A” districts on parcels five (5) acres or greater in size.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.26 Small Wind Turbine (cont'd)

- b. The small wind turbine powered by electric generator shall service only one residence.
- c. The small wind turbine must be a freestanding tower without guy wires.

#### 9.26.2 Specific Requirements:

- a. The applicant shall provide proof of notification to adjacent property owners as required by ORC Section 519.211.
- b. **Height:** The total height of the tower shall not exceed eighty (80) 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:** The proposed small wind turbine that is powered by an electric generator shall be a distance of at least 125% of height of the total structure from any property line, residence, building, and public or private road or right-of-way.
- d. **Set-backs:** No part of the wind system structure, including guy wire anchors which would require a waiver by the Waterville 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 designed by the Federal Aviation Administration.
- f. **Electrical generator:** The small wind turbine 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 60 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, Title 14, section 77.13.
- k. The applicant shall notify the Zoning Inspector if operations of the wind turbine cease and shall be removed within 60 days of ceasing operations.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.26 Small Wind Turbine (cont'd)

- I. 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.
- m. The small wind turbine wire shall be placed underground to any structures.

### SECTION 9.27 Extraction of Minerals from Borrow Pits (Z22-C113)

The construction and operation of borrow pits for highway construction purposes creates a real or substantial risk to the public health, safety or general welfare of the Township's citizens and the regulation thereof is deemed necessary in the interest of public health and safety.

#### 9.27.1 General Requirements

- a. The term "minerals" shall have the same definition as minerals are defined in ORC 1514.01(B).
- b. The extraction of minerals from borrow pits for highway construction purposes is a permitted use in all zoning districts, shall require a site plan review as described in this Section and is subject to all of the applicable provisions of this Zoning Resolution.
- c. The application for a borrow pit site plan review shall contain sufficient detail to demonstrate that the borrow pit meets or exceeds all applicable design and development provisions required under **Section 10** of this Zoning Resolution.
- d. The application for a borrow pit site plan review shall include the names, addresses, email addresses and telephone numbers of the property owner, applicant and the primary contractor or contractors who will be involved in all aspects of extraction, reclamation and site work, along with evidence of a contract or contracts to provide extracted minerals for highway construction purposes.

#### 9.27.2 Area and Design Requirements

- a. The size of a borrow pit shall be determined by the parcel's location, existing structures on the parcel and availability of minerals therefore the size is not restricted.
- b. Borrow pits shall be graded not to exceed four (4) feet in height so it will not obstruct an adjoining property owner's view.
- c. The side slopes of a borrow pit shall not exceed a 3:1 ratio horizontal to vertical. This ratio shall be maintained to a minimum depth of 17 feet.
- d. Drainage calculations, sediment and erosion control methods shall be submitted as part of the site plan.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.27 Extraction of Minerals from Borrow Pits (cont'd)

- e. A detailed site grading plan shall be submitted for approval. The plan will include existing and proposed grades, and grades for the land abutting the proposed development from the development boundaries for a distance of approximately one hundred (100'). All storm drainage must be directed internal and not runoff on to adjacent properties unless approved by the Lucas County Drainage Engineer. The grading plan must be based on Lucas County datum.
- f. If disturbing more than one acre of land, an Ohio EPA, NPDES permit is required and provisions for water quality, sediment and erosion control shall be provided in accordance of this permit.
- g. The application for a borrow pit site plan review shall have a landscape plan attached.
- h. If a borrow pit is deemed to pose a safety hazard because of the density of development or in close proximity to a road in the vicinity of the parcel, the township may require temporary or permanent perimeter fencing and/or vehicle barrier guardrail.
- i. Any borrow pit approved hereunder must be fully extracted within eighteen (18) months after extraction activities are commenced.
- j. Final landscaping and any required fencing must be completed within twenty-four (24) months after extraction activities are commenced.
- k. All borrow pit extraction activities shall be performed under a bond or other acceptable security, not to exceed \$500.00 per acre, calculated on the total number of acres in the site plan parcel, as the Township shall determine. Said bond shall be payable to the Township in the event any property owner, applicant or the primary contractor or contractors are determined by the Zoning Inspection to be in substantial violation of the terms or conditions of this Township Zoning Resolution and any conditions established by the Trustees under the procedure herein. No extraction activities shall commence until said bond has been approved or waived by formal action of the Board of Trustees.
- l. The Board of Trustees may also require as a condition of approval, the following specific measures:
  - 1. Inspections of nearby structures and water wells to determine structural integrity and water levels.
  - 2. Compliance with Ohio EPA, ODNR, U.S. Army Corps of Engineers and other applicable federal, state, and local laws and regulations.
  - 3. Identification of specific roads, as approved by the Lucas County Engineer, to be used as the primary means of ingress and egress from the proposed facility.
  - 4. Compliance with reasonable noise abatement measures.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.27 Extraction of Minerals from Borrow Pits (cont'd)

5. Compliance with reasonable dust abatement measures.
  6. Any other measures reasonable related to public health and safety.
- m. The hours of borrow pit operation be limited to the following:
- |                        |                        |
|------------------------|------------------------|
| Monday through Friday: | 7:00 a.m. to 7:00 p.m. |
| Saturday:              | 7:00 a.m. to 5:00 p.m. |
| Sunday:                | Not permitted          |

#### 9.27.3 Setback

- a. A borrow pit shall have 100 feet minimum setback from the centerline of public right-of-way.
- b. The minimum side yard setback is 25 feet.
- c. The minimum setback for borrow pits from septic systems or leach fields is 100 feet.

#### 9.27.4 Refilling

The refilling of an area which has been excavated for the development of a borrow pit 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 RC 3734.05.

#### 9.27.5 Administrative procedure for borrow pit site plan review:

- a. The applicant shall submit to the Zoning Inspector not less than 15 copies of the site plan application with standard full size drawings attached and not less than 15 additional copies, with attached drawings which may reduced to 11 x 17 size. The application fee for borrow pit site plan review shall be \$500.00, due at the time the application is filed with the Zoning Inspector.
- b. The Zoning Inspector shall deliver 14 standard full size copies of the application to the Lucas County Plan Commission Staff within 3 business days after date of receipt; and within the same period shall deliver the remainder of the copies to the township Fiscal Officer for distribution to the Trustees, Solicitor and Zoning Commission members. The Zoning Inspector shall retain one reduced size copy and place the remaining full size copy in the Township Hall for public inspection.
- c. Within 5 business days after delivery by the Zoning Inspector, the Fiscal Officer shall establish a public administrative hearing on the application for the Board of Trustees and submit a Notice of Hearing for publication in one or more newspapers of general circulation in the Township at least 10 days prior to the date of said hearing. The notice shall conform to the 10 days prior to the date of said hearing. The notice shall conform to the requirements of §15.2.5(a) of the Zoning Resolution and written notice shall be given in accordance with §15.2.5(b) of the Zoning Resolution. Applicant to provide all necessary copies.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.27 Extraction of Minerals from Borrow Pits (cont'd)

- d. The property which is the subject of the application shall be posted by the applicant with on-site notices in accordance with §15.2.5(c) of the Zoning Resolution.
- e. Comments from Lucas County agencies or offices shall be in writing and shall be received by the Township Fiscal Officer, for distribution within the Township, not less than 5 days prior to the Trustees' public administrative hearing.
- f. Comments from the Zoning Commission may be in writing submitted to the Township Fiscal Officer not less than 5 days prior to the Trustees' public administrative hearing or may be received as testimony at the hearing from a representative of the Zoning Commission.
- g. The Township Trustees may conduct the administrative public hearing in conjunction with a regular or special meeting.
- h. At the hearing, the Trustees shall permit the applicant to present evidence to support the application and shall permit adjoining property owners to give specific and direct testimony concerning potential impacts of the site plan on their property; and the following standards shall apply:
  - 1. Witnesses must be placed under oath.
  - 2. Witnesses must be subject to examination and cross-examination.
  - 3. Witnesses must testify to relevant facts, not unsubstantiated opinions and be subject to cross examination.
  - 4. The Trustees may limit or restrict testimony of a repetitive or speculative nature.
  - 5. Technical matters should rest on demonstrably accurate foundation.
  - 6. Substantial compliance with application and hearing procedures is adequate compliance.
- i. After allowing testimony, the Trustees may close the evidentiary portion of the hearing and conduct public deliberations among the Trustees.
- j. The Trustees shall render a written decision within 10 days after the administrative public hearing.
- k. The Trustees may approve, deny or modify the site plan.
- l. The decision of the Trustees shall be delivered to the Zoning Inspector who shall notify the applicant.

### SECTION 9.28 Sweepstakes/Internet Café

- A. Sweepstakes/Internet Cafes shall not be located within 500 feet from each other.
- B. The hours of operation shall be restricted to 8:00 a.m. to 10:00 p.m.

**SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)**

**SECTION 9.29 Compressor and Pump Stations**

**9.29.1 General Requirements**

Natural Gas Compressor Stations and Oil Pump Stations should require a Zoning Certificate to the extent allowed in ORC Section 519.211 in those districts depicted in the Permitted Uses Section 4.1 of this Resolution.

*(Rev. 1-20-16. Z22-C129)*

**9.29.2 Setbacks**

- a. For the purpose of maintaining a visual buffer zone adjacent to dissimilar land uses, a minimum building setback for all station buildings and equipment should be established and maintained for all yards (front, side and rear) at the distances specified for the zoning district adjoining the station as shown in Section 9.29.2b below.
- b. Building setbacks for station buildings and equipment

<b>Adjoining Zoning District</b>	<b>Required Building Setback</b> (in feet applied to front, side and rear yards)
"A" Agricultural	300
All "R" Res. & PUDs	300
All "C" Commercial	200
All "M" Industrial	100

*(Rev. 1-20-16. Z22-C129)*

**9.29.3 Landscaping**

The station site should be landscaped in a manner that is compatible with the environment and existing surrounding area. Compressor and Pump Stations should be considered an industrial use for the purposes of landscaping and landscaping should be provided as required in Section 10.4 "Landscape Standards."

*(Rev. 1-20-16. Z22-C129)*

**9.29.4 Building Design**

The architectural design of compressor and pump station buildings should be compatible with the visual context of the surrounding rural look and feel of the township. Such building should be designed with the following elements:

- a. The roof should be sloped with a pitch of no less than 5:12 and should contain at least one raised structure in the form a cupola, steeple tower, clearstory element or similar structures. No flat roofs should be permitted.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.29 Compressor and Pump Stations (cont'd)

- b. The architectural design of the building should be compatible with the visual context of the surrounding development. Such buildings may be designed as a representation of, but not be limited to, the following building types:
- 1) Barn structure or equestrian facility
  - 2) Estate residence
  - 3) School facility or similar institutional use
  - 4) Gazebo or picnic area enclosures
  - 5) Club house or recreational facility
  - 6) Any combination of the above.

*(Rev. 1-20-16. Z22-C129)*

#### 9.29.5 Outdoor Lighting

- a. Intent

The intent of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting to preserve, protect and enhance the rural look and feel of development in the township. This section supplements Section 10.1.1b, Glare and Light.

- b. Prohibited Sources

The following light fixtures and sources should not be used where the source of the direct light emitted is visible from adjacent properties:

- 1) Low-pressure sodium and mercury vapor light sources;
- 2) Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources

- c. Design Requirements

1. Fixture (Luminaire)

The light source should be concealed and should not be visible from any street right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spill onto adjacent properties, all lighting fixtures should be cutoff fixtures.

2. Fixture Height

Lighting fixtures should be a maximum of 24 feet in height. Light fixtures located within 50 feet of the property line of any A, R or PUD district may not exceed 15 feet in height.

## SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)

### SECTION 9.29 Compressor and Pump Stations (cont'd)

3. Light Source (Lamp)

Only incandescent, fluorescent, light-emitting diode (LED), metal halide, or color-corrected high-pressure sodium may be used. The same light source type should be used for the same or similar types of lighting throughout the development.

4. Mounting

Fixtures should be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

d. Security Lighting

Building-mounted security light fixtures such as wall packs should not project above the fascia or roof line of the building and should be shielded (cutoff) so the light source (lamp) is not visible from offsite

e. Illumination Levels

1. Lighting should not exceed an average of 5 foot-candles in any nonresidential district. The maximum foot-candle level should be 10.
2. Light originating on a site should not trespass beyond the site property line to exceed 0.3 foot-candles when next to a residential district or use and 2 foot-candles when next to a non-residential district.
3. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property should be prohibited. See Section 10.1.1.b.1, Glare and Light, for standards.
4. Lighting should not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of either drivers or pedestrians.

*(Rev. 1-20-16. Z22-C129)*

### 9.29.6 Noise

- a. The operation of station equipment should not create any noise that causes the exterior noise level to exceed the following standards.
- b. Between the hours of 7 a.m. and 10 p.m., the maximum allowable noise at the station property line should be the lesser of 50 dBA or the Ambient Noise Level, as submitted in Section 9.29.6d.
- c. Between the hours of 10 p.m. and 7 a.m., the maximum allowable noise at the station property line should be the lesser of 45 dBA or the Ambient Noise Level, as submitted in Section 9.29.6d.

**SECTION 9 SUPPLEMENTARY REGULATIONS (cont'd)**

**SECTION 9.29 Compressor and Pump Stations (cont'd)**

- d. The operator should be responsible for establishing and reporting to the Township the pre-development ambient noise level at the station property line prior to the issuance of the zoning certificate for the station complex.

*(Rev. 1-20-16. Z22-C129)*

**9.29.7 Ground-Borne Vibration**

- a. Station equipment should not produce ground-borne vibration levels that exceed the levels in Section 9.29.7b, measured at the station property line or at a nearby noise-sensitive area (such as schools, hospitals, or residences).
- b. Vibration levels for human annoyance

<b>Vibration Event Frequency</b>	<b>Impact Level</b> (VdB relative to 1 micro-inch/second)
Frequent (continuous to 70 events per day)	72 VdB
Occasional (between 30 and 70 events per day)	75 VdB
Infrequent (fewer than 30 events per day)	80 Vdb

*(Rev. 1-20-16. Z22-C129)*

**9.29.8 Roads**

Access roads should be paved with suitable road materials to prevent mud deposits on public roads and to provide emergency vehicular access during inclement weather.

*(Rev. 1-20-16. Z22-C129)*

**9.29.9 Outdoor Storage**

No outside storage of equipment or surplus materials should be stored on the facility.

*(Rev. 1-20-16. Z22-C129)*

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

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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	Landscape Requirements
SECTION 10.5	Site Plan Review
SECTION 10.6	Architectural Design Review
SECTION 10.7	Access Management and Traffic Impact Studies

**CROSS REFERENCES**

SECTION 2	Definitions
SECTION 4	Use Regulations
SECTION 5	Overlay Districts
SECTION 6	Planned Unit Development
SECTION 7	Special Uses
SECTION 14	Board of Zoning Appeals

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**SECTION 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 Light:**
  - 1) No direct glare or reflected lights which are visible from other properties outside the industrial or commercial district shall be permitted at a height greater than five (5) feet above ground level at the property line when adjacent to commercial uses, and at ground level at the property line when adjacent to residential uses.
  - 2) The height of lighting fixtures shall not exceed the distance from the nearest property line with the maximum height limited to the maximum building height permitted in the zoning district, except in residential districts the maximum height of the lighting fixture shall not exceed twelve (12) feet.

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

**SECTION 10.1 Environmental Standards (cont'd)**

- 3) Lighting shall not exceed an average of five foot-candles in any commercial district. Mercury-vapor lighting fixtures are prohibited and high pressure sodium and quartz lighting are to be discouraged in favor of low pressure sodium or metal halide lighting.
  - 4) Light fixtures shall be shielded by a full cut-off shade which allows no direct light above a horizontal plane for lighting fixtures higher than 15 feet or for high pressure sodium and quartz lighting.
  - 5) Uplighting is only permitted to illuminate flags, buildings, trees, shrubs, or site surfaces.
- 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. Emissions shall be in accordance with 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.
  - 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.

**SECTION 10.2 Open Storage and Display of Material and Equipment**

**10.2.1 General Requirements**

- a) 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 in any "R" district by means of walls, fences or plantings.

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

**SECTION 10.2 Open Storage and Display of Material and Equipment (cont'd)**

- b) In no case shall this storage be maintained beyond the front building line except for items displayed for sale or rental. Items displayed for sale or rental shall be setback the greater of 75 feet from the centerline of the adjacent roadway or 50 feet from the right-of-way line.
- c) 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.

**10.2.2 Requirement for Issuance of Permit for Outside Display Items for Sale or Rental**

All outdoor displays of items for sale or rental, including existing displays, shall adhere to these requirements and shall be required to obtain a zoning certificate in accordance with the provisions contained in **Section 13**. A simple site plan of the display area, showing its location, dimensions, and distance from the centerline, as well as a written description of the items to be displayed, shall accompany the application for zoning certificate. A time limit may be placed on the duration of the outdoor display.

**SECTION 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 14.3.2(h).

**SECTION 10.4 Landscape Requirements**

This section provides minimum landscaping, screening and buffer yard standards for the development of land in order to alleviate the impact of more intense uses on less intense uses; to shield unsightly uses or structures or visually undesirable uses from view; to provide attractive views from roads and adjacent properties; to protect, preserve and promote the appeal, character and value of the surrounding neighborhoods; and to protect the public health and safety of the community through the reduction of noise, air and visual pollution, and artificial light glare. Nothing in this section shall prevent the provision of landscaping in excess of the minimums specified.

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

**SECTION 10.4 Landscape Requirements (cont'd)**

**10.4.1 Applicability**

This section shall apply to all multi-family and non-residential uses which are new uses or existing multi-family and nonresidential uses when a building or structure is enlarged by 50 percent or more or 5,000 square feet or greater in floor area. This section shall also apply to all new parking lots and to existing parking lots enlarged by 50 percent or more or 5,000 square feet or greater in surface area.

**10.4.2 General Requirements for Submission**

A landscape plan shall be submitted for any property to which this section applies. A Landscape Architect registered in the State of Ohio shall prepare the landscape plan whenever Detailed Site Plan Review is required. All landscape plans shall contain the following information:

- a) Plans must be at a reasonable scale to indicate all types of proposed landscape improvements at a minimum of 1 inch equals 20 feet and shall at least include the following information:
  - 1) North arrow and scale;
  - 2) The name of the applicant/owner;
  - 3) The name, registration number, address and phone number of the person or firm responsible for the preparation of the landscape plans (if applicable);
  - 4) The dates on which plans are submitted or revised;
  - 5) All existing and proposed buildings and other structures, paved areas, planted areas, water outlets, utility poles, fire hydrants, light standards, underground utilities, signs, fences, dumpster locations and other permanent features to be added or retained on the site;
  - 6) All existing plant material to be removed or retained and a schedule of all new landscaping materials to be installed. The plant list shall include the common names, specified installation size, and on center planting dimensions when applicable. When the list of plant material to be removed contains existing trees, the landscape plan shall justify that building location and placement has been developed with due consideration given to minimizing removal of trees. Quantities required shall be referenced on the plan;
  - 7) All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site;
  - 8) All property lines and easements;

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

**SECTION 10.4 Landscape Requirements (cont'd)**

- 9) Any other information which is determined necessary to adequately review the proposal.
- b) Typical details shall be shown for the planting of trees, shrubs and ground cover, and the installation of retaining walls, and other landscape features within the landscaped areas.

**10.4.3 Approval**

Approval for landscaped areas shall be as follows:

- a) No site or development plan or zoning certificate shall receive final approval unless a landscape plan meeting all of the requirements of this Section has been submitted and approved by the Township permitting authority;
- b) No Zoning Certificate shall be issued unless the following criteria are fully satisfied with regard to the approved landscape plan:
  - 1) Such plan has been fully implemented on the site; or
  - 2) Such plan has been guaranteed by a postponed improvement agreement between the applicant and the township. Such an agreement may include a performance bond or irrevocable letter of credit that guarantees that the approved landscaping plan will be installed within six months after the date of posting the bond or irrevocable letter of credit. A one-month extension of the planting period may be granted by the Zoning Administrator upon demonstration by the property owner that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three such one-month extensions may be granted. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been installed by the end of the approved period.

**10.4.4 Landscaping Standards**

- a) **Minimum Plant Material Specifications:** All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. Species considered exotic or invasive shall not be used. At installation, plant material shall meet the following size minimums:
  - 1) Deciduous trees shall be 2 inch diameter for canopy shade and shade trees and 1-1/2 inch diameter for small accent and ornamental trees (as measured six inches above ground at planting).
  - 2) Evergreen trees shall be a minimum of four feet tall at planting measured from the highest elevation among the street grade, the parking lot grade, or the location of the tree;

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

**SECTION 10.4 Landscape Requirements (cont'd)**

- 3) Shrubs shall be a minimum of 24 inches in height and width at planting.
- b) **Maintenance and Replacement for Required Landscaping:** All landscaping materials shall be installed in accordance with accepted, good construction and planting procedures. The owner/lessee or responsible party of the property shall be responsible for the continued property maintenance of all landscaping materials and areas, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Township to refuse a building occupancy permit, require replacement of the landscape material or institute legal proceedings to enforce the provisions of this section. Proper maintenance should be accomplished by the following standards:
  - 1) All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a hazard;
  - 2) All planted areas shall be maintained in a weed-free condition, clear of undesirable undergrowth, and free from refuse and debris;
  - 3) Replacement plants shall conform to the standards that govern the original installation. Dead or unhealthy plants shall be replaced within the next planting season.

**10.4.5 Landscaping for Parking Areas**

Landscaping within parking areas, whether ground cover or upright plant material, is necessary not only to reduce the generation of heat and water runoff, but to break up the visual expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged. All off-street parking areas, access drives or other vehicle use areas shall be landscaped with plantings of grass, shrubs or trees according to the following minimum requirements:

- a) **Amount of Landscaping Required**
  - 1) Landscaping for any outdoor parking area containing six or more spaces shall be provided around its perimeter as indicated in the "Landscape Requirements Matrix";

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

**SECTION 10.4 Landscape Requirements (cont'd)**

- 2) Parking areas containing more than 5,000 square feet of area or 20 or more vehicular parking spaces, shall provide interior landscaping of the peninsular or island types of uncompacted, well-drained soil as well as perimeter landscaping. An area equal to five percent (5%) of the total area devoted to parking space and parking lanes shall be landscaped and permeable.
- b) **Perimeter Landscaping Requirements**
- 1) Parking lots shall have a perimeter buffer with a planting bed at least ten feet in width and a vertical six-inch concrete curb on the parking lot side.
  - 2) The perimeter buffer shall contain elements such as mounding, trees, ground cover and shrubs that will achieve an effective, continuous screen of a height of at least three feet at maturity. Mounding shall not exceed a 3 to 1 slope.
  - 3) Perimeter landscaping shall also contain deciduous trees.
- c) **Vehicle Overhang.** Parked vehicles may hang over the landscaped areas no more than two (2) feet. Concrete or other wheel stops shall be provided to ensure no greater overhang or penetration into the landscape areas. Trees shall be planted at least four feet from the edge of pavement where vehicles overhang.
- d) Grass or ground cover shall be planted on all portions of the property not occupied by structures, vehicular use areas or other plant material. Any form of mulch shall only define a landscaped area and shall not be permitted to be installed in lieu of grass or ground cover.

**10.4.6 Landscaping for Service Structures**

Service structures shall be screened in all zoning districts. Service structures shall include but not be limited to: loading docks, propane tanks, dumpsters, electrical transformers, utility vaults and other equipment or elements providing service to a building or a site. Structures may be grouped together, however, screening height shall be based upon the tallest of the structures.

- a) **Location of Screening:** A continuous planting of evergreen, fence, wall or earthen mound must enclose any service structure on all sides, unless such structure must be frequently moved or accessed, in which case screening material shall be established on three sides and shall be at least one foot taller than the height of the enclosed structure, but shall not be required to exceed ten feet in height in any case. If the fourth side is visible from the public right-of-way, it shall be gated and screened. Plant material used to screen a service structure shall be an evergreen species that retains its needles throughout the year. Deciduous plant material cannot be used to fulfill this screening requirement. The height of the evergreen plant material at installation must be equal to, or greater than, two-thirds of the height of the service structure(s) and meet the height and one hundred percent (100%) opacity requirement within four years.

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

**SECTION 10.4 Landscape Requirements (cont'd)**

- b) Whenever a service structure is located next to a building, wall, or vehicular use area, the building, wall, or vehicular use screening material may fulfill the screening requirement for that side of the service structure if the building, wall, or screening material is of sufficient height to meet the height requirements set out in this section.
- c) Whenever service structures are screened by plant material, such material may count toward the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.
- d) **Protection of Screening:** Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a barrier shall be provided which will prevent damage to the screening when the container is moved or emptied.

**10.4.7 Landscape Requirements Matrix**

The following requirements provide a minimum guide for landscaping. Additional landscaping requirements contained in this Resolution shall apply if the standard exceeds these requirements.

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

<b>WHEN...</b>	<b>IS PROPOSED TO ABUT...</b>	<b>A MINIMUM LANDSCAPE REQUIREMENT OF...</b>	<b>PLANT MATERIAL</b>
Any commercial or industrial land use	Any A, R, or PUD (A or R), district	20 feet side and rear buffer yard is required with ...	EITHER 1. 1 shade tree @ 30 feet on-center; and 2. A double row 6 feet tall dense hedge. OR 1. 6 feet tall solid wall, fence or earth mound; and 2. 3 feet tall dense hedge OR 1. A double row, staggered planting of evergreen trees, 15 feet on-center
Any multi-family or institutional land use	Any A, R, or PUD (A or R) district	15 feet side and rear buffer yard is required with...	EITHER 1. 1 shade tree @ 30 feet on-center; and 2. A double row 6 feet tall dense hedge. OR 1. 6 feet tall solid wall, fence or earth mound; and 2. A 3 feet tall dense hedge. OR 1. A double row, staggered, planting of evergreen trees, 15 feet on-center
Any land use except single-family and two-family dwellings	The public right-of-way, public or private street	Planting within the tree lawn, between the curb and sidewalk or edge or pavement and sidewalk.	1 shade tree @ 30 feet on-center
Any land use except single-family and two-family dwellings	The public right-of-way, public or private street	10% of total front yard area must be landscaped with...	A combination of trees, shrubs, planting beds and/or perennials in a motif designed by the owner. This is in addition to other required landscaping.
A parking area associated with any district or land use except single-family residences	Public or private street	25 foot landscaping strip between right-of-way and parking area and 10 feet perimeter screening with...	EITHER 1. 1 shade tree @ 30 feet on-center; and 2. shrubs @ 3 feet on-center. OR 1. 1 accent tree @ 25 ft. on-center (1 tree minimum); and 2. shrubs @ 3 feet on-center.

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

WHEN...	IS PROPOSED TO ABUT...	A MINIMUM LANDSCAPE REQUIREMENT OF...	PLANT MATERIAL
A parking area associated with any district or land use except single-family residences	Any A, R, or PUD (A or R) district	10 foot side and rear buffer yard is required with...	EITHER 1. 1 shade tree @ 30 feet on-center; and 2. A double row 6 feet dense hedge OR 1. 6 feet solid wall, fence or earth mound; and 2. 3 feet dense hedge @ 3 feet on-center; and 3. 1 shade street @ 30 feet on-center OR 1. A double row, staggered planting of evergreen trees @ 15 on-center.

**10.4.8 Modification**

The Zoning Commission may modify any of the aforementioned requirements when considering a proposed site plan in order to address unique site-specific conditions or circumstances or with respect to changes in elevation, environmental impact, durability of plant material, and any other factor that will result in a more compatible buffer or screen with the surrounding neighborhood at the time of application.

**SECTION 10.5 Site Plan Review (Detailed Site Plan)**

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.

**a) General Requirements**

- 1) 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 or other appropriate consultant.
- 2) 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.
- 3) 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 10 DESIGN AND DEVELOPMENT PROVISIONS FOR MULTI-FAMILY,  
NON-RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES (cont'd)**

**SECTION 10.5 Site Plan Review (Detailed Site Plan) (cont'd)**

- 4) The site plan shall indicate the scale of the drawing and shall use an engineer's scale.
  - 5) 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.
  - 6) **The following submissions are required:**
    - (A) Twelve (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 black 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".
  - 7) It is recommended all site plans required by this section be professionally prepared by an architect, landscape architect, planner, Professional Surveyor, or a Professional Engineer. A Professional Engineer's or Professional Surveyor's seal may be required pursuant to the O.R.C. Chapter 4733, as determined by the Zoning Inspector.
- 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 centerline of the roadway.
  - 5) The site plan shall indicate the locations, size (height), and material of all existing and proposed fencing and/or walls on the subject property.

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

**SECTION 10.5 Site Plan Review (Detailed Site Plan) (cont'd)**

- 6) The site plan shall show the location, height and dimensions of existing or proposed signs on the property.
- 7) The site plan shall include a "lighting plan" which indicates the location, the height above grade, the type of illumination, the source lumens, and the luminous area for each source light which is proposed.
- 8) 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.
- 9) 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, 8th Floor, One Government Center (419-245-4540).
- 10) The site plan shall show the existing and proposed method of storm water drainage and/or areas to be used for storm water detention.
- 11) The site plan shall show existing and proposed sanitary and storm sewers, watermains and the 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.
- 12) 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.
- 13) 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.
- 14) Building elevation drawings showing the front, rear and side views shall be submitted with the site plan.

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

**SECTION 10.5 Site Plan Review (Detailed Site Plan) (cont'd)**

**c) Application Procedure**

- 1) Site plans shall be filed with the Zoning Inspector.
- 2) The Zoning Inspector shall transmit the completed site plan including all Specific Requirements to the Zoning Commission for review and recommendation.
- 3) The date the Zoning Commission accepts the site plan shall constitute the official filing date.
- 4) 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.
- 5) The review time for site plans, generally shall be in keeping with the time requirements established for zoning changes.
- 6) Any change in the site plan once approved shall require a review by the Zoning Commission.
- 7) The Zoning Commission may seek information and recommendations from the Lucas County Planning Commission or other appropriate agencies to aid in their review of the site plan.

**SECTION 10.6 Architectural Design Review Guidelines**

Site plan review of buildings under **Section 10.5** shall include review the following architectural design elements.

**10.6.1 Scale and proportion of Façade and Exterior Walls**

- Developments with façade over 100 feet in linear length shall incorporate wall projections or recesses a minimum of three (3) foot depth and a minimum of twenty (20) contiguous feet within each one hundred (100) feet of façade length and shall extend over twenty (20) percent of the façade.
- All sides of a principal building that directly face an abutting public or private right-of-way shall incorporate an architectural treatment or design feature.

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

**SECTION 10.6 Architectural Design Review Guidelines (cont'd)**

**10.6.2 Suitability of Building Materials and Detail Features**

- Predominate exterior building materials should be of high quality brick, wood, sandstone, or other native stone material. Materials such as smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels should be discouraged. The use of multiple materials should be encouraged to provide visual interest.
- Facade colors should be of "low reflectance, subtle, neutral or earth tone colors." The use of high intensity, fluorescent, metallic, or black colors is discouraged.

*(Rev. 11-28-12. Z22-C123)*

**10.6.3 Roof Lines**

- Roof lines shall be varied with a change in height every one hundred (100) linear feet in the building length.
- a) Roofs shall include elements such as parapets concealing flat roofs and rooftop equipment; overhanging eaves, or multiple roof slope planes.

**10.6.4 Pedestrian Flows**

- Sidewalks at least 6 feet in width shall be provided along all sides of the lot that abut a public or private right-of-way.
- Continuous internal pedestrian walkways, no less than five (5) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site.
- Internal pedestrian walkways should be provided and must be distinguished from driving surfaces through the use of special pavers, bricks, or scored or stamped concrete to enhance pedestrian safety and the attractiveness of the walkways.

**SECTION 10.7 Access Management and Traffic Impact Studies**

**10.7.1 Access to Individual Parcels**

Access from public roadways to parcels shall be reviewed relative to the distance from other drive approaches and from roadway intersections.

- a) **Access Permits:** All access permits shall be reviewed and approved by the Lucas County Engineer and the Ohio Department of Transportation where applicable prior to approval by Waterville Township. Design and location of access driveways onto state maintained roadways must be in compliance with applicable ODOT guidelines and regulations.

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

**SECTION 10.7 Access Management and Traffic Impact Studies (cont'd)**

- b) **Access Options:** To preserve and maintain public safety and efficient traffic movement, permitted access to all thoroughfares shall be limited as defined herein. A goal of these access management standards is to limit and reduce the number of driveways in favor of combined driveways and the construction of service roads to handle access to multiple parcels. These regulations are in addition to any other state, or local approvals required.
- c) **Location of Driveways:** All driveways shall be located as far as practical from the intersection of public streets. When parcels abut more than one roadway, the preferred access option is to locate access points on less-traveled roadways.
- d) **Conditional Approval of Driveways:** As part of the site plan review process, a site plan may be approved with a specific driveway location under the condition that an agreement be reached between the property owner and the Township requiring that such driveway(s) be closed when specific circumstances are met. Such circumstances may include the future construction of a service road on adjacent property, the opportunity for a shared driveway with development of adjacent property, or other site-specific circumstances. This conditional approval may be required even if the driveway(s) conforms to all other requirements of this section.
- e) **Driveway Alignment:** New driveways shall be aligned with existing driveways across a street unless such alignment is shown to be undesirable in a Traffic Impact Study. Where such alignments are shown to be undesirable, the centerlines of opposing driveways shall be offset at least one hundred feet (100').

**10.7.2 Traffic Impact Study**

- 1) If required by the Lucas County Engineer, the Ohio Department of Transportation, or Waterville Township, a traffic impact study shall be prepared by a qualified professional engineer at the developer's expense. When a Traffic Impact Study, is required by the Ohio Department of Transportation Highway Access Control Manual, a copy of the submitted TIS shall also be provided to Waterville Township as part of the required site plan review submission materials. When the Ohio Department of Transportation Highway Access Control Manual does not require a TIS, Waterville Township may still require a TIS for multi-family or non-residential development if such proposed development would be expected to generate one hundred (100) or more new or additional directional trips during the peak hour of generation according to the most recent version of the ITE trip generation manual. When so required, the developer /property owner shall provide a TIS to Waterville Township which meets all of the requirements established by the Ohio Department of Transportation according to the Highway Access Control Manual.

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## SECTION 11 SIGNS AND OUTDOOR ADVERTISING STRUCTURES

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SECTION 11.1	Purpose
SECTION 11.2	Definitions
SECTION 11.3	General Provisions
SECTION 11.4	Prohibited Signs
SECTION 11.5	Exemptions
SECTION 11.6	Off-Premise Signs
SECTION 11.7	Signs in Agricultural and Residential Districts
SECTION 11.8	Signs in Commercial and Industrial Districts
SECTION 11.9	Common Signage Plans for Multiple Uses

### CROSS REFERENCES

SECTION 2	Definitions
SECTION 4	Use Regulations
SECTION 13	Enforcement

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### **SECTION 11.1**      **Purpose**

The purpose of these sign regulations is to provide standards for the placement, display and use of signs. These standards are designed to enhance the aesthetic environment of the township; improve pedestrian and traffic safety; and minimize possible adverse effects of signs on nearby public and private property.

### **SECTION 11.2**      **Definitions**

**"Abandoned Sign"** means a sign or sign structure which no longer identifies or advertises a business, service, owner, product, or activity. Such sign(s) and sign structure shall be removed within 30 days of notification by the Township Zoning Inspector.

**"Animated Sign"** means a sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means.

**"Area Identification Sign"** means a sign which identifies a neighborhood, a residential subdivision, a multi-family residential complex or a commercial or industrial complex.

**"Area of sign"** means the area of the largest single face of the sign where the copy is placed, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section, all areas shall be totaled. Embellishments and other architectural features are not included in the square footage of the sign area calculation, and are not to exceed fifty (50) percent of the sign area.

**"Awning Sign"** means a sign attached to an awning covering a doorway, window, or face of the building.

**"Backlit Awning Sign"** means a sign attached to an awning (or canopy) that is covered with translucent fabric and is internally illuminated.

## SECTION 11 SIGNS AND OUTDOOR ADVERTISING (cont'd)

### SECTION 11.2 Definitions (cont'd)

**"Banner"** means a temporary sign not exceeding 30 square feet in aggregate displayed on a flag, or strip of lightweight material made of paper, cloth, or fabric which is attached to a building, sign, or other structure. Banner signs are allowed for a continuous 30 day period twice per year and require a sign permit.

**"Billboard"** (see **"Off-Premise Sign"**)

**"Building face or wall"** means all window and wall area of a building in one plane or elevation.

**"Canopy Sign"** means any sign attached to or constructed on a roof-like covering with poles, or an overhanging shelter.

**"Changeable Copy Sign"** means a sign or portion thereof with character, letters, or illustrations that can be changed or rearranged through manual, mechanical, or electronic means, without altering the face or the surface of the sign. *(Rev. 11-28-12. Z22-C122)*

**"Clearance (of a Sign)"** means the smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework extending over that grade.

**"Commercial Message"** means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**"Construction Sign"** means a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

**"Copy"** means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

**"Copy Area"** means the area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign.

**"Cutoff fixture"** – Means a type of light fixture with no light emitted above horizontal, no light dispersion or direct glare shines above a 90-degree, horizontal plane from the base of the fixture. *(Rev. 11-28-12. Z22-C122)*

**"Directional Sign"** means an on-premise sign giving directions or instructions, to facilitate traffic flow. Such signs shall not contain the business name or business logo.

**"Double-Faced Sign"** means a sign with two faces.

**"Electronic Message Center Sign"** shall mean a sign or a portion of a sign with a sign copy composed of a series of lights that alternates and changes in frequent intervals through electronic means (i.e. animation, intermittent flashing, etc.), including, but not limited to, television screens, plasma screens, digital screens, holographic displays and LED (light emitting diode) technology. An electronic message center sign shall not be considered a changeable copy sign. *(Rev. 11-28-12. Z22-C122)*

## SECTION 11 SIGNS AND OUTDOOR ADVERTISING STRUCTURES (cont'd)

### SECTION 11.2 Definitions (cont'd)

"**Exempted signs**" means exempted from normal permit requirements.

"**Facade**" means the entire building front including the parapet.

"**Face of Sign**" means the area of a sign on which the copy is placed.

"**Foot-candle**" - A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot. *(Rev. 11-28-12. Z22-C122)*

"**Frontage, Building**" means the length of an outside building wall on a right-of-way.

"**Frontage, Lot**" means the length of the property line of any one premise along a public right-of-way on which it borders.

"**Future Development Sign**" means a temporary sign indicating the future construction or development of a building or area but not fitting under the definition of "construction sign".

"**Height**" (of a Sign) means the vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

"**Identification Sign**" means a sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

"**Legal Nonconforming Sign**" means a sign which was constructed legally, but which does not comply with subsequently enacted sign restrictions and regulations.

"**Low Profile Sign**" means a sign mounted directly to the ground with maximum height not to exceed five (5) feet from the surface grade beneath the sign and not to exceed seven (7) feet from the adjacent street grade.

"**Message**" means the wording or copy on a sign.

"**NIT or NITS**" means a luminance-measuring unit equal to one candela (one candle) per square meter measured perpendicular to the rays from the source. *(Rev. 11-28-12. Z22-C122)*

"**Off-Premise Sign**" (also "**Billboard**") means 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.

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

"**Pole Sign**" means any sign supported by upright structures or supports that are anchored in the ground and that are independent from any building or other structure.

"**Political Sign**" means a temporary sign used in connection with a local, state, or national election or referendum.

## SECTION 11 SIGNS AND OUTDOOR ADVERTISING STRUCTURES (cont'd)

### SECTION 11.2 Definitions (cont'd)

**"Portable Sign"** means 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 means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

**"Projecting Sign"** means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

**"Public Service Information Sign"** means any sign intended primarily to promote items of general interest to the community such as time, temperature and date. Public service information signs are permitted in Commercial and Industrial districts and require a permit.

**"Real Estate Sign"** means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

**"Residential Sign"** means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

**"Roof Sign"** means any sign erected and 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.

**"Seasonal Sign"** or **"Holiday Sign"** means signs such as Christmas decorations or those used for a holiday, and installed for a limited period of time.

**"Sign"** means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Architectural design features such as building accent lighting are not considered signs.

**"Sign Face"** means the entire area of sign on which copy could be placed.

**"Sign Structure"** means any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

**"Temporary Sign"** means any portable sign, flag, pennant, garage sale sign, or public election and candidate sign that is used temporarily or is not permanently mounted.

**"Wall Sign"** means a sign attached to or erected against a wall of a building, with the face parallel to the building wall and extending not more than one (1) foot therefrom, which advertises the use carried on within such building.

## SECTION 11 SIGNS AND OUTDOOR ADVERTISING STRUCTURES (cont'd)

### SECTION 11.2 Definitions (cont'd)

**"Window Sign"** means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the interior window panes or glass and is visible from the exterior of the window.

### SECTION 11.3 General Provisions

- a) Unless otherwise provided by this resolution, all new signs shall require a permit. Application for sign permits shall be made to the Zoning Inspector. Payment of fees shall be in accordance with the Permit Fee schedule. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs, so long as the sign area or structure is not modified in any way.
- b) Each application for a sign permit shall include a drawing of the proposed sign showing 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 simple site plan with dimensions showing the proposed location of the sign in relation to the lot lines, right-of-ways, and existing and proposed structures, buildings and signs on the premises.
  5. A drawing of the proposed sign showing the following specifications: dimensions, height, design, copy, color, illumination, and construction details (materials, structural supports, and electrical components of the proposed sign).
  6. Computations showing total number and area of existing and proposed signs on the lot.
- c) No sign shall project into any public right-of-way or obstruct traffic visibility at street or highway intersections. The Township may remove any sign placed within the public right-of-way.
- 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 owner or lessee thereof to alter such sign so as to comply with this resolution.
- e) All legal nonconforming signs and billboards may remain in place, but when relocated, replaced, or changed significantly shall be subject to the provisions of this resolution.

## SECTION 11 SIGNS AND OUTDOOR ADVERTISING STRUCTURES (cont'd)

### SECTION 11.3 General Provisions (cont'd)

- f) All signs and advertising structures except as hereinafter modified may be illuminated externally by reflected light provided the source of light is not directly visible and is so arranged so as to reflect away from the adjoining premises and provided that such illumination shall not be placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. Uplighting is prohibited on billboards adjacent to residential zoning districts and shall be turned off between 11 p.m. and sunrise in all other areas.
- g) All signs will be maintained and subject to review by the Zoning Inspector. If in a state of needed repair, a sign will be deemed temporarily nonconforming for a period of 30 days. Upon reinspection, the sign must conform to requirements under this section or be removed.
- h) If a permit is denied, an appeal of that decision shall be filed within 20 days with the Board of Zoning Appeals.

### SECTION 11.4 Prohibited Signs

The following types of signs are prohibited in all districts:

- a) **Abandoned signs**
- b) **Animated signs:** No sign shall be permitted which is animated by means of flashing, blinking or traveling lights or any other means not providing constant illumination (e.g., searchlights, laser-source lights, etc.). Public service information signs and changeable copy signs are not considered animated signs.
- c) **Temporary signs:** Portable signs, flags, pennants, twirling signs, sandwich board signs, balloons or other gas-filled figures, except as follows:
  - 1) The above shall be permitted at the opening of a new business or re-opening of a seasonal business in a commercial or industrial district for a total period not to exceed 30 days. A sign permit is required.
  - 2) Flags and pennants shall be permitted in residential districts in conjunction with a demonstration of model homes in a new subdivision conducted by a realtor for two (2) days before the opening of such demonstration to two (2) days after and not to exceed a total period of fifteen (15) consecutive days in any calendar year.
  - 3) Signs shall be permitted at special events of a civic or philanthropic nature for the duration of the event.
- d) Flags with a commercial message except as provided in **Section 11.4.c**.
- e) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.

## SECTION 11 SIGNS AND OUTDOOR ADVERTISING STRUCTURES (cont'd)

### SECTION 11.4 Prohibited Signs (cont'd)

- f) Any sign or other object attracting attention to a business which interferes with the safety of the traveling public.
- g) Roof Signs.

### SECTION 11.5 Exemptions

- a) The following types of signs are exempt from sign permit requirements:
  - 1. Any public notice or warning required by a valid and applicable federal, state, or local law, or regulation;
  - 2. Any sign inside a building;
  - 3. Works of art that do not include a commercial message;
  - 4. Holiday lights and decorations with no commercial message;
  - 5. Traffic directional signs on private property which contain no commercial message.
- b) The following types of signs are exempt from sign permit requirements but shall be non-illuminated and setback a minimum of ten (10) feet from right-of-way and property lines:
  - 1. Real estate signs not exceeding thirty-two (32) square feet in sign area for C or M zoned property that advertise the sale, rental or lease of the premises upon which sign is located;
  - 2. Real estate signs not exceeding thirty-two (32) square feet in sign area that advertise the sale or lease of a subdivision or undeveloped acreage;
  - 3. Signs not exceeding fifty (50) square feet in sign area denoting the architect, engineer, contractor or developer when placed upon work under construction;
  - 4. Memorial signs or tablets and signs noting name of buildings and dates of construction not exceeding two (2) square feet in area.
- c) The following types of temporary signs are exempt from sign permit requirements but shall not be placed within the public right-of-way and shall not exceed twelve (12) square feet in area. These signs shall be placed on a parcel no sooner than four (4) weeks prior to the event or election and shall be removed no later than five (5) days after completion of the event or election.
  - 1) Garage/yard sale signs
  - 2) Political signs

## **SECTION 11 SIGNS AND OUTDOOR ADVERTISING STRUCTURES (cont'd)**

### **SECTION 11.5 Exemptions (cont'd)**

- d) Real estate signs not exceeding six (6) square feet in sign area for A or R zoned property that advertise the sale, rental or lease of the premises upon which sign is located are exempt from sign permit requirements but shall be non-illuminated and shall not be placed within the public right-of-way.

### **SECTION 11.6 Off-Premise Signs**

Off-premise signs are permitted in districts zoned for industry and business and lands used for agricultural purposes per ORC Section 519.20, subject to the following:

- a) Off-premise signs shall be limited to billboards and poster panels;
- b) Billboards and poster panels shall not exceed 72 square feet per sign face;
- c) Height of billboard and poster panels shall not exceed 15 feet above grade;
- d) Billboards and poster panels shall not be located in any of the required yard areas for principal use in that district.

### **SECTION 11.7 Signs in Agricultural and Residential Districts**

Signs shall be permitted as follows:

- 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. No commercial message shall be allowed on the sign, except for a commercial message drawing attention to an activity legally offered on the premises. Low-profile signs in "A" and "R" districts shall not exceed thirty-two (32) square feet in area. Wall signs in "A" and "R" districts shall not exceed twenty-four (24) square feet in area;
- b) Signs for home occupations shall not exceed four (4) square feet in area and shall be wall mounted or low profile with a minimum setback of five (5) feet from the right-of-way line;
- c) Signs for a church, school, or other public or semi-public building shall not exceed thirty-two (32) square feet per face in area. These uses may have one sign, on each lot frontage;
- d) At any entrance to a residential subdivision or multi-family development there may be not more than two signs identifying such subdivision or development and shall be setback from the right-of-way a minimum distance of ten (10) feet. The total sign area of a single sign located at a single entrance shall not exceed thirty-two (32) square feet, shall not exceed 42 inches in height, and shall contain only the name of the subdivision or development. Any subdivision entrance/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 from the standpoint of adequate sight distances;

**SECTION 11 SIGNS AND OUTDOOR ADVERTISING STRUCTURES (cont'd)**

**SECTION 11.7 Signs in Agricultural and Residential Districts (cont'd)**

- e) All signs except those exempt in Section 11.5 and those permitted in **Section 11.7 (b) and (d)** and real estate signs shall be located a minimum distance of 25 feet from the right-of-way line and not less than 30 feet from any adjacent lot line.

**SECTION 11.8 Signs in Commercial and Industrial Districts**

- a) One (1) of each sign type listed below, except as indicated, shall be permitted per lot in Commercial and Industrial Districts:

<b>ZONING DISTRICT</b>	<b>TYPE OF SIGN PERMITTED</b>	<b>MAX. SIZE OF POLE SIGN (SQ.FT.)</b>	<b>MAX. SIZE OF WALL SIGN (1)(2)</b>	<b>MAX. SIZE OF LOW PROFILE SIGN (SQ.FT.) (3)</b>	<b>MAX. SIZE OF PROJECTING SIGN (SQ.FT.) (4)</b>
<b>C-1</b>	Wall, low profile, pole, and projecting	60 per face	1.5 sq. ft. per lineal ft. bldg. width	60 per face	40
<b>C-2</b>	Wall, low profile, pole, and projecting	100 per face	1.5 sq. ft. per lineal ft. bldg. width	100 per face	40
<b>C-3</b>	Wall, low profile	N/A	1.5 sq. ft. per lineal ft. bldg. width	50	N/A
<b>C-4</b>	Wall, low profile, awning, or canopy		1.5 sq. ft. per lineal ft. of street frontage, or 5% of the ground floor of the principal bldg., or 1,000 s.f., whichever is less	50 per face Height maximum of 8 ft.	N/A
<b>M-1</b>	Wall, low profile	N/A	1.5 sq. ft. per lineal ft. bldg. width	50	N/A
<b>M-2</b>	Wall, low profile	N/A	1.5 sq. ft. per lineal ft. bldg. width	50	N/A

## SECTION 11 SIGNS AND OUTDOOR ADVERTISING STRUCTURES (cont'd)

### SECTION 11.8 Signs in Commercial and Industrial Districts (cont'd)

- 1) Lineal building width facing the right-of-way(s); multiple wall signs are permitted provided the combined square footage is within the wall sign size limit indicated.
  - 2) Awning, backlit awning and canopy signs are treated as wall signs for the purposes of this table. The sign area for awning, backlit awning, and canopy signs is the copy area.
  - 3) No low profile sign is permitted when a pole sign is used.
  - 4) No projecting sign is permitted when a pole sign is used.
- b) **Pole Signs and Low Profile Signs on Double Frontage Lot:** If a development is located on a lot that is bordered by two streets that do not intersect at the lot's boundaries (double frontage lot), then the development may, subject to the limitations in **Section 11.8.a**, have a pole or low profile sign on each street.
- c) **Location and Height of Pole Signs:** All pole signs shall be located at least ten (10) feet from the right-of-way line, not less than ten (10) feet from any adjacent lot line, and may not exceed a height of thirty (30) feet.
- d) **Location of Low Profile Signs:** Low-profile signs shall be setback a minimum distance of 15 feet from the right-of-way and 10 feet from any adjacent lot line.
- e) **Location of Signs Adjacent to Agricultural or Residential Districts:** Signs shall be located a minimum distance of 30 feet from any lot lines of parcels zoned Agricultural or Residential.

### SECTION 11.9 Common Signage Plans for Multiple Uses

- a) In lieu of the requirements elsewhere in this chapter, when a structure contains more than one business establishment, or when the owners of two or more contiguous lots voluntarily agree to develop common signage, a common signage plan may be submitted.
- b) A common signage plan shall specify standards for consistency among all signs affected by the plan in regard to:
  - 1) Color scheme
  - 2) Lettering
  - 3) Lighting
  - 4) Location of signs
  - 5) Material
  - 6) Sign Proportion

**SECTION 11 SIGNS AND OUTDOOR ADVERTISING STRUCTURES (cont'd)**

**SECTION 11.9 Common Signage Plans for Multiple Uses (cont'd)**

- c) Common signage plans may not exceed the following limitations:
  - 1. **Maximum Sign Area:** The total maximum aggregate area of all signs (pole, wall, low profile or projecting) shall not exceed either two (2) square feet of signage per lineal foot of street frontage, or five (5) percent of the ground floor of the principal building, or one thousand (1,000) square feet, whichever is less;
  - 2. **Maximum Number of Pole or Low Profile Signs:** Pole or low profile signs are limited to one (1), for each three hundred (300) feet of frontage.

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## **SECTION 12 NON-CONFORMING LOTS, STRUCTURES AND USES**

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SECTION 12.1	Intent of Resolution Concerning Non-Conformities
SECTION 12.2	Avoidance of Undue Hardship
SECTION 12.3	Single Nonconforming Lots of Record
SECTION 12.4	Nonconforming Lots of Record in Combination
SECTION 12.5	Nonconforming Uses of Land
SECTION 12.6	Nonconforming Structures
SECTION 12.7	Nonconforming Uses of Structures or of Structures and Land in Combination
SECTION 12.8	Expansion, Repair, and Maintenance

### CROSS REFERENCES

SECTION 2	Definitions
SECTION 4	Use Regulations
SECTION 13	Enforcement
SECTION 14.2	Exceptions

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### **SECTION 12.1 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.

### **SECTION 12.2 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 carried out diligently.

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 data.

## **SECTION 12 NON-CONFORMING LOTS, STRUCTURES AND USES (cont'd)**

### **SECTION 12.3 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 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 14.3.3**.

### **SECTION 12.4 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.

### **SECTION 12.5 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;

## **SECTION 12 NON-CONFORMING LOTS, STRUCTURES AND USES (cont'd)**

### **SECTION 12.5 Nonconforming Uses of Land (cont'd)**

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,
  - 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.

### **SECTION 12.6 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 move.

## SECTION 12 NON-CONFORMING LOTS, STRUCTURES AND USES (cont'd)

### SECTION 12.7 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 14.3**) 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;
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:

## SECTION 12 NON-CONFORMING LOTS, STRUCTURES AND USES (cont'd)

### SECTION 12.7 Nonconforming Uses of Structures or of Structures and Land in Combination (cont'd)

- 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.

### SECTION 12.8 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 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.

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## **SECTION 13 ENFORCEMENT**

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SECTION 13.1	Zoning Inspector
SECTION 13.2	Zoning Certificates
SECTION 13.3	Conditions under which Certificates are Required
SECTION 13.4	Application and Issuance of Zoning Certificates
SECTION 13.5	Fees for Zoning Certificates
SECTION 13.6	Violations and Penalties
SECTION 13.7	Violations - Remedies

### CROSS REFERENCES

SECTION 2	Definitions
SECTION 4	Use Regulations
SECTION 7	Special Uses
SECTION 9	Supplementary Regulations
SECTION 10	Design and Development Provisions for Multi-Family, Non-Residential, Commercial and Industrial Uses
SECTION 14.3.1	Appeals

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### **SECTION 13.1      Zoning Inspector**

- 13.1.1** 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.
- 13.1.2** Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals, as provided in **Section 14.2.1**.

### **SECTION 13.2      Zoning Certificates**

- 13.2.1** 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.
- 13.2.2** 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.

## **SECTION 13 ENFORCEMENT (cont'd)**

### **SECTION 13.3      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;
- g) The conduct of a home occupation.

### **SECTION 13.4      Application and Issuance of Zoning Certificates**

**13.4.1** 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.

**13.4.2** 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.

**13.4.3** Every application for a zoning certificate shall be accompanied by a simple 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.

## **SECTION 13 ENFORCEMENT (cont'd)**

### **SECTION 13.4      Application and Issuance of Zoning Certificates (cont'd)**

- a) Each plan shall show:
  - 1. The address, and the parcel number(s) of the property involved;
  - 2. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street;
  - 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 judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Resolution.
- b) 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;
- c) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application;
- d) A file of such applications and plans shall be kept in the office of the Zoning Inspector.

**913.4.4** The Zoning Inspector shall not issue a zoning certificate for any application requiring site plan review in accordance with Section 10.5 prior to recommendation by the Zoning Commission.

### **SECTION 13.5      Fees For Zoning Certificates**

**13.5.1** A fee, in accordance with the Waterville Township Zoning Certificate Fee Schedule, shall accompany each application for a zoning certificate.

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

**13.5.3** 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.

## **SECTION 13 ENFORCEMENT (cont'd)**

### **SECTION 13.5 Fees For Zoning Certificates (cont'd)**

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

**13.5.5** 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.

#### **13.5.6 Time Limit:**

If the work described on a zoning certificate has not begun within six (6) months from the date of issuance, the zoning certificate shall expire.

### **SECTION 13.6 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 thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00. 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 13.7 Violations - Remedies**

**13.7.1** 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.

**13.7.2** 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 14 DECISION MAKING BOARDS

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SECTION 14.1	Board of Zoning Appeals
SECTION 14.2	Architectural Review Board

### CROSS REFERENCES

SECTION 2	Definitions
SECTION 3	Establishment of Districts
SECTION 4	Use Regulations
SECTION 8	Off-Street Parking and Loading
SECTION 10.3	Temporary Buildings and Uses

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### **SECTION 14.1      Board of Zoning Appeals**

#### **14.1.1 Powers**

The Board of Zoning Appeals, hereinafter called the Board, is hereby established by this Resolution and shall serve the purpose to hear and decide on appeals of a lawfully executed order by any administrative official in the enforcement of this Resolution. The Board shall consider and make a determination on requests for variances from the terms and conditions of this Resolution and consider appeals for exception for the use of land, buildings or other structures as applicable under the requirements and conditions of this Resolution.

*(Rev. 11-28-12. Z22-C123)*

#### **14.1.2 Membership**

The Board shall consist of five (5) members appointed by Board of Township Trustees. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall be a resident of the territory known and described as Waterville Township. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by Resolution of the Board of Township Trustees for the unexpired term of the member affected.

*(Rev. 11-28-12. Z22-C123)*

#### **14.1.3 Jurisdiction**

The Board shall have appellate jurisdiction relative to appeals and variances including the granting of exceptions as provided herein.

##### **a) Appeals**

- 1) The Board shall have the power to hear and decide where it is alleged there is an error in any order, requirement, decision or determination made by any administrative official in the enforcement of this Resolution.

## SECTION 14 DECISION MAKING BOARDS

### SECTION 14.1 Board of Zoning Appeals (cont'd)

#### 14.1.3 Jurisdiction (cont'd)

- 2) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.
- 3) The Board may, in conformity with the provisions of this Resolution, reverse or affirm, 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 powers of the Zoning Inspector from whom the appeal is taken.

#### b) **Exceptions**

In hearing and deciding appeals, the Board shall have the power to grant an exception in the following instances:

- 1) **Interpretation**  
Interpret provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this Resolution where the street layout actually on the ground varies from the street layout as shown on such map.
- 2) **Replacement of Nonconforming Buildings**  
Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 60% of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
- 3) **Modification of Parking and Loading Space Requirements**  
Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements; or permit (a) the waiver of the requirement that automobile parking space be provided on the same lot with a dwelling, if other suitable and convenient parking space is available within or without a building; or (b) the dual use of parking facilities (i.e. by stores during the day and theaters during the evening) provided there is no overlapping of use and the parking space requirements for each building or use are complied with during each period.

## SECTION 14 DECISION MAKING BOARDS

### SECTION 14.1 Board of Zoning Appeals (cont'd)

#### 14.1.3 Jurisdiction (cont'd)

- 4) **Public Parking Areas Location**  
Permit in the "A" District, public parking areas or storage garages adjacent to any existing or proposed use in the multiple dwelling, commercial or industrial districts.
- 5) **Use Impact Determinations**  
Determine whether an industry should be permitted within an "M" Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
- 6) **Substitution of Nonconforming Uses**  
The substitution of a nonconforming use existing at the time of enactment of this Resolution of another nonconforming use, if no structural alterations except those required by law or resolution are made; provided, however that in an "A" District, no change shall be authorized by the Board to any use which is not a permitted or special use in any "A" District, and in a "C" District no change shall be authorized to any use which is not a permitted or special use in any "C" District.
- 7) **More Than One (1) Main Building on a Parcel**  
Within any zoned district, the placing of more than one (1) main non-residential building on a lot, when all of the buildings are intended to be operated as a single enterprise and the lot and all portions of it are owned, leased, or under option by a single party. In such cases, the yard requirements shall apply along all edges of the lot, but shall not be required for the internal arrangement of the buildings on the lot. An application for the placing of more than one (1) main non-residential building on a lot shall be accompanied by a detailed site plan.
- 8) **Temporary Structures and Uses**  
Permit the temporary use of a structure or premises for purpose of development activity (i.e. construction trailers, temporary sales office, mobile home for use during construction or reconstruction of a permanent dwelling, etc.), in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12 month period in undeveloped sections of the Township and not more than six (6) months in developed sections, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. The Board may renew this permit once for the above time period respectively.

## SECTION 14 DECISION MAKING BOARDS

### SECTION 14.1 Board of Zoning Appeals (cont'd)

#### 14.1.3 Jurisdiction (cont'd)

c) **Variances**

In hearing and deciding appeals, the Board shall have the power to authorize such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Resolution. On appeal where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of the Zoning Resolution only if all of the following findings are made:

- 1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the Zoning Resolution in the neighborhood or district in which the property is located;
- 2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- 3) That such unnecessary hardship has not been created by the appellant;
- 4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare;
- 5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

d) **Nonconforming Uses - Extensions or Permit**

The Board shall have the authority to grant an extension or permit completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on date such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor areas of such extension shall not exceed in all 100% of the floor area of the existing building or buildings devoted to a nonconforming use.

(Rev. 11-28-12. Z22-C123)

## SECTION 14 DECISION MAKING BOARDS

### SECTION 14.1 Board of Zoning Appeals (cont'd)

#### 14.1.4 Procedures

Appeals, variances and exceptions shall conform to the procedures and requirements of this Resolution.

a) **Application**

- 1) **Application:** All applications shall be in writing, shall be signed by the owner of the property involved or his duly authorized agent or attorney, shall specify the request and grounds thereof, and shall be filed in the office of the Zoning Inspector.
- 2) 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 the papers constituting the record upon which the action or ruling appealed from was taken.

b) **Review by Other Officials**

The Board of Zoning Appeals may request additional information or review of the appeal, variance, or request for an exception by other Township officials, 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. Failure to disapprove the same within such period shall constitute approval thereof.

c) **Public Hearing and Notice**

The Board shall hold a hearing on each appeal after at least a 10 day notice, both in writing to the parties of interest and by publishing in one (1) or more newspapers of general circulation in the Township, stating the time and place thereof. The Board shall make its findings and determination in writing within 40 days from the date of the filing of the appeal or in the case of an application for an exception within 30 days after receipt of the review or information requested from other County and Township officials and agencies or expiration of the time limit as provided for in 14.4.2. A copy of such findings and determination shall be transmitted to the applicant within 30 days thereafter.

d) **Supplemental Conditions and Safeguards**

In granting any appeal, variances or exception, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue the permit listing the specific conditions of 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 13.6**.

## SECTION 14 DECISION MAKING BOARDS

### SECTION 14.1 Board of Zoning Appeals (cont'd)

#### 14.1.4 Procedures (cont'd)

- e) **Schedule of Fees, Charges, and Expenses**

The Board of Township Trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for appeals, variances, or consideration of appeal for exception 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.
- f) **Record of Appeals, Variances, and Exceptions**

A public record of all appeals, variances, and appeal for exception and their disposition shall be kept on file in the office of the Zoning Inspector.
- g) **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 within 10 days of the Board's written decision.
- h) **The Board of Zoning Appeals has the power to revoke a variance or exception for noncompliance**

The Board shall notify the affected party of their intent to revoke by the mailing of a notification by certified mail. The affected party has the right to request a hearing within 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 or an appeal for exception shall become effective 30 days after notice has been given, unless a hearing has been requested.

### SECTION 14.2 Architectural Review Board

#### 14.2.1 Establishment

The Architectural Review Board, hereinafter referred to as the ARB, is hereby established to function as the township's architectural review board as provided for in Section 519.171 of the ORC.

*(Rev. 11-28-12. Z22-C123)*

#### 14.2.2 Appointment and Organization

- a) The ARB shall be composed of no more than five (5) members who reside in the unincorporated area of Waterville Township to be appointed by the Board of Trustees. At least one member shall be a licensed architect or engineer; if a licensed architect or engineer does not reside in the unincorporated territory of the township, that member of the architectural review board may be a resident of Lucas County.

## SECTION 14 DECISION MAKING BOARDS

### SECTION 14.2 Architectural Review Board (cont'd)

#### 14.2.2 Appointment and Organization (cont'd)

- b) Each member shall serve until his or her successor is appointed.
- c) Members of the ARB shall serve at will of Trustees.
- d) Vacancies shall be filled by appointment by the Board of Trustees.

#### 14.2.3 Powers and Duties

The ARB shall review Detailed Site Plans within the Route 64 Overlay District for compliance with landscape and architectural standards of the zoning resolution. Recommendations shall be provided to the Zoning Commission and Township Trustees as part of the Detailed Site Plan Review process.

*(Rev. 11-28-12. Z22-C123)*

#### 14.2.4 Organization and Bylaws

The ARB may organize and adopt bylaws for its own governance provided they are consistent with state law or with any other resolution of the township.

*(Rev. 11-28-12. Z22-C123)*

#### 14.2.5 Meetings and Procedures

- a) Meetings shall be held at the call of the chair.
- b) All meetings shall be open to the public.
- c) The ARB shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record

*(Rev. 11-28-12. Z22-C123)*

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## SECTION 15 AMENDMENTS

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SECTION 15.1	Authority
SECTION 15.2	Procedures
SECTION 15.3	Effective Date and Referendum

### CROSS REFERENCES

SECTION 2	Definitions
SECTION 13	Enforcement

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### **SECTION 15.1      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.

### **SECTION 15.2      Procedures**

#### **15.2.1 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.

#### **15.2.2 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.

#### **15.2.3 Fees**

A fee shall be paid upon the filing of the application in accordance with the fee schedule as shown in the Waterville Township Zoning Certificate 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.

## **SECTION 15 AMENDMENTS (cont'd)**

### **SECTION 15.2 Procedures (cont'd)**

#### **15.2.4 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. 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.).

#### **15.2.5 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 include the information required under Section 519.12 of the Ohio Revised Code and shall be given as follows:

- a) 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;
- b) 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);
- c) The applicant must pose in a secure fashion and maintain one or more on-site notices within five (5) feet of the lot line adjacent to the public road during the period in which the application is being considered by the Lucas County Planning Commission, Waterville Township Zoning Commission and Waterville Township Board of trustees. The applicant shall remove the posted notices within ten (10) days after the decision of the Board of Trustees. No one except the applicant, agent or Township shall remove or tamper with any such notice during the time it is required to be posed and maintained. Waterville Township will provide the form of the notice and its content. (Rev. 12/14/05, Z22-C101)

## **SECTION 15 AMENDMENTS (cont'd)**

### **SECTION 15.2 Procedures (cont'd)**

#### **15.2.6 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.

#### **15.2.7 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.

#### **15.2.8 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.

#### **15.2.9 Action by Board of Township Trustees**

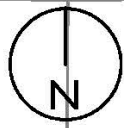
Within 20 days after the public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees denies or modifies the recommendation of the Commission, a majority vote of the Board of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

## SECTION 15 AMENDMENTS (cont'd)

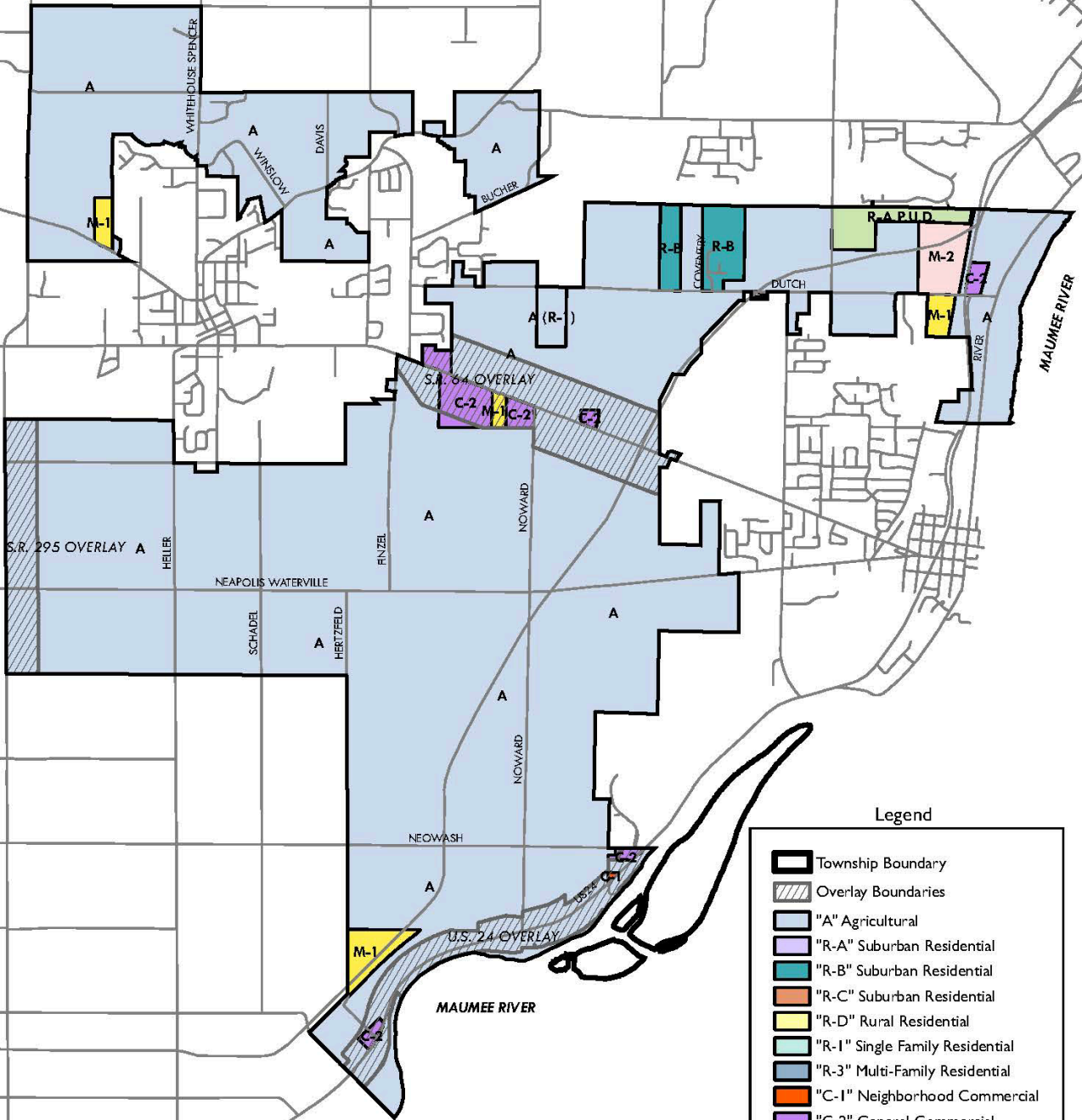
### SECTION 15.3 Effective Date and Referendum

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.

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.

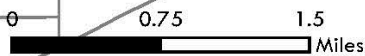


# Zoning Maps Waterville Township



### Legend

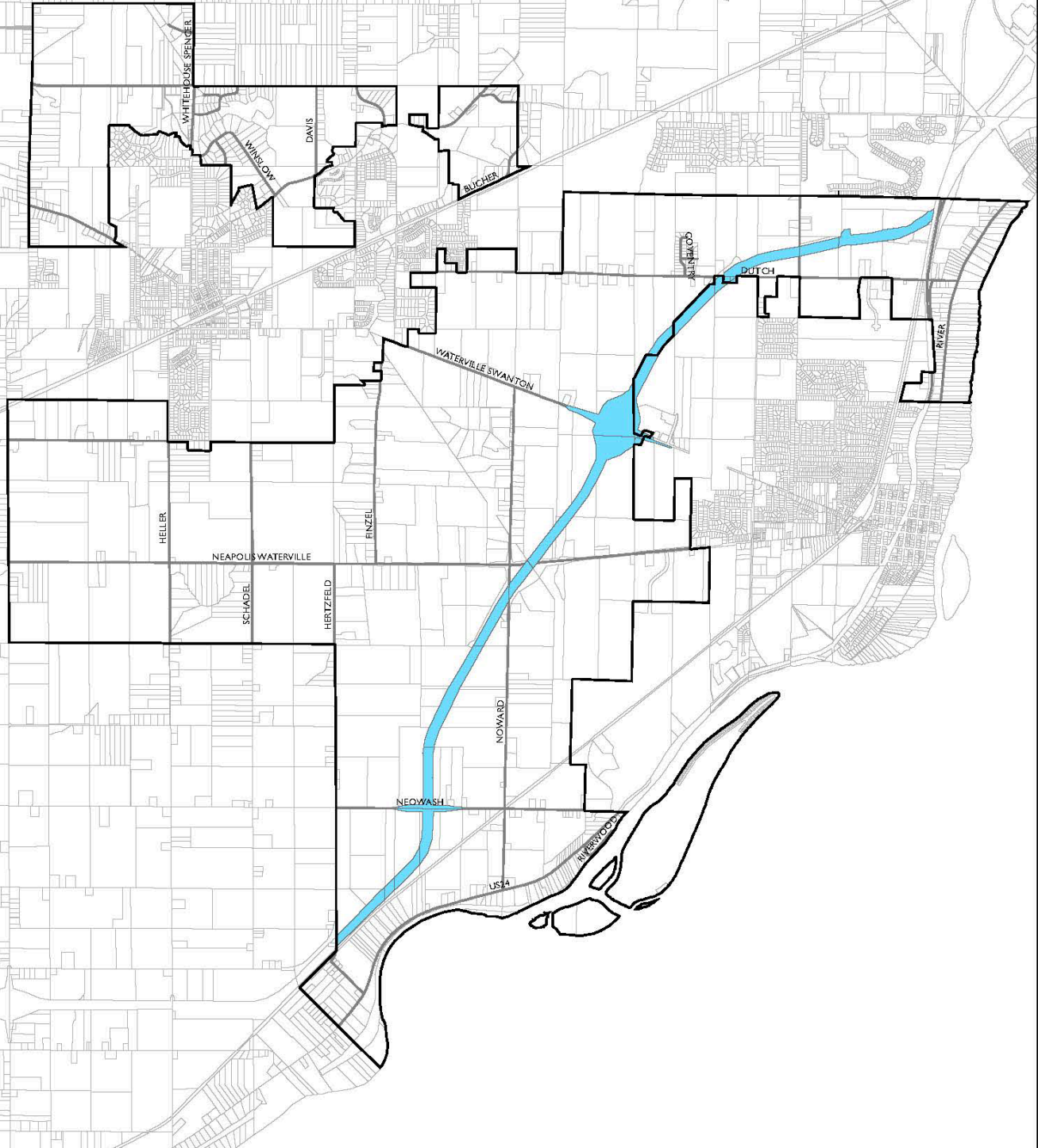
	Township Boundary
	Overlay Boundaries
	"A" Agricultural
	"R-A" Suburban Residential
	"R-B" Suburban Residential
	"R-C" Suburban Residential
	"R-D" Rural Residential
	"R-1" Single Family Residential
	"R-3" Multi-Family Residential
	"C-1" Neighborhood Commercial
	"C-2" General Commercial
	"C-3" Office Commercial
	"C-4" Mixed Use Business
	"M-1" Industrial/Office Research
	"M-2" General Industrial
	"R-A P.U.D."



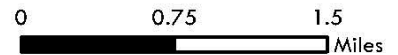
Produced by the Toledo Lucas County Plan Commissions - 03/12/15

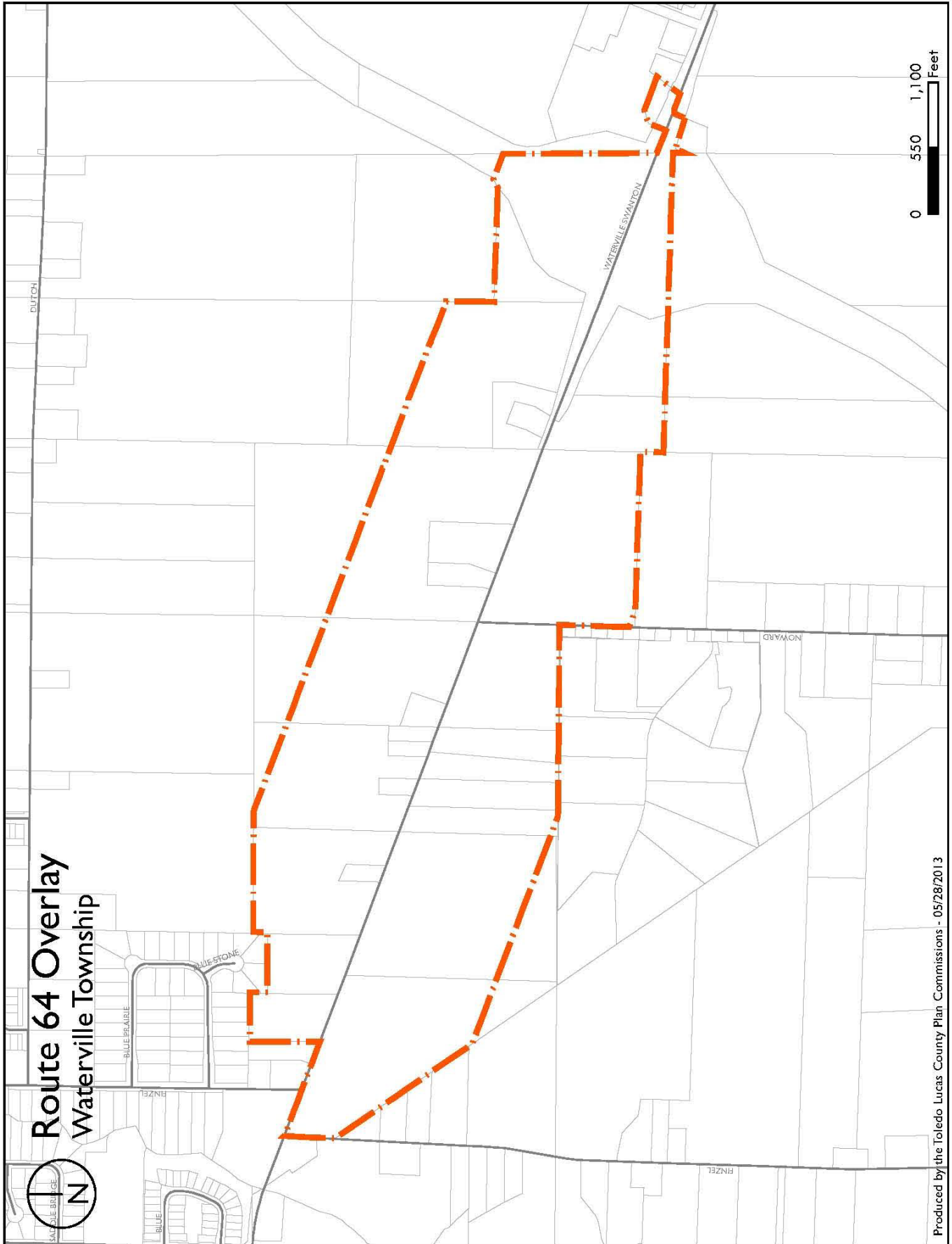


# New Route 24 Waterville Township

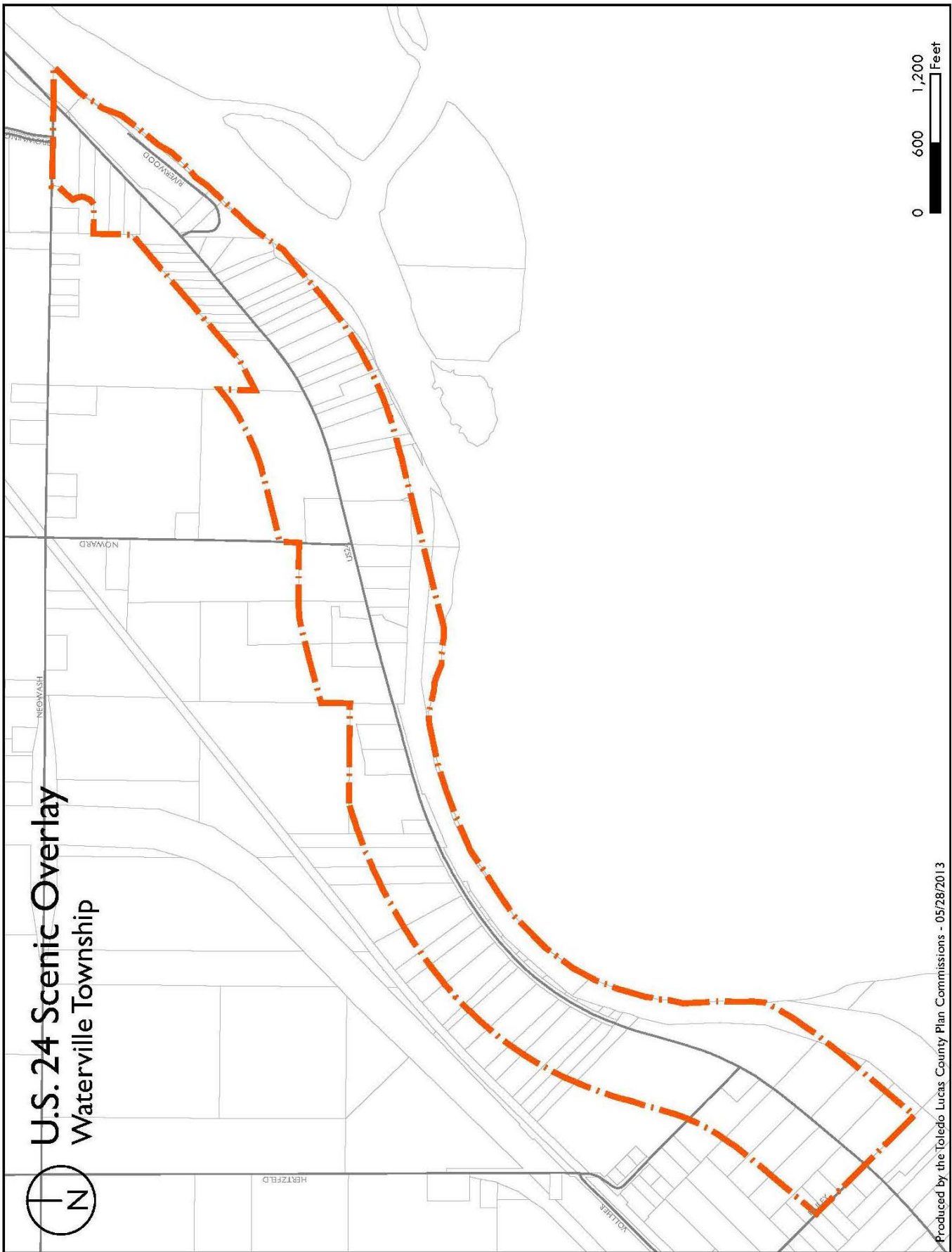


Produced by the Toledo Lucas County Plan Commissions - 02/01/2012



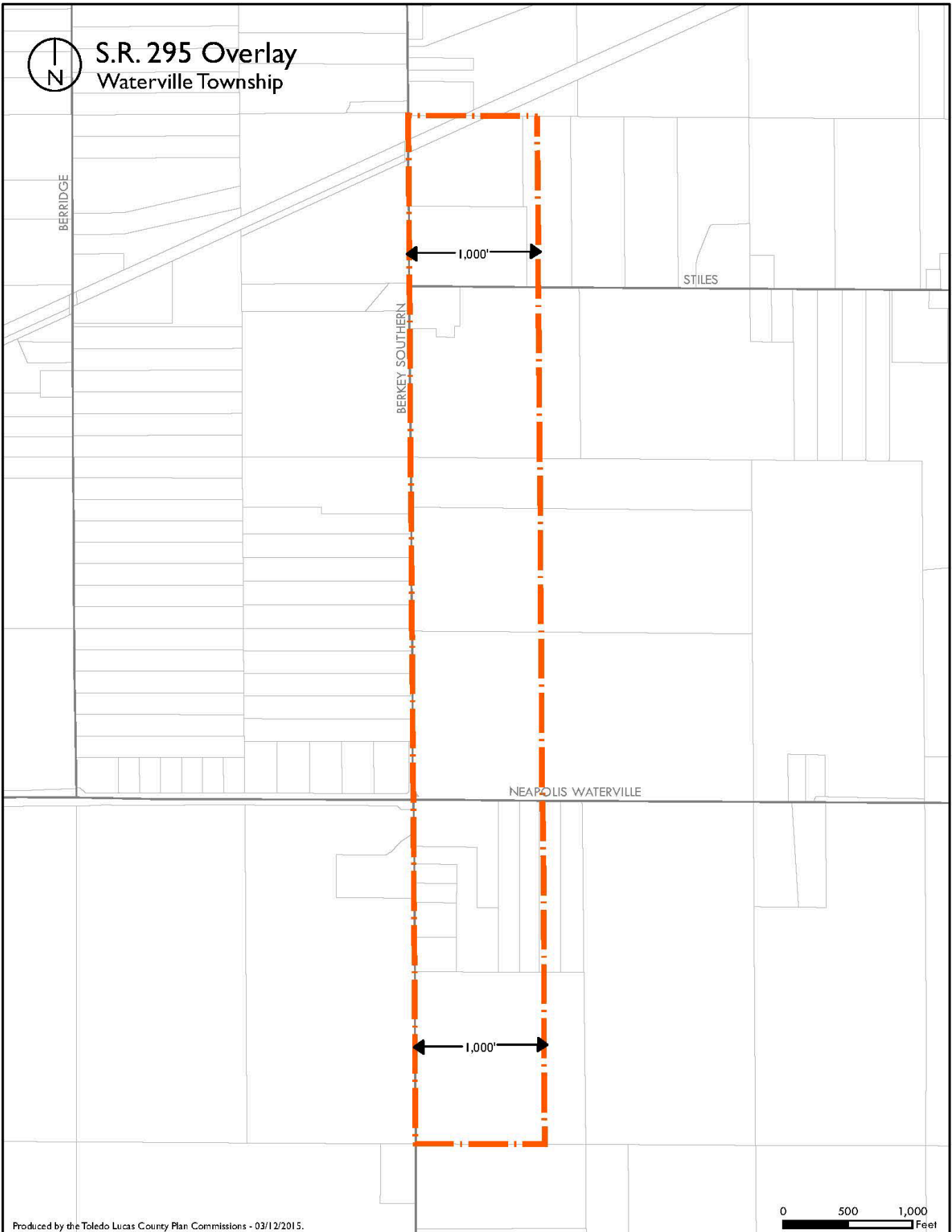


Produced by the Toledo Lucas County Plan Commissions - 05/28/2013





S.R. 295 Overlay  
Waterville Township



Produced by the Toledo Lucas County Plan Commissions - 03/12/2015.

