

2022

Zoning Resolution of
Waterville Township



Review Draft
June 2022

**ZONING RESOLUTION of WATERVILLE TOWNSHIP
LUCAS COUNTY, OHIO
2022**

BOARD of TRUSTEES

Kim Anderson
Kyle Hertzfeld
Julie Theroux

Fiscal Officer

Catherine Vorst

Solicitor

John Borell, Assistant Prosecuting Attorney, Lucas County

ZONING COMMISSION

William Burkett
Shelly Hayes
Robert Long
Keith Moosman
Tom Wardell
Jeanne Taylor, Alternative

ZONING BOARD OF APPEALS

Bob Bryce
Toby Miller
Jason Sheidler
Eileen Sullivan
Roger Tucholski
Mathew Ditzig, Alternate

ZONING INSPECTOR

Jim Fischer

Zoning Secretary

Patty Rupert

Assisted by Toledo-Lucas County Plan Commissions
And Lucas County Board of County Commissioners

**WATERVILLE TOWNSHIP ZONING RESOLUTION
ADOPTED NOVEMBER 5, 1957**

TEXT AMENDMENTS		
Case File #	Amendment Description	Adoption Date
Z22-C7	Major revision	February 5, 1967*
Z22-C23	Major revision	December 3, 1979*
Z22-C29	Group homes; pond and sand pit development; signs	January 8, 1986
Z22-C32	Funeral homes; conditional uses in C-1	January 8, 1986
Z22-C35	Funeral homes; conditional uses in C-1	November 4, 1987
Z22-C48	PUD; R-3; MHP; parking; livestock; mini warehouses	November 25, 1992*
Z22-C50	Accessory buildings	April 13, 1994
Z22-C52	Day care facilities	October 26, 1994
Z22-C58	Permitted uses, lot sizes and yards in R districts	August 23, 1995
Z22-C55	Signs	June 12, 1996
Z22-C64	Bed and Breakfasts	July 24, 1996
Z22-C65	Adult entertainment	October 25, 1996
Z22-C67	Pond size	May 14, 1997
Z22-C68	Cellular towners	June 25, 1997
Z22-C69	Fencing in "A" district	October 8, 1997
Z22-C70	Landfills	March 25, 1998
Z22-C71	Signs	November 11, 1998
Z22-C72	St. Route 64 overlay district	December 23, 1998
Z22-C76	Manufactures homes	March 29, 2000
Z22-C77	Minimum floor area for dwellings	March 29, 2000
Z22-C80	Lot size requirements; R-C and R-B districts added	March 29, 2000
Z22-C75	Home occupations	June 14, 2000
Z22-C87	Open storage and display material, and equipment	December 26, 2001
Z22-C88	Major revision	March 24, 2004*
Z22-C90	Ponds side yard	October 13, 2004
Z22-C91	Lot width definition	October 13, 2004
Z22-C101	Posted notice; debris sites; landscaping lawn care	December 14, 2005
Z22-C105	Pond fencing and setbacks; landscaping	December 4, 2006
Z22-C106	Small wind turbines	April 25, 2007
Z22-C111	Agricultural regs for 5 acres or less	October 8, 2008
Z22-C113	Borrow pits	January 14 2009
Z22-C114	Trustees' majority vote	October 14, 2009
Z22-C116	Waste disposal facilities	May 26, 2010
Z22-C121	Internet cafes; paving; accessory DU; cell towers	July 27, 2011
Z22-C122	Route 64 Overlay District	November 28, 2012
Z22-C123	Architectural Review Board; Arch. Design Guidelines	November 28, 2012
Z22-C124	Route 64 Overlay District boundary	March 24, 2014
Z22-C126	State Route 295 Overlay District	January 28, 2015
Z22-C129	Compressor and Pump Stations	January 20, 2016
Z22-C134	Major revision	

* New Publication

Table of Contents

SECTION 1	<u>INTRODUCTORY</u> GENERAL PROVISIONS	1
SECTION 1.1	<u>Title</u>	1
SECTION 1.2	Authority	1
SECTION 1.3	<u>Applicability</u>	1
SECTION 1.4	Purpose	2
SECTION 1.5	<u>Relationship to the Land Use Plan</u>	2
SECTION 1.6	Interpretation and Conflict	2
SECTION 1.7	Compliance with Regulations	2
SECTION 1.8	Uses Exempted from Provisions of Resolution	3
SECTION 1.9	Validity	4
SECTION 1.10	<u>Effective Date</u>	4
SECTION 2	ESTABLISHMENT OF DISTRICTS	5
SECTION 2.1	<u>Establishment of Zoning Districts</u>	5
SECTION 2.2	Agricultural District	5
SECTION 2.3	Residential Districts	5
SECTION 2.4	Commercial Districts	6
SECTION 2.5	Industrial Districts	7
SECTION 2.6	<u>Flood Plain and</u> Overlay Districts	8
SECTION 2.7	District Map	8
SECTION 2.8	District Boundaries	9
SECTION 3	USE REGULATIONS	11
SECTION 3.1	<u>Use Table</u>	11
SECTION 3.2	District Use Restrictions	15
SECTION 3.3	Temporary Buildings and Uses	16
SECTION 3.4	<u>Prohibited Uses in all Zoning Districts</u>	16
SECTION 4	USE SPECIFIC REGULATIONS	17
SECTION 4.1	<u>Purpose</u> General	17
SECTION 4.2	Accessory Buildings	18
SECTION 4.3	<u>Accessory Dwelling Unit</u>	19
SECTION 4.4	Adult-Oriented Uses	20
SECTION 4.5	<u>Agricultural Businesses</u> Farm Markets	20
SECTION 4.6	<u>Agricultural Uses on Lots between One and Five Acres</u>	21

SECTION 4.7 Bed and Breakfast / Tourist Home	23
SECTION 4.8 Boarding of Domesticated Animals and Kennels	23
SECTION 4.9 Compressor and Pump Stations	24
SECTION 4.10 <u>Decks, Porches and Patios</u>	27
SECTION 4.11 Dish Antennas	27
SECTION 4.12 Extraction Industries	28
SECTION 4.13 Extraction of Minerals from Borrow Pits	29
SECTION 4.14 Fencing	33
SECTION 4.15 Group Homes	33
SECTION 4.16 Home Occupations	34
SECTION 4.17 Nursery and Landscaping <u>and</u> Lawn Care Service	35
SECTION 4.18 Large-scale Retail Project	36
SECTION 4.19 <u>This Section Intentionally Left Blank</u>	36
SECTION 4.20 Manufactured Home, Permanently Sited	37
SECTION 4.21 Manufactured Home Sales	38
SECTION 4.22 Motor Vehicle Salvage Yards and Junk Yards	39
SECTION 4.23 Open Storage and Display of Materials and Equipment	40
SECTION 4.24 Ponds	41
SECTION 4.25 Self Service Storage Facilities	42
SECTION 4.26 <u>Short Term Rentals</u>	44
SECTION 4.27 <u>Solar Energy Systems</u>	45
SECTION 4.28 Sweepstakes/Internet Café	48
SECTION 4.29 Swimming Pools	48
SECTION 4.30 Telecommunication Towers and Radio Towers	49
SECTION 4.31 Tennis Courts, Private	50
SECTION 4.32 Waste Disposal Facility	51
SECTION 4.33 Wind Turbine, Small	51
SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS	53
SECTION 5.1 Flood Plain District	53
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District	57
SECTION 5.3 <u>Anthony Wayne Trail (Co. Rd. 53)</u> Scenic Corridor Overlay District	85
SECTION 5.4 State Route 295 Overlay District	88
SECTION 6 PLANNED UNIT DEVELOPMENT	95
SECTION 6.1 Purpose	95
SECTION 6.2 Description	95

SECTION 6.3	Procedure	95
SECTION 6.4	General Standards	97
SECTION 6.5	Residential PUD Standards	97
SECTION 6.6	Commercial PUD Standards	98
SECTION 6.7	Industrial PUD Standards	99
SECTION 6.8	Conservation Development	100
SECTION 6.9	Change to Approved Plan	100
SECTION 6.10	Expiration and Extension of Approval Period	101
SECTION 7	Intensity and Dimensional Standards	103
SECTION 7.1	<u>Purpose</u>	103
SECTION 7.2	<u>Measurements, Computations, and Exceptions</u>	103
SECTION 7.3	Minimum Dimensional Requirements <u>for Dwellings</u>	104
SECTION 7.4	<u>Minimum Dimensional</u> Requirements for All Buildings Other than Dwellings	106
SECTION 7.5	<u>Height Measurement for Basements</u>	107
SECTION 7.6	<u>Roof Types and Building Height</u>	107
SECTION 7.7	Exceptions	108
SECTION 7.8	<u>Type of Lots</u>	110
SECTION 7.9	<u>Lot Width and Width Line on Curved Streets and Cul-de-Sacs</u>	111
SECTION 8	Off-Street Parking and <u>Access Management</u>	113
SECTION 8.1	Purpose	113
SECTION 8.2	<u>Applicability</u> Off-Street Parking and Loading Requirements	113
SECTION 8.3	<u>Units of Measure</u>	114
SECTION 8.4	<u>General Requirement</u>	114
SECTION 8.5	Special Requirements	114
SECTION 8.6	<u>Traffic Visibility Safety Triangle</u> Corner Lot	118
SECTION 8.7	Space Requirements	118
SECTION 8.8	Number of Spaces	119
SECTION 8.9	Access Management and Traffic Impact Studies	121
SECTION 8.10	Traffic Impact Study	122
SECTION 9	Environmental Standards	123
SECTION 9.1	<u>Purpose</u> General	123
SECTION 9.2	<u>Environmental Standards Generally</u>	123
SECTION 9.3	Causes of Blight or Blighting Factors	123
SECTION 9.4	Electrical and telecommunication facilities	125
SECTION 9.5	Lighting	125

SECTION 9.6 Noise	127
SECTION 9.7 Radiation or Electromagnetic Disturbance	128
SECTION 9.8 Smoke, Dust Particulates and Odors	128
SECTION 9.9 Ground Borne Vibration	128
SECTION 10 LANDSCAPE REQUIREMENTS	131
SECTION 10.1 <u>Purpose</u> Landscape Requirements	131
SECTION 10.2 Applicability	131
SECTION 10.3 General Requirements for Submission	131
SECTION 10.4 Approval	132
SECTION 10.5 Landscaping Standards	133
SECTION 10.6 Landscaping for Parking Areas	134
SECTION 10.7 Landscaping for Service Structures	135
SECTION 10.8 <u>Landscaping for Bioretention Areas (Rain Gardens)</u>	136
SECTION 10.9 <u>Landscaping for Detention/Retention Ponds</u>	136
SECTION 10.10 Landscape Requirements Matrix	136
SECTION 10.11 Modification	138
SECTION 11 ARCHITECTURAL DESIGN REVIEW GUIDELINES	139
SECTION 11.1 <u>Purpose</u>	139
SECTION 11.2 <u>Applicability</u>	139
SECTION 11.3 Scale and Proportion of Façade and Exterior Walls	139
SECTION 11.4 Suitability of Building Materials and Detail Features	139
SECTION 11.5 Roof Lines	139
SECTION 11.6 Pedestrian Flows	140
SECTION 12 SIGNS	141
SECTION 12.1 Purpose	141
SECTION 12.2 <u>Applicability</u> General Provisions	141
SECTION 12.3 <u>Applications</u>	141
SECTION 12.4 General Provisions	142
SECTION 12.5 Prohibited Signs	142
SECTION 12.6 Exemptions	143
SECTION 12.7 <u>On-premises Electronic Message Center</u>	145
SECTION 12.8 Off-Premise Signs	145
SECTION 12.9 Signs in Agricultural and Residential Districts	146
SECTION 12.10 Signs in Commercial and Industrial Districts	147
SECTION 12.11 Common Signage Plans for Multiple Uses	148

SECTION 12.12 Definitions	149
SECTION 13 <u>Common Review Requirements</u>	155
<u>SECTION 13.1 Purpose</u>	155
<u>SECTION 13.2 Applicability</u>	155
<u>SECTION 13.3 Authority to File Applications</u>	155
<u>SECTION 13.4 Application Submission Schedule</u>	155
<u>SECTION 13.5 Application Contents</u>	156
<u>SECTION 13.6 Simultaneous Processing Applications</u>	157
<u>SECTION 13.7 Effect of Pre-Application Meetings.</u>	157
<u>SECTION 13.8 Constructive Notice</u>	157
<u>SECTION 13.9 Conduct of Public Hearing</u>	158
<u>SECTION 13.10 Examination and Copying Of Documents</u>	158
<u>SECTION 13.11 Effect of Any Approvals</u>	158
<u>SECTION 13.12 Amendments of Approved Applications</u>	158
SECTION 14 Review Procedures	161
SECTION 14.1 Zoning Certificates	161
SECTION 14.2 Site Plan Review (Detailed Site Plan)	164
SECTION 14.3 Conditional Use Permits	167
SECTION 14.4 <u>Zoning Verification Letter</u>	172
SECTION 15 Zoning Text and Map Amendments	173
SECTION 15.1 Authority	173
SECTION 15.2 Procedures	173
SECTION 15.3 Effective Date and Referendum	176
<u>SECTION 16 Appeals, Variance and Exceptions</u>	177
SECTION 16.1 <u>Purpose</u>	177
SECTION 16.2 <u>Initiation</u>	177
SECTION 16.3 Jurisdiction	178
SECTION 16.4 <u>Review</u> Procedures	181
SECTION 17 DECISION MAKING BOARDS	183
SECTION 17.1 Board of Zoning Appeals	183
SECTION 17.2 Architectural Review Board	184
SECTION 18 NON-CONFORMING LOTS, STRUCTURES AND USES	187
SECTION 18.1 Intent of Resolution Concerning Non-Conformities	187
SECTION 18.2 Avoidance of Undue Hardship	187
SECTION 18.3 Single Nonconforming Lots of Record	188

SECTION 18.4 Nonconforming Lots of Record in Combination	188
SECTION 18.5 Nonconforming Uses of Land	188
SECTION 18.6 Termination of Use through Discontinuance	189
SECTION 18.7 Nonconforming Structures	189
SECTION 18.8 Nonconforming Uses of Structures or Structures and Land in Combination	189
SECTION 18.9 Termination of Structure through Discontinuance	190
SECTION 18.10 Expansion, Repair, and Maintenance	190
SECTION 19 ENFORCEMENT	193
SECTION 19.1 Zoning Inspector	193
SECTION 19.2 Violations and Penalties	193
SECTION 19.3 Revocation of Certificate	193
SECTION 19.4 Violations – Remedies	194
SECTION 19.5 Schedule of Fees, Charges, and Expenses	194
SECTION 20 DEFINITIONS	195
SECTION 20.1 Intent	195
SECTION 20.2 References to Other Regulations and Documents	195
SECTION 20.3 Interpretation of Terms or Words	195
APPENDICES	223
Appendix 1: Zoning Map	223
Appendix 2: Route 64 Overlay	225
Appendix 3: Anthony Wayne Trail (Co Rd. 53) Scenic Overlay	226
Appendix 4: State Route 295 Overlay District	227

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:

SECTION 1 INTRODUCTORY GENERAL PROVISIONS

- SECTION 1.1 Title
- SECTION 1.2 Authority
- SECTION 1.3 Applicability
- SECTION 1.4 Purpose
- SECTION 1.5 Relationship to the Land Use Plan
- SECTION 1.6 Interpretation and Conflict
- SECTION 1.7 Compliance with Regulations
- SECTION 1.8 Uses Exempted from Provisions of Resolution
- SECTION 1.9 Validity
- SECTION 1.10 Effective Date

SECTION 1.1 Title

The official title of this document is the “Zoning Resolution of Waterville Township, Lucas County, Ohio.” For convenience, it is referred to throughout this document as the “Resolution.”

SECTION 1.2 Authority

This Resolution has been passed ~~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 1.3 Applicability

The provisions of this Resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Waterville Township, Lucas County, Ohio.

SECTION 1 INTRODUCTORY GENERAL PROVISIONS

SECTION 1.4 Purpose

SECTION 1.4 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 1.5 Relationship to the Land Use Plan

This Resolution was prepared in accordance with the Waterville Township Land Use Plan. The administration, enforcement, and future amendment of this Resolution should be in accordance with the recommendations and policies of the Waterville Township Land Use Plan. Amendments to this Resolution should maintain and enhance the consistency between this Resolution and the Land Use Plan.

SECTION 1.6 Interpretation and Conflict

A. Conflict with Other Public Laws, Resolutions, Regulations, or Permits

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.

B. Conflict with Private Third-Party Agreements

1. ~~nor is it~~ It is not 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.
2. In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the township is involved as a party to the agreement.

SECTION 1.7 Compliance with Regulations

- A. 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.

SECTION 1 INTRODUCTORY GENERAL PROVISIONS

SECTION 1.8 Uses Exempted from Provisions of Resolution

- B.** 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.
- C.** 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.
- D.** 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.
- E.** 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 16.3(B)(7) (More Than One Main Building on a Parcel). In no instance shall there be more than one (1) primary dwelling unit per parcel except for in the R-3 district.
- F.** 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 17.1 (Board of Zoning Appeals). Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations.

SECTION 1.8 Uses Exempted from Provisions of Resolution

A. Exemptions for Agricultural Purposes

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 percent 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 4.5 (Agricultural Businesses). ~~(Farm Markets).~~

B. Exemptions for Public Utilities and Railroads

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

SECTION 1 INTRODUCTORY GENERAL PROVISIONS

SECTION 1.9 Validity

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 4.30 (Telecommunication Towers and Radio Towers) of this Resolution. Oil and natural gas pipeline compressor stations should be regulated pursuant to the provisions of Section 4.9 (Compressor and Pump Stations) of this Resolution. ~~(Rev. 1-20-16. Z22-C129)~~

C. Exemption for Alcoholic Beverages

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.

D. Exemption for Oil or Natural Gas Drilling or Production for On Site Use

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 1.9 Validity

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

SECTION 1.10 Effective Date

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

SECTION 2 ESTABLISHMENT OF DISTRICTS

SECTION 2.1 Establishment of Zoning Districts

SECTION 2.2 Agricultural District

SECTION 2.3 Residential Districts

SECTION 2.4 Commercial Districts

SECTION 2.5 Industrial Districts

SECTION 2.6 Overlay District

SECTION 2.7 District Map

SECTION 2.8 District Boundaries

SECTION 2.1 Establishment of Zoning Districts

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

SECTION 2.2 Agricultural District

A. "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 2.3 Residential Districts

A. "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.

B. "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 2 ESTABLISHMENT OF DISTRICTS

SECTION 2.4 Commercial Districts

C. "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.

D. "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 2.4 Commercial Districts

A. "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.

B. "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 conditional special use permit. All uses and activities shall be inside buildings unless related to the existing primary use of the property.

C. "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.

D. "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

SECTION 2 ESTABLISHMENT OF DISTRICTS

SECTION 2.5 Industrial Districts

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 2.5 Industrial Districts

A. "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.

B. "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 spillover 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

SECTION 2 ESTABLISHMENT OF DISTRICTS

SECTION 2.6 Flood Plain and Overlay Districts

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 2.6 Flood Plain and Overlay Districts

A. "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.

B. "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.

C. Anthony Wayne Trail (Co. Rd. 53) U.S. 24 Scenic Corridor Overlay District

The Anthony Wayne Trail (Co. Rd. 53) 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.

D. State Route 295 Overlay District

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.

SECTION 2.7 District Map

A. 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.

B. Zoning Information Online

Zoning district information for a parcel is available at Lucas County Auditor's AREIS Online. The information provided by AREIS is deemed a reliable point of reference but is not guaranteed and should be independently verified with Waterville Township.

SECTION 2 ESTABLISHMENT OF DISTRICTS

SECTION 2.8 District Boundaries

C. Replacement

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

SECTION 2.8 District Boundaries

A. 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.

B. 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.

SECTION 2 ESTABLISHMENT OF DISTRICTS
SECTION 2.8 District Boundaries

SECTION 3 USE REGULATIONS

- SECTION 3.1 Use Table ~~Permitted Uses~~
 SECTION 3.2 District Use Restrictions
 SECTION 3.3 Temporary Buildings and Uses
 SECTION 3.4 Prohibited Uses in all Zoning Districts

SECTION 3.1 Use Table

The permitted uses for each district are shown in the following Table 3.1 (Use Table), ~~tabulations which shall constitute Section 3 of the Zoning Resolution.~~ The interpretation of uses given in categorical terms shall be as defined in Section 20 (Definitions). ~~Uses not specifically listed or interpreted by the Board of Zoning Appeals to be included categorically under this Section and Section 20 shall not be permitted, except by action of the Zoning Commission and the Board of Trustees.¹~~

A. "P" Permitted Uses

A "P" indicates that a use is permitted by right, subject to compliance with all other applicable regulations of this Resolution.

B. "C" Conditional Uses ²

A "C" indicates that a use is allowed only if reviewed and approved in accordance with the Conditional Use Procedures of Section 14.3 (Conditional Use Permits).

C. Uses Not Allowed

A blank cell (one with a "-" and doesn't contain a "P" or "C") indicates that the listed use is not allowed in the respective zoning district.

D. Use Standards

The existence of use standards for a use category is noted in the last column "Section Reference". Unless otherwise noted use standards are also subject to all applicable design and development provisions required under this Resolution.

¹ Last sentence moved to new Section 3.4.

² Special Uses listing moved from current code Sec. 7 and integrated into the use table. The term "Special Uses" is changed to "Conditional Uses".

SECTION 3 USE REGULATIONS

SECTION 3.1 Use Table

Table 3-1 Use Table														
Use Category	A	R-A	R-B	R-C	R-D	R-1	R-3	C-1	C-2	C-3	C-4	M-1	M-2	Sec. Ref.
Residential														
Household Living														
Dwelling – Single Family	P	P	P	P	P	P	-	-	-	-	-	-	-	
Dwelling – Two Family	-	-	-	-	-	-	P	-	-	-	-	-	-	
Dwelling – Multi Family	-	-	-	-	-	-	P	-	-	-	-	-	-	
Foster Home	P	P	P	P	P	P	P	-	-	-	-	-	-	4.15
Manufactured Home Park	-	C	-	-	-	-	-	4.19						
Manufactured Home, Permanently Sited	p ^[1]	-	-	-	-	-	-	-	4.20					
Group Living														
Adult Family Home	P	P	P	P	P	P	P	-	-	-	-	-	-	4.15
Adult Group Home	-	-	-	-	-	-	C	-	-	-	-	-	-	4.15
Boarding House	-	-	-	-	-	-	P	-	-	-	-	-	-	
Community Alternative House Home	-	-	-	-	-	-	P	-	-	-	-	-	-	
Group Home	C	C	C	C	C	C	C	-	-	-	-	-	-	4.15
Institutional Health Care Facilities	C	-	-	-	-	-	-	-	P	-	-	-	-	
MRDD Family Home	P	P	P	P	P	P	P	-	-	-	-	-	-	4.15
MRDD Group Home	-	-	-	-	-	-	C	-	-	-	-	-	-	4.15
Nursing Home	C	-	-	-	-	-	C	P	-	-	-	-	-	
Assisted Living	C	-	-	-	-	-	C	P	-	-	-	-	-	
Accessory Uses														
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	4.2
Accessory Dwelling Unit	C	C	C	C	C	C	-	-	-	-	-	-	-	4.3
Decks, Porches and Patios	P	P	-	-	-	-	-	4.10						
Dish Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	4.11
Fencing	P	P	P	P	P	P	P	P	P	P	P	P	P	4.14
Ham Radio Antenna	p ^[2]	P	P	P	P	P	P							
Home Occupation	P	P	P	P	P	P	P	-	-	-	-	-	-	4.16
Open Storage and Display of Materials and Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	4.23
Ponds	P	P	P	P	P	P	P	P	P	P	P	P	P	4.24
Short Term Rentals	C	-	-	-	-	-	-	-	-	-	-	-	-	4.26
Solar Energy System	P	P	P	P	P	P	P	4.27						
Stand-alone Solar System	C							C	C	C	C	C	C	
Swimming Pools	P	P	P	P	P	P	P	P	P	P	P	P	P	4.29
Tennis Courts, Private	P	P	P	P	P	P	P	-	-	-	-	-	-	4.31
Wind Turbine, Small	C	-	-	-	-	-	-	-	-	-	-	-	-	4.33
Public and Civic														
Cemetery/Memorial Garden	C	-	-	-	-	-	-	-	-	-	-	-	-	
Coliseums, Stadiums	-	-	-	-	-	-	-	-	-	-	C ^[3]	-	-	
Community Center	C	P	P	-	C ^[4]	-	-							
Day Care Facilities	C	C	C	C	C	C	C	P	P	P	C	P	P	3.2(A)
Educational Facilities, Trade, Vocational, and Colleges	-	-	-	-	-	-	-	-	-	-	P	-	-	

SECTION 3 USE REGULATIONS

SECTION 3.1 Use Table

Table 3-1 Use Table														
Use Category	A	R-A	R-B	R-C	R-D	R-1	R-3	C-1	C-2	C-3	C-4	M-1	M-2	Sec. Ref.
Medical Centers, Clinics, and Hospitals	-	-	-	-	-	-	-	-	-	-	P	-	-	
Nursery School ³							C							
Public Service Facilities (Utilities)	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Uses	C	C	C	C	C	C	C	P	P	-	-	-	-	
Recreational Facilities, Non-Commercial	C	C	C	C	C	C	C	C	-	-	-	-	-	
Semi Public Uses	C	C	C	C	C	C	C	P	P	-	-	-	-	
Commercial														
Adult-Oriented Uses	-	-	-	-	-	-	-	-	-	-	-	-	C	4.4
Animal Services														
Kennels	-	-	-	-	-	-	-	-	P	-	-	-	-	4.8
Animal Care Facilities	C	-	-	-	-	-	-	-	P	-	-	-	-	4.8
Boarding of Livestock and Domesticated Animals	C	-	-	-	-	-	-	-	C	-	-	-	-	4.8
Auction Market	C	-	-	-	-	-	-	-	C	-	-	-	-	
Banks / Financial Servicers	-	-	-	-	-	-	-	P	P	P ^[5]	P	P ^[5]	-	
Bed & Breakfast/Tourist Home	C	-	-	-	-	-	-	-	-	-	-	-	-	4.7
Boat Storage	-	-	-	-	-	-	-	-	P	-	-	-	-	
Building material supplies and storage									P			P		
Building Material, Supplies, Equipment, or Storage Yards	-	-	-	-	-	-	-	-	P	-	C	P	-	
Businesses, General	-	-	-	-	-	-	-	-	P	-	-	-	-	
Businesses, Highway	-	-	-	-	-	-	-	-	P	-	-	-	-	
Businesses, Neighborhood	-	-	-	-	-	-	-	P	P	-	P	-	-	
Business Offices	-	-	-	-	-	-	-	-	P	P	P	P	-	
Commercial Grain Elevator or Storage	P	-	-	-	-	-	-	-	-	-	-	-	P	
Convenience Stores	-	-	-	-	-	-	-	P	P	-	C	-	-	
Financial Insurance Services	-	-	-	-	-	-	-	P	P	-	-	-	-	
Flea Markets	C	-	-	-	-	-	-	-	C	-	-	-	-	
Health Care Clinic	-	-	-	-	-	-	-	C	P	-	-	-	-	
Hotels and Motels	-	-	-	-	-	-	-	-	P	-	C	-	-	
Landscaping and Lawn Care Service	C	-	-	-	-	-	-	-	-	-	-	C	C	4.17
Large-scale Retail Project ⁴	-	-	-	-	-	-	-	-	C	-	C	-	-	4.18
Manufactured Home Sales	-	-	-	-	-	-	-	-	P	-	-	-	-	4.21
Marine Sales and Service	-	-	-	-	-	-	-	-	P	-	-	-	-	
Mortuary / Funeral Home	-	-	-	-	-	-	-	P	P	-	-	-	-	

³ Nursery School is included in Day Care Facilities; do not need this entry.

⁴ Consider changing large scale retail projects to a permitted use instead of a conditional use. This would make the Zoning Commission (or ARB in Overlay Districts) the approving body for the site plan instead of the BZA.

SECTION 3 USE REGULATIONS

SECTION 3.1 Use Table

Table 3-1 Use Table														
Use Category	A	R-A	R-B	R-C	R-D	R-1	R-3	C-1	C-2	C-3	C-4	M-1	M-2	Sec. Ref.
Movie Theaters	-	-	-	-	-	-	-	-	P	-	C	-	-	
Offices	-	-	-	-	-	-	-	-	P	P	P	P	-	
Outdoor Commercial Sales or rental of goods stored outside	-	-	-	-	-	-	-	-	P	-	C	-	-	
Personal Services	-	-	-	-	-	-	-	P	P	P	-	-	-	
Printing and Publishing	-	-	-	-	-	-	-	-	P	P	P	P	-	
Professional Offices	-	-	-	-	-	-	-	-	P	-	P	-	-	
Professional Services	-	-	-	-	-	-	-	P	P	P	-	P	-	
Recreational Facilities														
Recreational Facilities, Commercial	C	C	C	C	C	C	C	C	P	-	-	-	-	
Indoor recreational uses	-	-	-	-	-	-	-	-	P	-	C	-	-	
Outdoor Recreational Facilities	-	-	-	-	-	-	-	-	P	-	C ^[6]	-	-	
Theme Parks	-	-	-	-	-	-	-	-	-	-	C	-	-	
Restaurant (without drive-up)	-	-	-	-	-	-	-	-	P	P ^[5]	P	P ^[5]	-	
Restaurant/Lounge	-	-	-	-	-	-	-	C	P	-	-	-	-	
Restaurants with drive-up facilities	-	-	-	-	-	-	-	-	P	-	C	-	-	8.5(K)
Service Laboratories	-	-	-	-	-	-	-	-	-	P	-	P	-	
Studios of Art, Photography, Dance, or Music	-	-	-	-	-	-	-	-	P	-	P	-	-	
Sweepstakes/Internet Cafe	-	-	-	-	-	-	-	-	C	-	-	-	-	4.28
Vehicle Sales and Service														
Agricultural Implement Sales and Rental	-	-	-	-	-	-	-	-	P	-	-	-	-	
Motor Vehicle Body Shop	-	-	-	-	-	-	-	-	P	-	-	-	-	
Motor Vehicle Sales and Rental	-	-	-	-	-	-	-	-	P	-	-	-	-	
Motor Vehicle Ser. Station								C	P					
Motor Vehicle Service Station and/or refueling	-	-	-	-	-	-	-	C	P	-	C	-	-	
Motor Vehicle Automotive Washing Facility	-	-	-	-	-	-	-	-	P	-	C	-	-	
Industrial Type Uses														
Composting Facilities at a Nursery and/or Landscaping Business	-	-	-	-	-	-	-	-	-	-	-	C	C	
Distribution Facilities	-	-	-	-	-	-	-	-	-	-	P ^[7]	P	P	
Manufacturing - General	-	-	-	-	-	-	-	-	-	-	-	C	P	
Manufacturing - Heavy	-	-	-	-	-	-	-	-	-	-	-	-	C	
Manufacturing - Restricted	-	-	-	-	-	-	-	-	-	C	P	P	-	
Metal Stamping/Machine Shops	-	-	-	-	-	-	-	-	-	-	P	P	P	
Motor Vehicle Salvage	-	-	-	-	-	-	-	-	-	-	-	-	P	
Motor Vehicle Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	P	4.22
Research Laboratories	-	-	-	-	-	-	-	-	-	C	C	P	P	
Self Service Storage Facilities	-	-	-	-	-	-	C	C	P	-	C	P	-	4.25

SECTION 3 USE REGULATIONS
SECTION 3.2 District Use Restrictions

Table 3-1 Use Table														
Use Category	A	R-A	R-B	R-C	R-D	R-1	R-3	C-1	C-2	C-3	C-4	M-1	M-2	Sec. Ref.
Truck Transport Terminals	-	-	-	-	-	-	-	-	-	-	-	P	P	
Warehousing	-	-	-	-	-	-	-	-	-	P	-	P	P	
Wholesaling	-	-	-	-	-	-	-	-	-	-	C ^[8]	P	P	
Other Use Types														
Agriculture														
Agricultural Businesses Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	P	4.5
Agricultural Product Sales	-	-	-	-	-	-	-	-	P	-	-	-	-	
Agriculture, Non-exempt <u>Agricultural uses on lots between 1 and 5 acres</u>	P	-	-	-	-	-	-	-	-	-	-	-	-	4.6
Nursery	C ^[9]	-	-	-	-	-	-	-	-	-	-	-	-	
Airport or Aircraft landing field	C	-	-	-	-	-	-	-	-	-	-	C	C	
Compressor & Pump Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	4.9
Extraction Industries													C	4.12
<u>Extraction of Minerals from Borrow Pits</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	4.13
Landfill	-	-	-	-	-	-	-	-	-	-	-	-	C	
Oil and Gas Drilling Wells	P	-	-	-	-	-	-	-	-	-	-	-	P	
Radio Tower	C	-	-	-	-	-	-	C	C	C	C	C	C	4.30
Telecommunication Tower	C	C	C	C	C	C	C	P	P	P	P	P	P	4.30
Waste Disposal Facility	-	-	-	-	-	-	-	-	-	-	-	C	C	4.32

Footnotes:

- [1] A permanently sited manufactured home must meet all requirements applicable to dwellings, including minimum floor area requirements.
- [2] If no higher than maximum allowable height permitted for principal buildings in zoning district.
- [3] Designed to seat more than one thousand (1,000) at one time.
- [4] Open to the general public.
- [5] Restaurants and banks located in the "C-3" Office Commercial district or "M-1" Industrial/Office Research district shall be permitted only when located as part of a structure which is used and an office building.
- [6] When publicly owned or operated such as but not limited to golf and tennis clubs, athletic fields, and swimming pools.
- [7] Including parcel delivery facilities and bottling plants
- [8] Including the storage, handling, or sale of merchandise primarily to retailers or other wholesalers.
- [9] Conditional use permit is required only when less than 50 percent of any nursery stock for retail sale is grown on-site.

SECTION 3.2 District Use Restrictions

~~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.~~⁵

- A.** Day Care facilities which are accessory uses are exempt from provisions of this section.

⁵ Moved to Table 3.1 Footnotes.

SECTION 3 USE REGULATIONS
SECTION 3.3 Temporary Buildings and Uses

- B.** Temporary (non-winterized) structures, such as Yurts and Recreational Vehicles, that do not meet the building code requirements for habitable space are not considered to be residential structures, and therefore are not allowed as living quarters.
- C.** A Tiny House on wheels for the purposes of this Resolution is considered a Recreational Vehicle.

SECTION 3.3 Temporary Buildings and Uses⁶

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 16.3(B)(7) (Temporary Structures and Uses).

SECTION 3.4 Prohibited Uses in all Zoning Districts

- A.** Uses not specifically listed or interpreted by the Board of Zoning Appeals to be included categorically under this Section and Section 20 (Definitions) shall not be permitted, except by action of the Zoning Commission and the Board of Trustees in accordance with Section 15 (Zoning Text and Map Amendments).
- B.** Manufactured Home Parks
- C.** Medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with ORC Section 519.21.

⁶ *Moved from current Code Sec. 10.3*

SECTION 4 USE SPECIFIC REGULATIONS⁷

- SECTION 4.1 Purpose General ~~General~~
- SECTION 4.2 Accessory Buildings
- SECTION 4.3 Accessory Dwelling Unit
- SECTION 4.4 Adult-Oriented Uses
- SECTION 4.5 Agricultural Business ~~Farm Markets~~
- SECTION 4.6 Agricultural Uses on Lots Between One and Five Acres ~~Regulation of Agriculture~~
- SECTION 4.7 Bed and Breakfast / Tourist Homes
- SECTION 4.8 Boarding of Domesticated Animals and Kennels
- SECTION 4.9 Compressor and Pump Stations
- SECTION 4.10 Decks, Porches and Patios
- SECTION 4.11 Dish Antennas
- SECTION 4.12 Extraction Industries
- SECTION 4.13 Extraction of Minerals from Borrow Pits
- SECTION 4.14 Fencing
- SECTION 4.15 Group Homes
- SECTION 4.16 Home Occupations
- SECTION 4.17 ~~Nurseries and~~ Landscaping and Lawn Care Services
- SECTION 4.18 Large-scale Retail Project
- SECTION 4.19 ~~Manufactured Home Parks~~ **This section intentionally left blank**
- SECTION 4.20 Manufactured Home, Permanently Sited
- SECTION 4.21 Manufactured Home Sales
- SECTION 4.22 Motor Vehicle Salvage Yards and Junk Yards
- SECTION 4.23 Open Storage and Display of Materials and Equipment
- SECTION 4.24 Ponds
- SECTION 4.25 Self Service Storage Facilities
- SECTION 4.26 Short Term Rentals
- SECTION 4.27 Solar Energy Systems
- SECTION 4.28 Sweepstakes/Internet Café
- SECTION 4.29 Swimming Pools
- SECTION 4.30 Telecommunication Towers and Radio Towers
- SECTION 4.31 Tennis Courts, Private
- SECTION 4.32 Waste Disposal Facility
- SECTION 4.33 Wind Turbine, Small

SECTION 4.1 Purpose General

The following specific uses and structures from Section 3.1 (Use Table)-require supplementary regulation. ~~The following supplementary district uses and structures are allowed in various zoning districts as specified in each subsection.~~ To assure compliance with the standards,

⁷ Moved from current code Section 9 Supplementary Regulations.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.2 Accessory Buildings

conditions and regulations of this Section, each use shall require a permit unless otherwise stated. In addition to the zoning district requirements, the following supplementary use specific regulations shall regulate the uses and structures in Waterville Township.

SECTION 4.2 Accessory Buildings

A. General

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

B. Setback

Accessory buildings and structures shall have a minimum setback of **ten (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.

C. Yard Requirement

1. 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 4.2(D) (Exceptions).
2. Accessory buildings may not exceed 25 feet in height and may not occupy more than 30% percent of a required rear yard in total.

D. Exceptions

1. 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.
2. 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.
 - a. The minimum lot area shall be **two (2)** acres and have a minimum depth of 500 feet.
 - b. 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. See Figure 4-1 (Accessory Building Exception).

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.3 Accessory Dwelling Unit

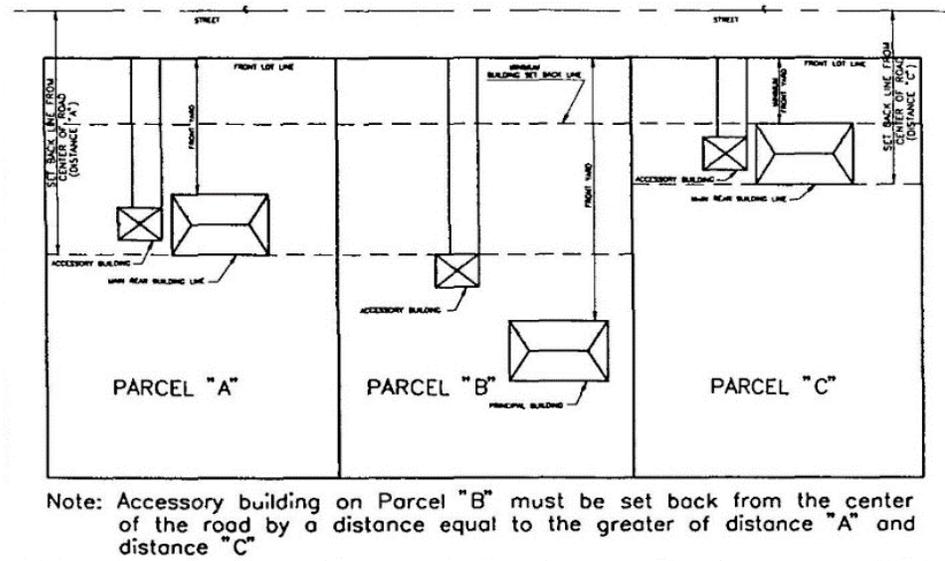


FIGURE 4-1 Accessory Building Exception

- c. Trees and natural screening is are required on all sides of the building which is visible to abutting parcels and public roadways.
- d. 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.
- e. The use of such building for raising of livestock shall conform to the provisions of Section 4.6 (Agricultural Uses on Lots Between One and Five Acres)

SECTION 4.3 Accessory Dwelling Unit

An accessory dwelling unit is subordinate to a detached single-family dwelling and shall meet the following requirements:

- A. Accessory dwellings shall consist of living quarters integrated within single-family dwellings, or those located in detached accessory structures, such as garages, that are located on the same lot as the single-family dwelling.
- B. Not more than one accessory dwelling shall be allowed per single-family dwelling.
- C. An accessory dwelling unit shall not exceed 1,000 square feet or 50 percent of the floor area of the primary dwelling, whichever is less.
- D. An accessory dwelling shall serve as the residence of a person who is employed on the premises such as a nurse, home health aide, therapist or paramedic providing home care assistance to aged or disabled members of the principal household.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.4 Adult-Oriented Uses

- E. The accessory dwelling may include separate bathroom and kitchen facilities but only one electric meter to serve both the main dwelling and the living quarter of the employed person will be allowed.
- F. The accessory dwelling must be incidental and subordinate in size (including all garages, porches, etc.), impact, and purpose to a principal dwelling.
- G. The Township may require that an accessory dwelling attached to the principal dwelling have an operative interconnecting door with the principal dwelling and have a principal access only from the side or rear yard of the principal dwelling.
- H. The use of a manufactured home, recreational vehicle, or a similar vehicle as an accessory dwelling unit is prohibited.
- I. At least one, but no more than two, off-street parking spaces shall be provided for an accessory dwelling unit in addition to off-street parking required for the principal dwelling.
- J. Approval must be received from the Toledo-Lucas County Health Dept. when serviced by well and septic.

SECTION 4.4 Adult-Oriented Uses

- A. 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.
- B. Adult-oriented uses shall not be located within a 1,000 foot radius of two other such uses.
- C. Off-street parking shall be provided in accordance with Section 8 (Off-Street Parking and Access Management).
- D. 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 4.5 Agricultural Businesses ~~Farm Markets~~

- A. **General**
~~Farm markets~~ All Agricultural Businesses involved in retail or wholesale sales shall be permitted where 50 percent (50%) or more of the gross income received from the ~~market-business~~ is derived from produce or products raised on ~~farms~~ land that is owned or operated by a ~~market-business~~ operator within a normal crop or calendar year.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.6 Agricultural Uses on Lots between One and Five Acres

B. 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.

C. Off Street Parking and Loading

~~Farm markets~~ **Agricultural Businesses** shall conform to all applicable parking requirements set forth in Section 8 (Off Street Parking and Access Management). ~~of this Resolution.~~

SECTION 4.6 Agricultural Uses on Lots between One and Five Acres **Regulation of Agriculture**

A. In any platted subdivision approved under ORC 711.05, 711.09, or 711.10, or in any area consisting of fifteen or more lots approved under ORC 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:

1. 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.
2. On lots greater than one acre but not greater than five (5) 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.
3. On lots greater than one acre but not greater than five (5) 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:
 - a. When at least ~~thirty-five~~ **35** percent 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 ORC 4503.06, dairying and animal and poultry husbandry shall be considered nonconforming uses of land and buildings or structures.
 - b. For health and safety reasons, use of any such lot for dairying, and animal ~~and poultry~~ husbandry shall not exceed one **large** animal for each whole

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.6 Agricultural Uses on Lots between One and Five Acres

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.)

~~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.~~

- c. Population shall not exceed 12 small animals for each whole acre. No rooster shall be permitted.
 - d. Exemptions. To support and promote local 4-H clubs, FFA school chapters or other similar youth programs, this Resolution exempts the above Subsections 9.4.1(b) and (c) restrictions for any species as long as the animal project begins in the spring of the year and terminates at the conclusion of the Lucas County Junior Fair of the same calendar year. Any exhibitor's animal project, such as a horse project or large beef project, that may need to exceed this time line shall require a permit from the Zoning Inspector.
 - e. Animals are not permitted within 50 feet of any dwelling. Animals are not permitted within **five (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 **five (5)** feet away from any adjacent property line. Fences required by this Section are also subject to regulation under Section 4.14 (Fencing) ~~of this Zoning Resolution.~~
4. 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.

D. **Definitions**⁸

⁸ Definition of "Animals, Large and Small" moved to Sec 20, Definitions

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.7 Bed and Breakfast / Tourist Home

SECTION 4.7 Bed and Breakfast / Tourist Home

A. General Requirements

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

B. Specific Requirements

1. There shall be a maximum of five (5) guest rooms.
2. The exterior appearance of the structure shall not be altered from its single-family character.
3. 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% **percent** of the floor area.
4. This use shall be treated as a home occupation for purposes of sign regulation.

SECTION 4.8 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.

A. General Requirements

~~Must be located in an "A" District and requires a special use permit.⁹~~

1. The minimum lot area shall be two (2) acres.
2. 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.
3. 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.
4. Hour of operation shall be between ~~8:00~~ **6:30** A.M. and 7:00 P.M. for all days of the week.
5. Advertising signs shall be in accordance with Section 12 (Signs).
6. On-site parking shall be provided in accordance with Section 8 (Off Street Parking and Access Management).

⁹ *This sentence deleted because in the current code kennels are a permitted use in C-2 district.*

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.9 Compressor and Pump Stations

SECTION 4.9 Compressor and Pump Stations

A. 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 ~~Section 3.1 (Use Table) of Permitted Uses Section 4.1 of this Resolution. (Rev. 1-20-16. Z22-C129)~~

B. Setbacks

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.~~ Table 4-1 (Station Building and Equipment Setbacks).

Table 4-1 Station Buildings and Equipment Setbacks	
Adjoining Zoning District	Required Building Setback (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)~~

C. 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 (Landscape Standards). ~~(Rev. 1-20-16. Z22-C129)~~

D. 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:

1. 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.
2. 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:
 - a. Barn structure or equestrian facility;
 - b. Estate residence;

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.9 Compressor and Pump Stations

- c. School facility or similar institutional use;
- d. Gazebo or picnic area enclosures;
- e. Club house or recreational facility; **or**
- f. Any combination of the above. ~~(Rev. 1 20 16. Z22 C129)~~

E. Outdoor Lighting¹⁰

~~**1.Intent.** The intent of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting should comply to the maximum extent possible with the requirements of Section 9.5 (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.~~

~~**2.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:~~

- ~~a. Low pressure sodium and mercury vapor light sources;~~
- ~~b. Cobra head type fixtures having dished or drop lenses or refractors which house other than incandescent sources.~~

~~**3.Design Requirements**~~

- ~~a. **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.~~
- ~~b. **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.~~
- ~~c. **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.~~
- ~~d. **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.~~

~~**4.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.~~

~~**5.Illumination Levels**~~

¹⁰ *Lighting standards are revised and located in Section. 9.5. Lighting*

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.9 Compressor and Pump Stations

- a. ~~Lighting should not exceed an average of 5 foot candles in any nonresidential district. The maximum foot candle level should be 10.~~
- b. ~~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.~~
- c. ~~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.~~
- d. ~~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)~~

F. Noise¹¹

1. The operation of station equipment should not create any noise that causes the exterior noise level to exceed the ~~following~~ residential use occupancy standards in Table 9-1 (Sound Level Limits Standards), Section 9.6 (Noise),
 2. ~~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.~~
 3. ~~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.~~
2. 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)~~

G. Ground-Borne Vibration¹²

Station equipment should not produce ground-borne vibration levels that exceed the levels in Section 9.9 (Ground Borne Vibration).

1. ~~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).~~

¹¹ *Noise standards moved to new Sec. 9.6 (Noise) and are expanded and proposed to apply twp. wide.*

¹² *Vibration standards moved to new Sec. 9.9 (Ground Borne Vibration) and proposed to apply Twp. wide.*

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.10 Decks, Porches and Patios

2. ~~Vibration levels for human annoyance~~

Vibration Event Frequency	Impact Level (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

H. 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)~~

I. Outdoor Storage

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

SECTION 4.10 Decks, Porches and Patios

Decks, porches and patios are allowed when compliant with the following regulations and any other applicable sections in this Resolution.

- A.** Decks, porches or patios that are enclosed (with screening or other materials), have a roof, that are physically attached to or abutting the principal structure shall meet the setback requirements for principal buildings in the applicable zoning district. A zoning permit is required. See Section 7.7(C) (Architectural Projections)
- B.** Unenclosed decks and porches may extend into required setbacks in accordance with Section 4.2 (Accessory Buildings). No zoning permit is required.
- C.** Unenclosed patios are permitted in any yard. No zoning permit is required. See definition of Yard in Section 20 (Definitions).
- D.** Decks, porches, or patios may not be placed over or obstruct access to a well, leach field, or septic tank without approval of the Toledo-Lucas County Health Department.

SECTION 4.11 Dish Antennas

- A.** 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:

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.12 Extraction Industries

1. 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.
 2. Where a dish antenna is proposed to be independently supported, its height shall not exceed fifteen (15) feet above the surrounding grade.
 3. 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.
- B.** 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:
1. 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.
 2. Where a dish antenna is proposed to be independently supported, its height shall not exceed fifteen (15) feet above the surrounding grade.
 3. 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.
- C.** Requirement for issuance of a permit:
1. 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;
 2. The following requirements must be met to obtain a zoning permit for installation of a dish antenna:
 - a. Provide a written description of location and a sketch showing location on the site;
 - b. Review by the Waterville Township Zoning ~~Administrator~~ Inspector.

SECTION 4.12 Extraction Industries

A. Removal

The removal of soil, sand and gravel, and or minerals shall not exceed 25% ~~percent~~ 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 ORC Section 1514.10.

SECTION 4 USE SPECIFIC REGULATIONS
SECTION 4.13 Extraction of Minerals from Borrow Pits

B. 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 ORC Section 3734.05.

SECTION 4.13 Extraction of Minerals from Borrow Pits

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. ~~(Z22-€113)~~

A. General Requirements

1. The term "minerals" shall have the same definition as minerals are defined in ORC Section 1514.01(B).
2. 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.
3. 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.
4. 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.

B. Area and Design Requirements

1. 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.
2. Borrow pits shall be graded not to exceed four (4) feet in height so it will not obstruct an adjoining property owner's view.
3. 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.
4. Drainage calculations, sediment and erosion control methods shall be submitted as part of the site plan.

SECTION 4 USE SPECIFIC REGULATIONS
SECTION 4.13 Extraction of Minerals from Borrow Pits

5. 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)~~ **100 feet**. 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.
6. 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.
7. The application for a borrow pit site plan review shall have a landscape plan attached ~~in accordance with Section 10 (Landscape Requirements)~~.
8. 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.
9. Any borrow pit approved hereunder must be fully extracted within ~~eighteen (18)~~ months after extraction activities are commenced.
10. Final landscaping and any required fencing must be completed within ~~twenty-four (24)~~ months after extraction activities are commenced.
11. 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.
12. The Board of Trustees may also require as a condition of approval, the following specific measures:
 - a. Inspections of nearby structures and water wells to determine structural integrity and water levels.
 - b. Compliance with Ohio EPA, ODNR, U.S. Army Corps of Engineers and other applicable federal, state, and local laws and regulations.
 - c. 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.
 - d. Compliance with reasonable noise abatement measures.

SECTION 4 USE SPECIFIC REGULATIONS
SECTION 4.13 Extraction of Minerals from Borrow Pits

- e. Compliance with reasonable dust abatement measures.
 - f. Any other measures reasonable related to public health and safety.
13. The hours ~~of~~ of borrow pit operation be limited to the following:

Table 4-2 Hours of Operation for a Borrow Pit	
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

C. Setback

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

D. 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 ~~O~~RC 3734.05.

E. Administrative procedure for borrow pit site plan review:

- 1. The applicant shall submit to the Zoning Inspector not less than 15 copies of the site plan application with standard full size drawings in print and digital format attached and not less than 15 additional copies, with attached drawings which may be reduced to 11 x 17 size. The application fee for borrow pit site plan review, as established in Section 19.5 (Schedule of Fees, Charges and Expenses), shall be ~~\$500.00~~, due at the time the application is filed with the Zoning Inspector.¹³
- 2. The Zoning Inspector shall deliver 14 standard full size copies of the application to the Lucas County Plan Commission Staff within **three (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.

¹³ Consider changing the review fee as a reference to Sec. 19.5 Schedule of Fees, Charges and Expenses.

SECTION 4 USE SPECIFIC REGULATIONS
SECTION 4.13 Extraction of Minerals from Borrow Pits

- 3.** Within **five (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 **ten (10)** days prior to the date of said hearing. The notice shall conform to the **ten (10)** days prior to the date of said hearing. The notice shall conform to the requirements of Subsection (1) (Publication) of Section 15.2(E) (Public Hearing and Notice by Zoning Commission) of ~~the this Zoning~~ Resolution and written notice shall be given in accordance with Subsection (2) (Written Notice Mailing) of Section 15.2(E) (Public Hearing and Notice by Zoning Commission) of ~~the this Zoning~~ Resolution. Applicant to provide all necessary copies.
- 4.** The property which is the subject of the application shall be posted by the applicant with on-site notices in accordance with Section 15.2.(E)(3) (Posting) of this ~~Zoning~~ Resolution.
- 5.** 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 **five (5)** days prior to the Trustees' public administrative hearing.
- 6.** Comments from the Zoning Commission may be in writing submitted to the Township Fiscal Officer not less than **five (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.
- 7.** The Township Trustees may conduct the administrative public hearing in conjunction with a regular or special meeting.
- 8.** 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:

 - a.** Witnesses must be placed under oath.
 - b.** Witnesses must be subject to examination and cross-examination.
 - c.** Witnesses must testify to relevant facts, not unsubstantiated opinions and be subject to cross examination.
 - d.** The Trustees may limit or restrict testimony of a repetitive or speculative nature.
 - e.** Technical matters should rest on demonstrably accurate foundation.
 - f.** Substantial compliance with application and hearing procedures is adequate compliance.
 - g.** After allowing testimony, the Trustees may close the evidentiary portion of the hearing and conduct public deliberations among the Trustees.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.14 Fencing

- h. The Trustees shall render a written decision within **ten (10)** days after the administrative public hearing.
- i. The Trustees may approve, deny or modify the site plan.
- j. The decision of the Trustees shall be delivered to the Zoning Inspector who shall notify the applicant.

SECTION 4.14 Fencing

A. General

- 1. No fence shall be allowed within the required road right of way.
- 2. 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 (Landscape Requirements)

B. 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 **two and one-half (2 ½)** feet above curb or street grade. [See also Section 8.6 \(Traffic Visibility Safety Triangle\).](#)

SECTION 4.15 Group Homes

A. General

- 1. 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.).
- 2. 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.
- 3. 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.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.16 Home Occupations

4. 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.

B. Occupancy and Dwelling

1. 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.
2. Residence will be restricted to a maximum of two (2) persons per bedroom, exclusive of the bedrooms needed for the resident care-provider.
3. 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 4.16 Home Occupations

A. General

1. 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 **ten (10)% percent** of the lot area or 2,000 square feet in area maximum.
2. For all "R" districts, a home occupation shall be confined to the dwelling and shall comply with ~~part~~ **Subsection (A)(4)** of this Section.
3. The home occupation shall not involve the employment of any person other than a resident of the dwelling.
4. 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% percent** of floor area of the dwelling unit shall be used in the conduct of the home occupation.
5. 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.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.17 Nursery and Landscaping and Lawn Care Service

6. 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.
7. 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.
8. 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.
9. Parking of commercial vehicles shall conform to Section 8.5(J) (Parking and Storage of Vehicles and Trailers) of this Resolution.

B. Requirement for Issuance of Permit

1. 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 18 (Non-conforming Lots, Structures and Uses).
2. All new and existing home occupations shall be required to obtain a zoning certificate in accordance with the provisions contained in Section 14 (Review Procedures). 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 4.16(A) (General). Appeals shall be provided in accordance with Section 16.3 (Jurisdiction).

SECTION 4.17 Nursery and Landscaping and Lawn Care Service

A. General Requirements

1. A ~~special use~~ conditional use permit and site plan review in accordance with Section 14.3 (Conditional Use Permits) shall be required.
2. The site shall be located on a major street as identified on the Lucas County Major Street and Highway Plan within the Agricultural zoning district. (~~Rev. 12/14/05. Z22-C101~~)

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.18 Large-scale Retail Project

B. Specific Requirements:

~~The only retail activity permitted is the sale of nursery stock.~~

1. Machinery and equipment shall not be stored within the required yard areas and shall be ~~suitable~~ suitably screened or ~~fences~~ fenced.
2. 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.
3. Off-street parking shall be provided for in accordance with Section 8.8 (Number of Spaces). ~~Rev. 12/14/05, Z22-C101~~

SECTION 4.18 Large-scale Retail Project

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

- A. 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.
- B. Submission of a site plan in conformance with the requirements in Section 14.2 (Site Plan Review) and a plat in accordance with applicable county subdivision rules and regulations. ~~Site plan~~
- C. 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.
- D. Compatibility with adjacent land uses and the adopted Waterville Township Land Use Plan. Items considered in determining compatibility include the following:
 1. Provision of an appropriate step-down or transition between land uses;
 2. Provision of adequate buffering and screening between land uses. See Section 10 (Landscape Regulations);
 3. Provision of appropriate architectural design elements. See Section 11 (Architectural Design Review Guidelines); and
 4. Conformance with the land use recommended for the area in the adopted Waterville Township Land Use Plan.

SECTION 4.19 This Section Intentionally Left Blank

~~Manufactured Home Parks~~

SECTION 4 USE SPECIFIC REGULATIONS
SECTION 4.20 Manufactured Home, Permanently Sited

A. General Requirements

1. ~~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.~~
2. ~~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 ~~ten (10)~~ manufactured home spaces per gross acre.~~
3. ~~Every manufactured home park lot shall be designed to abut upon open space or recreational facilities.~~
4. ~~Each manufactured home park shall contain a community building.~~
5. ~~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.~~
6. ~~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.¹⁴~~
7. ~~No commercial activity shall take place in a residentially zoned part of the manufactured home park.~~
8. ~~No structure designed for year round living purposes is added to manufactured homes in the park.~~
9. ~~The land occupied by the park is maintained in single ownership or control, and no individual lot is transferred to other ownership.~~
10. ~~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 4.20 Manufactured Home, Permanently Sited

- A.** Manufactured Homes as defined under Section 20.3 (Interpretation of Terms and Words) that do not meet the **following** criteria for a Permanently Sited Manufactured Home ~~as defined under Section 20~~ shall not be permitted as a residence in the township except ~~as provided for under Section 4.19 (Manufactured Home Parks), or as a temporary use under Section 16.3.2(B)(8) (Temporary Structures and Uses).~~
- B.** A Permanently Sited Manufactured Home **shall** ~~that~~ meets all of the following criteria:¹⁵

¹⁴ *Deleted since Manufactured Home Park is only allowed in the C-1 District.*

¹⁵ *Criteria moved from definition of Permanently Sited Manufactured Home.*

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.21 Manufactured Home Sales

1. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
2. 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~~ 1,200¹⁶ square feet, excluding garages, porches, or attachments;
3. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;
4. The structure was manufactured after January 1, 1995;
5. The structure is not located in a manufactured home park, as defined in this Resolution. (~~See "Manufactured Home"~~)

SECTION 4.21 Manufactured Home Sales

A. General

Manufactured Home Sales shall be subject to the provisions of Section 14.2 (Site Plan Review).

B. 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~~ **Subsection B(3)** of this section.
5. Display and sales areas shall be paved in accordance with provisions of Section 8 (Off-street Parking and Access Management). 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.

¹⁶ Square footage increased to 1,200 to agree with footnote 1 in Table 3-1 (Use Table) and with Section 7.3(B) Minimum Floor Area Requirements for Dwellings.

SECTION 4 USE SPECIFIC REGULATIONS
SECTION 4.22 Motor Vehicle Salvage Yards and Junk Yards

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 4.22 Motor Vehicle Salvage Yards and Junk Yards

A. General

1. The applicant shall provide a complete and accurate legal description of the entire site.
2. A **detailed** 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.~~ **meets the requirements of Section 14.2 (Site Plan Review) for review and approval by the Township.**

B. Storage

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

C. Licensing

1. Applicants for junkyards shall be licensed as required under ORC Chapter 4737 and file with the Township proof of licensing by Lucas County Auditor.
2. Applicants for motor vehicle wrecking yards shall be licensed as required under ORC Chapter 4738 and file with the Township proof of licensing by the Ohio Motor Vehicles Salvage Dealer's Licensing Board.

D. 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.

E. 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, **solid** 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.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.23 Open Storage and Display of Materials and Equipment

F. ~~Industrial~~ **Environmental Standards**

Notwithstanding the requirements set forth herein, all motor vehicle salvage yards and junkyards shall meet the ~~Industrial~~ **Environmental Standards** as set forth in Section ~~10~~ **9**.

G. **Off Street Parking and Loading**

Off Street parking and loading shall be provided as set forth under Section 8 (Off Street Parking and Access Management).

H. **Yard Requirements**

1. **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.
2. **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.
3. **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.

I. **Pavement**

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

SECTION 4.23 Open Storage and Display of Materials and Equipment¹⁷

A. **General Requirements**

1. 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.
2. 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.

¹⁷ Moved from current code section 10.2.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.24 Ponds

3. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. Notwithstanding the requirements of Section 10 (Landscape Requirements), in lieu of such wall or fence, a strip of land not less than **ten (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.

B. 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 14.1 (Zoning Certificates). 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 4.24 Ponds

A. General Requirements

1. 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.
2. All ponds shall require a permit and meet requirements of Section 14.1(D) (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.
3. Ponds shall conform to the U.S. Soil Conservation Service specifications and recommendations.
4. 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 4.29 (Swimming Pools). (~~Revised 12/04/06 – Z22-C105~~)

B. Area and Design Requirements

1. Minimum pond surface area shall be one quarter (1/4) acre. Maximum surface area shall not exceed the lesser of 25% **percent** of the net acreage of the parcel or one acre.
2. The side slope of a pond shall be horizontal to vertical at a ratio of 3:1 **to a depth of five (5) feet** except where a beach is desired. ~~This ratio shall be maintained to a minimum depth of 17 feet.~~

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.25 Self Service Storage Facilities

3. Beach areas may be sloped no less than at a horizontal to vertical ration of 10:1 and shall not exceed 25 ~~percent~~ % of the pond surface area.
4. 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.
5. 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.
6. Retention ponds located in subdivisions shall be at least ~~one quarter~~ (1/4) acre in size. Landscaping and mounding must be installed at ~~four~~ (4) feet in height at the right-of-way line for traffic safety purposes. ~~(Rev. 12/04/06 – Z22-C105)~~

C. Setback

1. A pond shall have 100 feet minimum setback from the centerline of public roadway right-of-way. ~~(Revised 12/04/06 – Z22-C105)~~
2. Ponds on parcels of five (5) acres or less shall have a side yard setback of not less than ~~ten~~ (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)~~
3. A pond shall be located no closer than 100 feet to a septic tank, or leach field.
4. 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)~~

D. 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 ORC Section 3734.05.

E. Requirement for Issuance of Permit

Provide a written description of location and simple site plan.

SECTION 4.25 Self Service Storage Facilities

A. General Requirements

1. Self storage facilities shall be limited to rental of storage units, pickup and deposit of dead storage.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.25 Self Service Storage Facilities

2. 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 ~~the Zoning administrator~~ Inspector as a condition of the permit.

B. Specific Requirements

1. **Lot Area:**
 - a. Minimum lot area shall be two (2) acres.
 - b. Maximum lot area shall be three (3) acres for "R-3" Districts.
2. **Lot coverage.** Maximum lot coverage of units and storage areas shall be 50% percent of gross lot area.
3. **Setbacks.** The following minimum setbacks shall apply except as required under Section 7.7(A) (Nonresidential Uses Abutting or Opposite an "A" or "R" district).
 - a. Front Yard: 50 feet;
 - b. Side or Rear Yard: 25 feet when abutting or opposite an "A" yard or "R" district; and
 - c. 15 feet when opposite or abutting a "C" or "M" district.
4. **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 Section 7.6 (Roof Types and Building Heights).
5. **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. See Section 9.5 (Lighting).
6. **Site Plan:** A detailed site plan shall be required and subject to approval by the ~~Zoning Commission~~ Township, with review by the Planning Director of the Lucas County Planning Commission. See Section 14.2 (Site Plan Review).
7. **Signs:** Shall conform to requirements under Section 12 (Signs).
8. **Pavement:** All roadways and parking areas shall be paved with concrete ~~asphalt~~ or bituminous asphalt pavement.
9. No door openings for any storage unit shall be constructed facing any residentially zoned property.
10. Fencing, walls, or landscaping/plant screening shall be required around the perimeter of the facility, where deemed appropriate under the site plan review. SSetbacks may be waived, and a unit wall approved in lieu of a fence or landscaping.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.26 Short Term Rentals

11. **Special Requirements:** Where abutting or opposite an "A" or "R" district: ~~a.~~ fencing or walls shall consist of decorative wood or stone, decorative concrete block or similar materials compatible with surrounding residential dwellings.
~~b. Hours of operation shall be no earlier than 7:00 A.M. nor later than 8:00 P.M. daily.~~
12. Parking and external storage of vehicles: A minimum of one (1) parking or external storage space shall be provided for each 1,000 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 4.26 **Short Term Rentals**

A. **Applicability**

This Section applies to the rental of any residential dwelling unit which is offered or held out to the public for short term rental guest occupancy of less than 30 consecutive days to a single renter or group of renters under a single rental contract.

B. **Short Term Rental Review Procedure.**

1. **Conditional Use Permit Required in the "A" Agricultural District.** Any person desiring to rent a property for Short-Term Rental use or advertise a property as a Short-Term Rental Unit in the "A" Agricultural district shall comply with the regulations in this Section and obtain a Conditional Use Permit prior to operating or advertising a Short-Term Rental Unit.
2. **Exemptions and Exceptions.** A conditional use permit is not required in an "A" district nor prohibited in any "R" district where the short term rental in an "A" or "R" district is not rented for more than a combined total of sixty days during any calendar year. Such rentals are considered an incidental use to a residence for the purposes of this Resolution.

C. **Short Term Rental Standards**

1. Only one open rental agreement per dwelling is permitted at a time for the purpose of a short term rental.
2. The maximum occupancy is two (2) persons per bedroom plus two (2) additional persons, except that this number may be reduced by the township based on available parking spaces.
3. The short term rental must have an off-street parking plan approved by the Township.
4. No short term rental shall allow overnight on-street parking.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.27 Solar Energy Systems

5. Refuse and recyclables shall be stored in appropriate containers and shall be regularly picked up.
6. The short term rental may not be offered or used as reception space, party space, meeting space, or for other similar events open to non-resident guests.
7. No exterior evidence that the property is being used as a short term rental shall be allowed, including signs.
8. The short term rental owner must comply with all applicable federal, state, and local laws.
9. Compliance with all applicable laws and regulations is the sole responsibility of the owner. In addition, the owner is solely responsible for verifying the use of a property as a short term rental is compatible with insurance and mortgage contracts, home owner' association covenants, rental agreements and any other contracts which govern the use of property.

SECTION 4.27 Solar Energy Systems

A. Applicability

Solar energy systems shall be permitted as accessory to a main use or building located on the same lot or parcel. Such facilities shall be designed, installed, or constructed to provide electrical power to be primarily consumed by the main use or building to which they are accessory.

B. Review Procedure

A simple site plan shall be submitted showing dimensions, and location of the solar energy system in relation to property lines, utility easements, and septic fields where applicable. The site plan shall be subject to review by the Zoning Commission with recommendation to the Zoning Inspector.

C. Roof-Mounted Solar Energy Systems

1. Roof-mounted solar panels that are integrated with the surface layer of the roof structure or are mounted flush with the roof structure may be permitted on any roof surface, including facing the front yard, of a principal or accessory building.

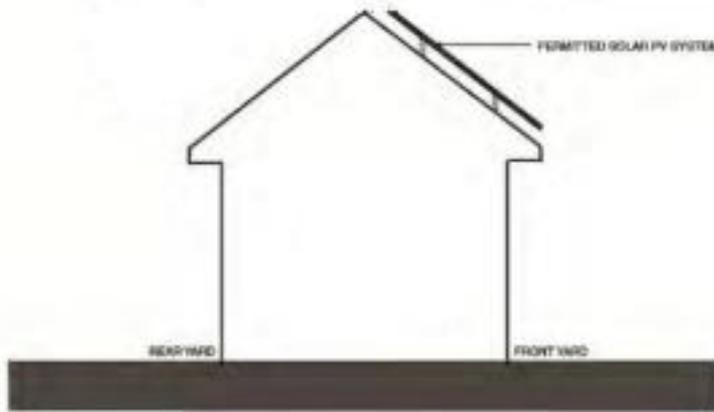


FIGURE 4-2 Illustration of flushed mounted panel facing front yard.

2. Roof-mounted solar panels that are mounted at an angle to the roof structure shall only be permitted on roof surfaces that face the side or rear lot.

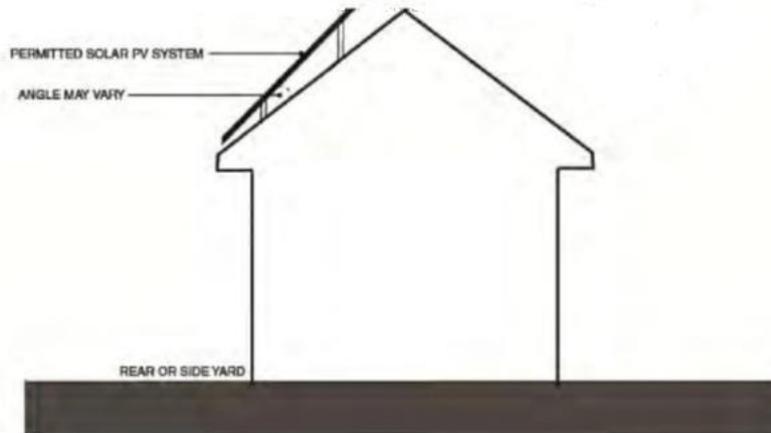


FIGURE 4-3 Illustration of an angled roof panel facing rear or side yard.

3. Solar panels may be mounted on flat roofs provided that panels do not extend horizontally past the roofline and there is a parapet wall or other architectural feature that screens the view of the panels from any street or sidewalk at the front elevation of the property.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.27 Solar Energy Systems

D. Ground-Mounted Solar Energy Systems

1. Ground-mounted solar energy systems shall only be permitted in the side or rear yard and shall meet all applicable setback requirements for accessory structures in the zoning district in which it is located. See Section 4.2 (Accessory Building).
2. Ground-mounted solar energy systems shall not be located in any required landscape buffer.
3. Ground-mounted solar energy systems shall not be located in any existing septic system areas, and water wells.
4. The height of the ground-mounted solar collector and any mounts shall not exceed 15 at the side or rear setback line feet when oriented at maximum tilt. The height may be increased by one (1) foot for every additional five (5) feet of setback to a maximum height of 20 feet. ¹⁸
5. Ground-mounted solar energy systems shall be screened from any adjacent lot lines of lots used for residential purposes to the extent possible, without compromising the solar energy system's access to the sun, through the use of architectural features, fencing, earth berms, landscaping, or other screening which will harmonize with the character of the property and surrounding area.

E. Lot Coverage

The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the property lot coverage limitations for the zoning district. See Section 4.2(B) (Yard Requirement).

F. Solar Access

When locating a solar panel, it is the property owner's responsibility to consider current and future development, growth of trees and vegetation, and other obstructions that might interfere with solar access. Nothing in this section shall prohibit the owner of the solar energy system from requesting or obtaining a solar access easement from any person in compliance with ORC 5301.63 (Solar access easement requirements) which sets forth the requirements for solar access.

G. Design and Installation

1. **Code Compliance.** The Solar Energy System shall comply with the Ohio Building Code and with all other applicable fire and life safety requirements.

¹⁸ *Note necessary bldg. max height is 25 ft. in Waterville Twp. Some communities use accessory bldg. height for solar panels. Others state a maximum height of 15 to 20 feet to accommodate current size home installations. Older solar panel regs tend to have a more restrictive height limit. Dish antennas in the township have a 15 ft. max. height per Sec. 4-11.*

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.28 Sweepstakes/Internet Café

2. **Conformance with Industry Standards.** The design and installation of accessory solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations. The manufacturer specifications shall be submitted as part of the application.
 3. **Buried Lines.** All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit.
 4. **Screening of Accessory Components** Accessory components shall be located either within a building, or within a screened enclosure.
 5. **Solar Glare Control.** Solar energy system panels shall be located, oriented or screened to prevent, to the fullest extent practicable, solar glare onto adjacent buildings, properties or public right of way.
- H. **Abandonment and Removal**
A solar energy system is considered to be abandoned or defective if it has not been in operation for a period of 12 months. If abandoned, the solar energy system shall be repaired or removed by the owner within 60 days.
- I. **Stand-alone**
Stand-alone solar energy systems shall be subject to conditional use approval in all Zoning Districts per Table 3-1 (Use Table) in Section 3 (Use Regulations).

SECTION 4.28 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 4.29 Swimming Pools

- A. **Location**
Swimming pools shall not be permitted in a side or front yard in an "A" or "R" district.
- B. **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.
 1. **Openings.** The fence enclosure shall not allow passage of any objects larger than a four (4) inch-diameter (102 mm) sphere.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.30 Telecommunication Towers and Radio Towers

- 2. 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.
 - 3. 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.
- C. 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.
- D. 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.
- E. 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.
- F. Fence Maintenance**
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 4.30 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 conditional ~~special~~ use request. These minimum standards include:

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.31 Tennis Courts, Private

- 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 ORC 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 least 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.
- 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 4.31 Tennis Courts, Private

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.
- C.** Maximum court dimensions shall be 120 x 60 feet or 7,200 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.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.32 Waste Disposal Facility

- E. Courts shall be fenced when court surface is within 20 feet of a property line. The fence shall not exceed **ten (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 4.32 Waste Disposal Facility

A. Zoning Requirements

- 1. 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.
- 2. No waste disposal facility shall be established, operated or located within the Township unless such facility has been issued a ~~Special~~ **Conditional** Use Permit under Section 14.3 (Conditional Use Permits) of this Resolution.
- 3. A ~~Special~~ **Conditional** 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.
- 4. Except as specifically provided for and permitted under this Section 4.32, no person shall dispose of waste nor operate any waste disposal facility or solid waste transfer facility within the unincorporated territory of the Township.

B. Interpretation

- 1. 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.
- 2. Unless specifically defined otherwise in this Resolution, the terms used in Section 4.32.(A) shall have the same meanings as the definitions established for such terms in the Ohio Revised Code and Ohio Administrative Code.

SECTION 4.33 Wind Turbine, Small

~~(Revised 4/25/07, Z22-C106)~~

A. General Requirements

- 1. Small wind turbines shall be allowed in ~~the Agricultural~~ "A" **Agricultural** districts on parcels five (5) acres or greater in size.
- 2. The small wind turbine ~~powered by electric generator~~ shall service only one residence.
- 3. The small wind turbine must be a freestanding tower without guy wires.

SECTION 4 USE SPECIFIC REGULATIONS

SECTION 4.33 Wind Turbine, Small

B. Specific Requirements

1. **Notification.** The applicant shall provide proof of notification to adjacent property owners as required by ORC Section 519.211.
2. **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.
3. **Fall Zone.** The proposed small wind turbine that is powered by an electric generator shall be a distance of at least 125% **percent** of height of the total structure, **including blades**, from any property line, residence, building, and public or private road or right-of-way.
4. **Setbacks.** 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.
5. **Lighting.** The maximum lighting used for or on the structure is a low intensity red light designed regulated by the Federal Aviation Administration.
6. **Electrical generator.** The small wind turbine powered by an electric generator shall have a rated capacity of not more than 10 kW.
7. **Noise.** Noise coming from the small wind turbine shall not exceed ~~45 60~~ dBA to the nearest property line.¹⁹
8. **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.
9. **Base.** All tower support bases shall be made of concrete.
10. **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.
11. **Environmental Impact.** All applicants must receive written approval by the ~~MetroParks Toledo~~ **Toledo** (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.
12. **Buried Lines.** The small wind turbine wire shall be placed underground to any structures.
13. **Removal.** The applicant shall notify the Zoning Inspector if operations of the wind turbine cease and shall be removed within 60 days of ceasing operations.

¹⁹ Consider reducing to 45 dBA to agree with Table 9.1 Sound Level Standards.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.1 Flood Plain District

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

SECTION 5.3 [Anthony Wayne Trail \(Co Rd. 53\)](#) ~~U.S. 24~~ Scenic Corridor Overlay District

SECTION 5.4 State Route 295 Overlay District

SECTION 5.1 Flood Plain District

A. Findings of Fact

1. 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.
2. These flood losses are caused by:
 - d. the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities; and
 - e. the occupancy of flood hazard areas by uses vulnerable to floods.
3. 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.
4. The land lying within the 100 year flood plain as indicated on the Flood Insurance Rate Map representing the area with a one (1%) **percent** or greater chance of being flooded in any given year shall be that land which is controlled by these regulations.
5. 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.

B. Statement of Purpose

It is the purpose of Section 5.1 to promote the public health, safety and general welfare and to minimize those losses described in Section 5.1.(A) by provisions designed to:

1. 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;
2. 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;

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.1 Flood Plain District

3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

C. 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.

D. 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.

E. 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.

F. Severability

If any section, clause, provision or portion of this Flood Plain Section 5.1 is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

G. Establishment of a Regulatory Flood Plain District

Section 5.1 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.

H. Permitted Uses

1. 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 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.1 Flood Plain District

2. The Zoning Inspector shall issue permits for the following permitted uses, except for agricultural uses, in accordance with Section 5.1.(H).(1).
 - a. 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;
 - b. Industrial-commercial uses such as loading areas, parking areas, and airport landing strips;
 - c. 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
 - d. Residential uses such as lawns, gardens, parking areas, and play areas.

I. 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:

1. 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;
2. Mobile homes.

J. Special Exception Uses

1. All uses other than those specified in Section 5.1.(H) (Permitted Uses) and 5.1.(I) (Prohibited Uses) may be permitted upon application to the Township Zoning inspector for issuance of a special exception permit as provided by Section 5.1.(L) (Procedure and Requirements for Zoning Inspector Approval of Special Exception Permit).
2. 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.(L). (Procedure and Requirements for Zoning Inspector Approval of Special Exception Permit). Requirements and Review Procedures for Special Exception Permits, and the following applicable standards:

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.1 Flood Plain District

- a. All structures and substantial improvements to structures shall be constructed in accordance with applicable regulations as determined by Lucas County Building Regulation Department;
- b. 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;
3. 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.

K. 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.

1. 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.
2. 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.
3. 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.
4. 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.(A) (Findings of Fact) for determination of actual boundaries.

L. 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

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

County Building Inspector, or any other agency or commission whose expertise would be valuable in such an evaluation.

1. 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.
2. 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.

M. 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:

1. 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% percent of the current appraised value of said structure;
2. If any structure created which does not comply in terms of these regulations is destroyed, to an extent of 75% percent 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

A. 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 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

B. 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 1,200 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)

C. Review and Approval Procedures

1. 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% percent 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 14.2 (Site Plan Review) ~~Procedures (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.
2. Review and approval shall be necessary for all landscape plans as specified in Section 10. (Landscape Requirements). requiring the submission of a detailed landscape plan and by additional provisions in this section.
3. Review and approval shall be necessary for all sign permits as specified in Section 12 (Signs) requiring the submission of an application and by additional provisions in this section. ~~(Rev. 11-28-12, Z22-C122)~~

D. Permitted and Conditional ~~Special~~ Uses

All uses which are permitted or ~~special~~ conditional uses in the underlying zoning district(s) except the uses expressly excluded in Section 5.2.(E). ~~(Rev. 11-28-12, Z22-C122)~~

E. Excluded Uses²⁰

Table 5-1 Excluded Uses for Route 64 Overlay District
Adult-oriented uses
Auction Market
<u>Motor vehicle</u> Automobile/truck repair and body shop garage when not in conjunction with new <u>motor vehicle</u> car -sales
<u>Motor vehicle</u> Auto wrecking/salvage yard/junk yard

²⁰ Terms updated to agree with Use Table.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

Table 5-1 Excluded Uses for Route 64 Overlay District
Boat storage
Building material supplies/storage
Dwelling, Single Family
Flea market
Kennel
Manufactured home, mobile home or industrialized home dwelling unit sales
Manufactured home park
Nursery
Self service storage facilities
Sweepstakes/Internet Cafe
Truck transport terminal
Used <u>motor vehicle</u> car sales when not in conjunction with new <u>motor vehicle</u> car sales

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

F. Accessory Buildings and Uses

1. 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.
2. 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~~)

G. Setback, Height and Frontage Standards

1. **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 7.5 (Minimum Dimensional Requirements all Buildings other than Dwellings) and 7.7 (Exceptions).
2. **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.
3. **Minimum Side Yard Setback:** As specified in the underlying zoning district, except as specified in Section 5.2(P)(11) (Special Setback and Buffer Requirement Abutting Residential Districts).

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

4. **Minimum Rear Yard Setback:** As specified in the underlying zoning district except as specified in Section 5.2(P)(11) (Special Setback and Buffer Requirement Abutting Residential Districts).
5. **Maximum Building Height:** As specified in the underlying zoning district.
6. **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.(P)(8) (Front yard Green Strip Buffer) for landscaping requirements.
7. **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(M) (Access Management and Traffic Impact Studies) 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 18 (Non-conforming Lots, Structures and Uses) of the Zoning Resolution. (Rev. 11-28-12, 222-C122)

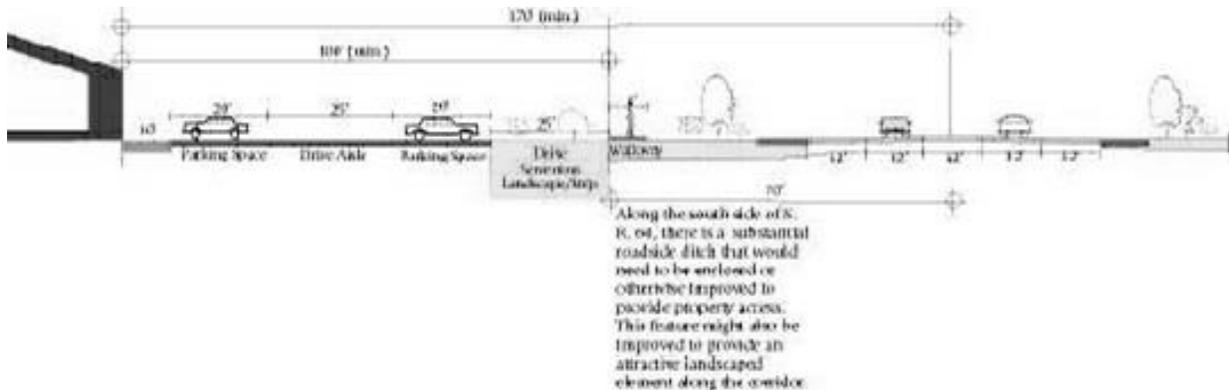


FIGURE 5-1 Route 64 Cross Section

H. Off Street Parking and Loading Requirements

1. The number of parking spaces required are as established in Section 8 (Off-Street Parking and Access Management). ~~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 areas wherever possible.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

2. 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.
3. No loading berth or space shall be located in a front or side yard, nor in a required rear yard.

~~(Rev. 11-28-12, 222-C122)~~

I. Building Orientation

1. 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.
2. 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:
 - a. Frame the corner of an adjacent street intersection or entry point to the development; (See Figure 5-2)
 - b. Frame a "main street" pedestrian and/or vehicle access corridor within the development site;
 - c. Frame at least three sides of parking areas, public spaces, or other site amenities; or
 - d. Frame outdoor dining or gathering spaces for pedestrians between buildings. (See Figure 5-3)~~(Rev. 11-28-12, 222-C122)~~

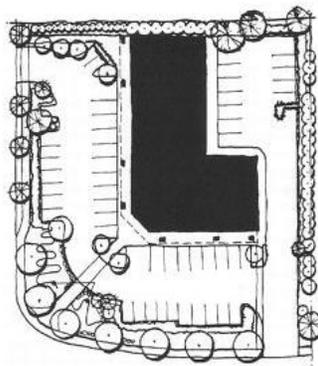


FIGURE 5-2
Building Framing Corner

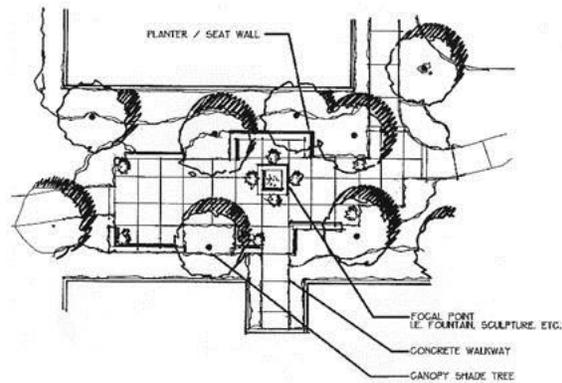


FIGURE 5-3
Gathering Space between Buildings

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

3. Outparcels and outparcel buildings shall be organized to reinforce, rather than obscure, the identity and function of the other buildings within the same development.
 - a. Outparcels and their buildings should be clustered in order to define street edges, entry points, and intimate spaces for gathering or seating between buildings.
 - b. The even dispersal of outparcel sites in a widely-spaced pattern along off-site streets is strongly discouraged.
 - c. 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.
 - d. Doors and other entrances may be on any side of the building and do not have to be located on the primary façade.
 - e. 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)~~

J. Pedestrian Access and Circulation

1. **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.
2. **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)

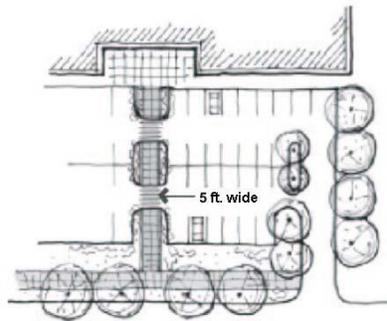


FIGURE 5-4 Entrance Walkway

3. **Walkways Along Buildings.** Continuous walkways no less than five (5) feet 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.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

4. **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)

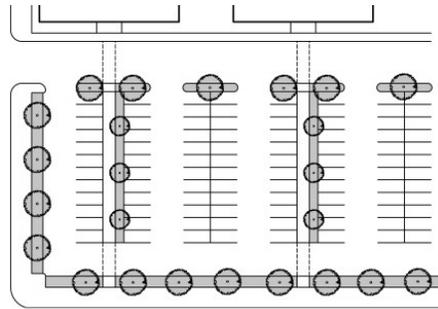


FIGURE 5-5 On-site Connections

5. **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.
6. **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(P)(5) (Interior Landscaping for Parking Areas), subsection (d)(iv). (See Figure 5-6)

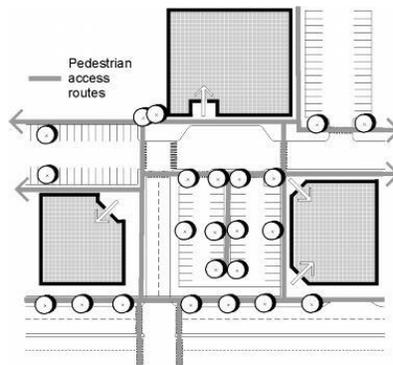


FIGURE 5-6 Parking Lot Walkways

7. **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)

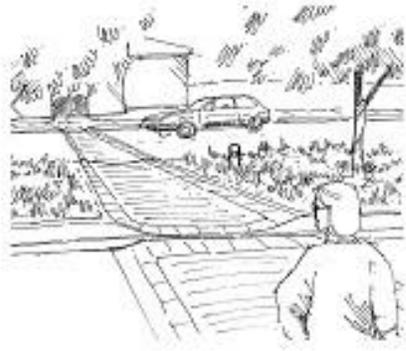


FIGURE 5-7 Raised Walkway Crossing Parking Aisles

8. **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.
9. **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)~~

K. Architectural Standards

1. **Architectural Character**
 - a. **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.
 - b. **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 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

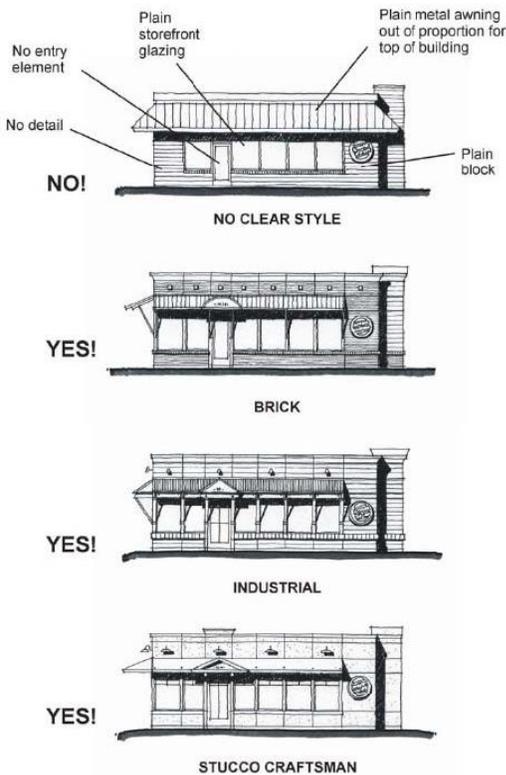


FIGURE 5-8

This Image Shows How Franchise Architecture Can Be Modified to Fit an Architectural Style Within a Development

- c. **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.
- 2. 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:
- a. Strip shopping centers or other multi-tenant commercial buildings should dedicate a minimum of 40% percent of the length of the front façade, of each tenant space, to windows or transparent entrances.
 - b. Buildings or tenant spaces that occupy 40,000 square feet or more of gross floor area should dedicate a minimum of 25% percent of the length of the front façade to windows or transparent entrances.
 - c. Outparcel structures should dedicate a minimum of 35% percent of the length of the front façade to windows or transparent entrances.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- d. Offices and other noncommercial structures should dedicate a minimum of 25% percent of the length of the front façade to windows or transparent entrances.
- e. 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 four (4) feet.

3. Façade Massing

- a. **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.
- b. **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% percent of the façade's height; and/or
 - ii. Roofline changes when coupled with correspondingly aligned façade material changes.

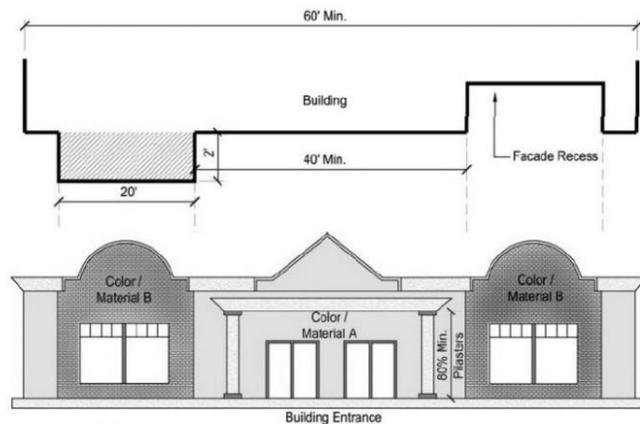


FIGURE 5-9 Illustration of How the Façade Offset Provisions May Be Applied

4. Roof Line Changes

- a. 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.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- b. 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

- 5. **Building Design and Mass Façade Base Treatment.** All architectural elevations of principal buildings shall consist of a base, a body, and a cap.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. The cap shall consist of at least one of the following architectural features: a cornice, parapet, awning, canopy, or eaves.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- e. 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.

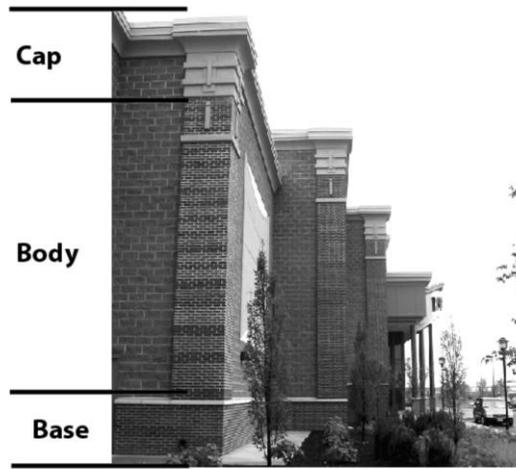


FIGURE 5-11
Image of a Building with a
Clear, Base, Body, and Cap

6. Roofs

- a. **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.
- b. **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.

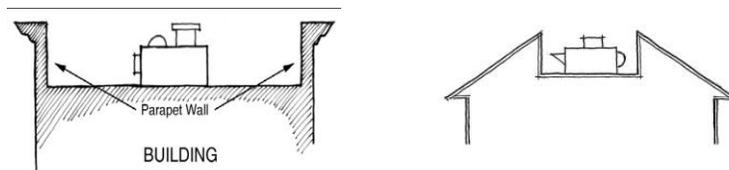


FIGURE 5-12
Examples of How to Screen Roof Mounted Mechanical Equipment

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- 7. Customer Entrances.** Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features.
- a. Canopies/porticos above the entrance;
 - b. Roof overhangs above the entrance;
 - c. Entry recesses/projections;
 - d. Arcades that are physically integrated with the entrance;
 - e. Raised corniced parapets above the entrance;
 - f. Gabled roof forms or arches above the entrance;
 - g. Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
 - h. Display windows that are directly adjacent to the entrance;
 - i. 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
 - j. 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, 222-C122)~~

L. 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, 222-C122)~~

M. Access Management and Traffic Impact Studies

- 1. 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 8.9 (Access Management). When deemed appropriate pursuant to Section 8.10 (Traffic Impact Study) Waterville Township shall require the developer to prepare a traffic impact study.
- 2. 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:

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- a. Planned Major Intersections. A major intersection is planned at State Route 64 and Noward Road.
- b. 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.

3. Access Drives

- a. 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.

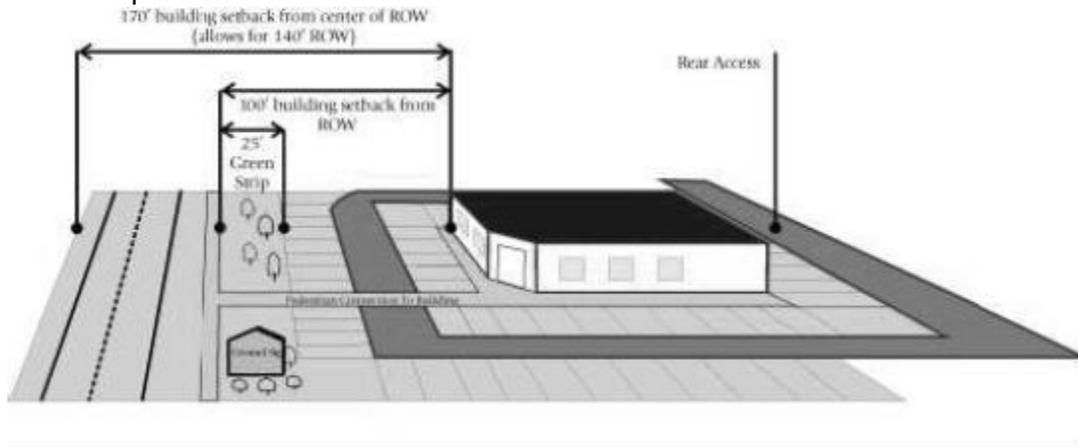


FIGURE 5-13 Illustration of Commercial Site with Rear Access Drive

- b. An access drive may be publicly ~~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.
- c. 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.
- d. 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.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- e. 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.
- f. No commercial ingress and egress shall be located within 30 feet of any “A” or “R” Residence district subject to final determination by ODOT. (~~Rev. 11-28-12, 222-C122~~)

N. Signage Requirements

Notwithstanding the regulations contained in Section 12, (Signs), low profile signs shall be the only freestanding sign permitted in the Route 64 Zoning Overlay District. In addition to the requirements of Section 12, the following sign requirements shall apply within the Route 64 Zoning Overlay District.

1. Low Profile Signs

- a. One (1) low-profile sign shall be allowed per lot.
- b. Maximum size of ~~fifty (50)~~ square feet per face in any “C” or “M” district.
- c. Maximum height of five (5) feet. Supporting elements (including bases) are included in measurement of sign height.
- d. 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.
- e. 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.
- f. The low profile sign shall be located in a landscaped area equal to or greater in size than the total sign face area.
- g. Low-profile signs may be located in landscaped areas required in Section 5.2(P)(8) ~~Landscaping and Buffering~~, (Front Yard Green Strip Buffer).
- h. 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.
- i. 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

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

in an “A” district.

- j. 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.

2. Wall Signs. In addition to the wall sign requirements of Section 12.10 (Signs in Commercial and Industrial Districts) no wall sign shall project above the roof line.

3. Signs Related to Fuel Sales. For fuel or gas stations, digital signs are permitted as long as they comply with the following:

- a. The sign is integral to the permitted low-profile sign.
- b. The sign shall not exceed six (6) square feet and shall be included in the maximum sign area allowed.
- c. 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.
 - 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~~ 250²¹ 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.

²¹ *Illumination level changed from 500 to 250 to be consistent with Section 12.7(C) On Premises Electronic Message Center, Brightness)*

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- 4. Temporary Signs** ~~See Section 12.5(C) (Temporary Signs) Portable signs, flags, pennants, twirling signs, sandwich board signs, balloons or other gas filled figures are prohibited except as follows:~~
- ~~a. The sign shall be for a special event, not a routine business activity.~~
 - ~~b. The sign shall not be displayed for more than 10 consecutive days.~~
 - ~~c. Each business site may be issued 2 nonconsecutive sign permits for a temporary sign within any calendar year.~~
 - ~~d. A sign permit is required.~~
- 5. Prohibited Signs.** In addition to the signs prohibited in Section 12.5 (Prohibited Signs) the following are also prohibited in the Route 64 Overlay District.
- a. Changeable Copy Sign as defined under Section 12.12, (Definitions) except for Signs Related to Fuel Sales.
 - b. Electronic Message Centers as defined under Section 12.12, (Definitions).
 - c. 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.
 - d. No temporary sign, commercial message flag or pennant shall be attached to a permanent flag pole. ~~(Rev. 11-28-12, Z22-C122)~~

O. Utilities

All utilities shall be located underground in all new developments. ~~(Rev. 11-28-12, Z22-C122)~~

P. 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 (Landscape Requirements) the following standards shall apply to the Route 64 Overlay District.

- 1. General Requirements for Submission.** The General Requirements for Submission shall be the same as provided under Section 10.3 (General Requirements for Submission) and the following general requirements:
- a. 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 4.14 (Fencing).
 - b. A required buffer may be located wholly or partially within a required setback.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- c. Water, sanitary sewer, electrical, telephone, natural gas, cable, or other service lines may be located within buffers.
 - d. Required trees and shrubs must be installed a minimum of five feet away from any flow line of a swale.
 - e. The parking of vehicles is prohibited in a required buffer.
- 2. Landscape Plan Approval.** Approval shall be as provided for under Section 10.4 (Approval.)
- 3. Minimum Plant Material Specifications.** Specifications shall be as provided for under Section 10.(A) (Minimum Plan Material Specifications).
- 4. Maintenance and Replacement for Required Landscaping.** Maintenance and Replacement shall be as provided for under Section 10.5(B) (Maintenance and Replacement for Required Landscaping)
- 5. Interior Landscaping for Parking Areas**
- a. For all parking areas between five (5) and ~~nineteen (19)~~ parking spaces (generally two or less rows of parking) at least a total of five (5)% **percent** of the paved area shall be landscaped under the provisions of this section. (See Figure 5-14

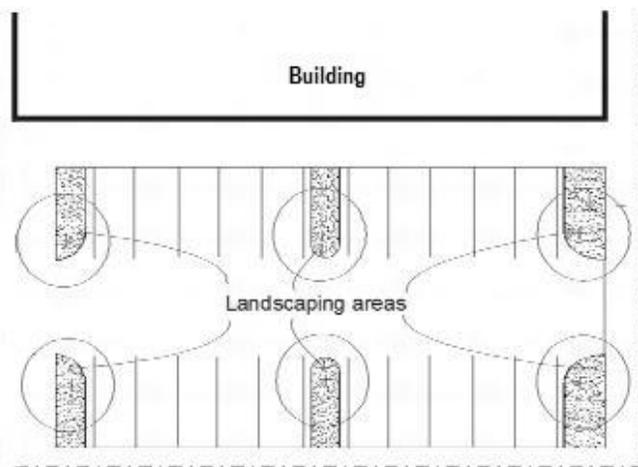


FIGURE 5-14 Parking Lot Landscape Areas with Two Rows Of Parking

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- b. 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)

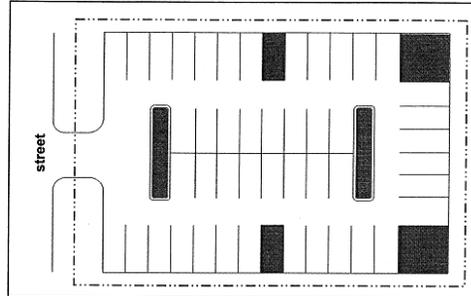


FIGURE 5-15
Parking Lot Interior Landscape Areas with
More Than Two Rows of Parking

- c. 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.
- d. 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 **ten** (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)

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

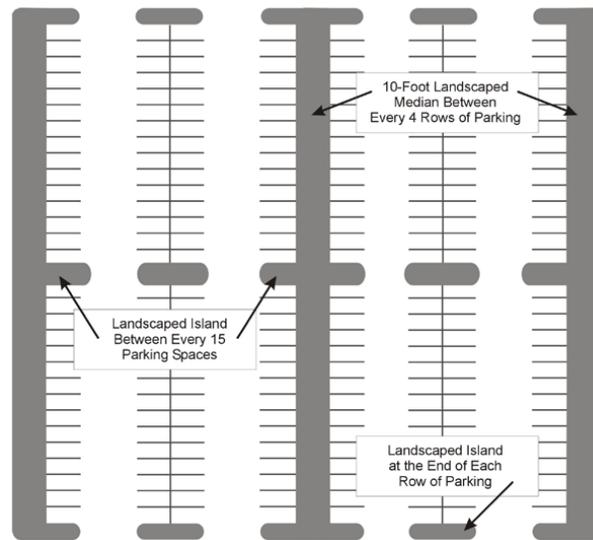


FIGURE 5-16
Example of Interior Landscaping Requirement
for Parking Areas

- e. 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 (1) tree and two (2) 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.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- f. 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.
- g. 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.

6. Perimeter Landscaping Requirements for parking lots

- a. **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)

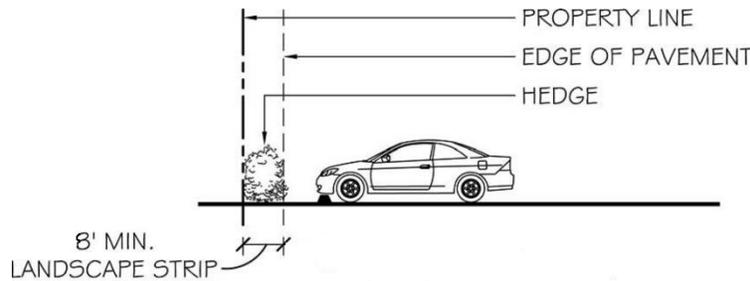


FIGURE 5-17 Landscape Strip Adjacent to Property Line

- b. **Perimeter Adjacent to Right-of-way.** A continuous hedge shall be located within the 25 foot Front Yard 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(P)(8) (Front Yard Green Strip Buffer).

7. Street Trees within the Tree Lawn

- a. Per Section 10.10 (Landscape Requirements Matrix), one (1) shade tree at 30 feet on-center.
- b. The location of trees shall be coordinated with adjacent parcels to create a consistency in the spacing of trees.
- c. Street tree locations shall comply with any ODOT requirements.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- 8. Front Yard 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.
- a. 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.
 - b. 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.
 - c. Earth mounds shall have an elevation at least two (2) feet higher than the finished elevation of any adjacent parking lot.
 - d. Earth mounds and decorative landscape treatments shall not block adequate safe sight distances at drive locations and intersections.
 - e. 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)~~ 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)~~ 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 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- 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)

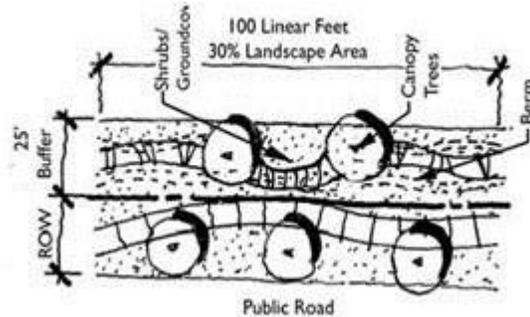


FIGURE 5-18 Illustration of Front Yard Green Strip Buffer

9. Bioretention Areas

- a. 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 ~~ten (10)~~ percent grade may be grassed and irrigated to blend into the adjacent landscaped area. Stone slopes are not acceptable within any landscape or buffer area.
- b. 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.

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

11. Special Setback and Buffer Requirement Abutting Residential Districts.

- a. 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.
- b. 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.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- c. This setback shall be provided for main building, accessory building, access drive, parking, loading docks, and dumpsters.
- d. 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.
- e. 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 (6) 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 (6)-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)

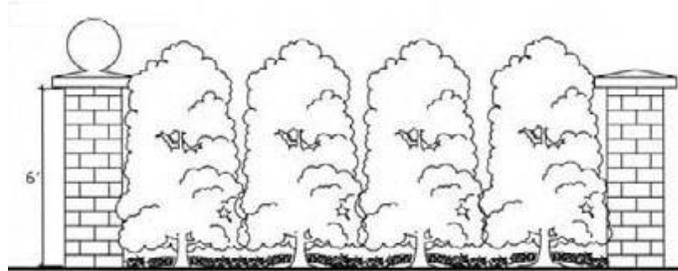


FIGURE 5-19 Opaque Screen with Evergreen and Piers

- 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-(6) 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)

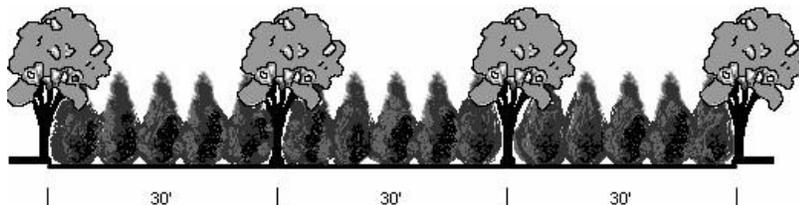


FIGURE 5-20 Opaque Screen with Evergreens and Trees

- iv. Five (5) understory trees per 100 lineal feet.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- v. Twenty-five (25) shrubs per 100 lineal feet
 - f. 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.
 - g. Ground mounding and plant material shall equal half the height of the nonresidential structure.
- 12. 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.
- 13. Screening of trash, mechanical equipment and loading areas.**
- a. Trash containers, trash compactors, roll-off recycling containers, and groupings of three or more recycling containers and/or recycling containers larger than **ten (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.
 - b. 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.
- 14. Rear Access Drives**
- a. Rear access drives dedicated as a public or private right of way shall be landscaped as provided for in Section 5.2(P)(8) (Front Yard Green Strip Buffer).
 - b. 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 **ten (10)** wide landscape buffer with one shade tree at 30 feet on center shall be provided.
- 15. 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:

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- a. When walls or fences are used to fulfill any buffering or screening requirements of this ~~article~~ **Section**, a detailed drawing shall be shown on the proposed site plan.
 - b. 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.
 - c. Finished side shall face adjacent property.
- 16. Irrigation Standards.** An irrigation plan with construction details shall be included with the landscape plan.
- 17. Deviation from Landscaping Requirements**
- a. 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.
 - b. 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)~~

Q. Outdoor Lighting Standards

- 1. 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 9.5 (Lighting).
- 2. Applicability**
 - a. Unless specifically exempted below, all existing and proposed development within the Route 64 Overlay District shall meet the provisions of this subsection.
 - b. 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.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- c. 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 **ten (10)** percent or 2,000 square feet, whichever is less, outdoor lighting as specified in this section shall be provided.
 - d. 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.
- 3. 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:
- a. Low-pressure sodium and mercury vapor light sources;
 - b. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources (See Figure 5-21); and

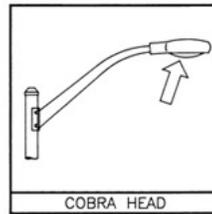


FIGURE 5-21
Prohibited Cobra Head Fixture

- c. Searchlights and other high-intensity narrow-beam fixtures.
- 4. 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:
- a. **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.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.2 Route 64 (Waterville-Swanton Road) Overlay District

- b. **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 **ten (10)** feet in height. (See Figure 5-22)

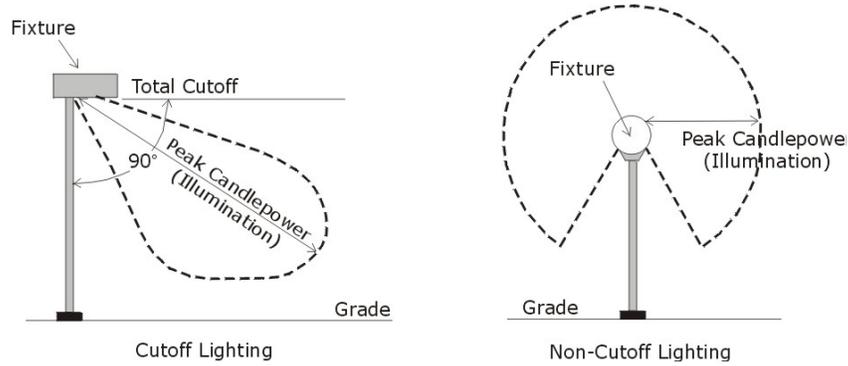


FIGURE 5-22 Lighting Types – Cutoff and Non-Cutoff

- c. **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.
- d. **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.

5. Specific Lighting

a. 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

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.3 Anthony Wayne Trail (Co. Rd. 53) Scenic Corridor Overlay District

- b. **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.
 - c. **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.
 - d. **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.
- 6. Illumination Levels**
- a. A minimum illumination of 0.5 foot-candles shall be maintained when measured at grade in all vehicular use areas and pedestrian pathways.
 - b. Lighting shall not exceed an average of **five (5)** foot-candles in any non-residential district. The maximum foot-candle level shall be **ten (10)**.
 - c. The maximum under canopy light level shall be **ten (10)** foot-candles for automotive refueling, automated teller machines or similar installations.
 - d. 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.
 - e. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property shall be prohibited. See Section 9.5(E)(1) (Glare and Light), for standards.
 - f. 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.
- 7. 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 9.5(B) (Photometric Plan).

SECTION 5.3 Anthony Wayne Trail (Co. Rd. 53) Scenic Corridor Overlay District ~~U.S. 24~~

A. Purpose and Intent

The purpose of the **Anthony Wayne Trail (Co. Rd 53) ~~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 **Anthony Wayne Trail (Co. Rd 53) ~~U.S. 24~~** Scenic Corridor

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.3 Anthony Wayne Trail (Co. Rd. 53) Scenic Corridor Overlay District

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.

B. Permitted, Accessory, and Conditional Special Land Uses

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

C. Anthony Wayne Trail (Co. Rd 53) 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 Anthony Wayne Trail (Co. Rd 53) 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.

D. Site Review and Approval Procedures

Site plan review and approval pursuant to Section 14.2 (Site Plan Review) 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.

E. General Development Standards

1. All development standards applicable to the underlying zoning district, along with those development standards imposed in this Section shall apply to property within the Anthony Wayne Trail (Co. Rd 53) U.S. 24 Scenic Corridor Overlay District.
2. Minimum Frontage Requirement: 200 feet.
3. Minimum Front yard Setback: 150 feet.

F. Architectural Design Review Guidelines

1. Site plan review of buildings within the Anthony Wayne Trail (Co. Rd 53) U.S. 24 Scenic Corridor Overlay District shall include review of architectural design elements pursuant to Section 11 (Architectural Design Review Guidelines).
2. 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.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.3 Anthony Wayne Trail (Co. Rd. 53) Scenic Corridor Overlay District

G. Parking Lot Requirements

1. All parking lot and ~~loading~~ access management standards contained in Section 8 (Off-street Parking and Access Management), parking lot landscaping design contained in Section 10 (Landscape Requirements), and exterior lighting performance requirements contained in Section 9.5 (Lighting) which are applicable to the underlying zoning district, along with those development standards imposed in this Section, shall apply to property within the **Anthony Wayne Trail (Co. Rd 53)** ~~U.S. 24~~ Scenic Corridor Overlay District.
2. Parking lots shall be located in rear yards to preserve visible open space from the right-of-way.

H. Landscape Design Review

1. All landscape design standards pursuant to Section 10 (Landscape Requirements) applicable to the underlying zoning district, along with those development standards imposed in this Section shall apply to property within the **Anthony Wayne Trail (Co. Rd 53)** ~~U.S. 24~~ Scenic Corridor Overlay District.
2. Development in the **Anthony Wayne Trail (Co. Rd 53)** ~~U.S. 24~~ Scenic Corridor Overlay District shall preserve existing woodlots and scenic vistas.

I. Signage Requirements

1. All signage standards contained in Section 12 (Signs) applicable to the underlying zoning district, along with those development standards imposed in this Section shall apply to property within the ~~U.S. 24~~ **Anthony Wayne Trail** Scenic Corridor Overlay District.
2. 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.
3. Billboards and off-premises signage shall be prohibited in the ~~U.S. 24~~ **Anthony Wayne Trail** Scenic Corridor Overlay District.

J. Access Management and Traffic Impact Studies

Access along **Anthony Wayne Trail (Co. Rd 53)** ~~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 8.9 (Access Management). When deemed appropriate pursuant to Section 8.10 (Traffic Impact Study), Waterville Township shall require the developer to prepare a traffic impact study.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.4 State Route 295 Overlay District

SECTION 5.4 State Route 295 Overlay District

A. 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 the north township boundary line (approximately 880 feet north of Stiles Road or the south border of the Village of Whitehouse) south to the township line in the area of the new interchange with U.S. 24 in Providence Township. ~~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 the Village of Whitehouse south boundary to Mohler Road (if extended east). ~~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.)~~

B. 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 Section 5.4.(H) "Development Standards" applying to lot frontage and lot area. ~~(Z22-C126.01-28-15.)~~

C. 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.)~~

D. 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 percent % 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 14.2 "Site Plan Review" (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

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.4 State Route 295 Overlay District

for a change in use for existing driveways. ODOT may require a performance bond for this permit. ~~(Z22-C126.01-28-15.)~~

E. Permitted and Conditional Special Uses

All uses which are permitted or conditional special uses in the underlying zoning district(s) except the uses expressly excluded in Section 5.4.(F) "Excluded Uses". ~~(Z22-C126.01-28-15.)~~

F. Excluded Uses

Table 5-2 Excluded Uses for State Route 295 Overlay District
Adult-oriented uses
Auction Market
Motor vehicle Automobile/truck repair and body shop garage when not in conjunction with new motor vehicle car sales
Motor vehicle Auto wrecking/salvage yard/junk yard
Boat storage
Extraction Industries Industry
Flea market
Landfill
Manufactured home, mobile home or industrialized home dwelling unit sales
Manufactured home park
Off-premises signs
Pole and Roof Signs
Sale of fireworks
Self service storage facilities
Sweepstakes/Internet Cafe
Truck transport terminal
Used motor vehicle car sales when not in conjunction with new motor vehicle car sales

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

G. 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.)~~

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.4 State Route 295 Overlay District

H. Development Standards

1. **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 Section 7.4 “Minimum Dimensional Requirements for all Buildings other than Dwellings” and Section 7.7 “Exceptions”.
2. **Minimum Side Yard Setback.** As specified in the underlying zoning district.
3. **Minimum Rear Yard Setback.** As specified in the underlying zoning district. In addition, a twenty-five (25) foot rear yard landscape area shall be provided where the rear yard abuts an agricultural or residential zoning district outside the overlay district.
4. **Maximum Building Height.** As specified in the underlying zoning district.
5. **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.
6. **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.
7. **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.
8. **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.
9. 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 18 “Non-Conforming Lots, Structures and Uses” of the Zoning Resolution. (~~722-C126-01-28-15.~~)

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.4 State Route 295 Overlay District

I. Parking and Loading Requirements

1. The number of parking spaces required are as established in Section 8 “Off-Street Parking and Access Management” 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.
2. Semi-truck loading berths or bays for merchandise and materials shall be suitably screened by landscaping or fencing. (~~Z22-C126.01-28-15.~~)

J. Architectural Review Requirements

1. **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.
2. **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.
3. **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.

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.4 State Route 295 Overlay District

- 4. 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.
- 5. 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:

 - a.** All building shall have architectural features fully concealing rooftop equipment, such as HVAC units from public view.
 - b.** 2. All large waste receptacles shall be completely concealed from public view by structure consistent with the main building exterior material and architecture.
 - c.** 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.
- 6. 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.
- 7. 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.)~~

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS

SECTION 5.4 State Route 295 Overlay District

K. 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.)~~

L. Signage Requirements

Notwithstanding the regulations contained in Section 12 “Signs” 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.)~~

M. 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 4.23 “Open Storage and Display of Materials and Equipment”. ~~(Z22-C126.01-28-15.)~~

N. Utilities

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

O. Landscape Buffering Requirements

Buffer yards and landscaping and screening requirements shall conform with Section 10 “Landscape Requirements” and other criteria in this resolution. ~~(Z22-C126.01-28-15.)~~

SECTION 5 FLOOD PLAIN AND OVERLAY DISTRICTS
SECTION 5.4 State Route 295 Overlay District

SECTION 6 PLANNED UNIT DEVELOPMENT

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

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 (General Standards). 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 6.3 Procedure

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

A. General Information

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

SECTION 6 PLANNED UNIT DEVELOPMENT

SECTION 6.3 Procedure

2. Name and address of registered surveyor, engineer and/or landscape architect who prepared the plan.
3. Legal description of the property.
4. Present use of the property.
5. Conceptual overview of the development.
6. Proposed provision of utilities.
7. Proposed ownership and maintenance of common open space.
8. Anticipated timing and phasing of the development.

B. Development Plan Information

1. A vicinity/project location map.
2. Location, type and density of development types.
3. Conceptual drainage plan.
4. Location and amount of open space(s).
5. Gross lot acreage, net lot acreage, maximum allowable density, proposed density with calculations indicated.
6. Maximum site coverage.
7. Topography at two foot contour intervals.
8. Existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses.
9. Street layout and names.
10. Existing buildings to remain or to be removed, and if the existing buildings remain, proposed use.
11. All proposed signs excluding street signs.
12. Proposed method of street lighting.
13. Landscape material to be used and proposed locations.
14. Location, area, and dimensions of all lots, setbacks, and building envelopes.
15. Required number of parking spaces and number of spaces proposed.
16. Area identification (entrance) structures.

C. 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

SECTION 6 PLANNED UNIT DEVELOPMENT

SECTION 6.4 General Standards

impact studies for the development. The expense of providing this information is the responsibility of the applicant.

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. **Density**

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 7.3(A) (Basic Yard, Area and Height Requirements for Dwellings). 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) (Common Open Space). The maximum number of dwelling units (DU's) permitted per gross acre according to this calculation is listed below for each zoning district.

Zoning District	Maximum Dwelling Units Per Gross Acre
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

SECTION 6 PLANNED UNIT DEVELOPMENT

SECTION 6.6 Commercial PUD Standards

B. Coverage

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.

C. Common Open Space

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 (1/3) of the required common open space may be a lake or pond). No more than one-third (1/3) 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. Perimeter Open Space

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. Height

Building height shall be in accordance with the underlying zoning.

F. Lot Area and Dimensions

There are no minimum lot size, lot-width, building or structure setback requirements except as provided for in Section 6.5(D) (Perimeter Open Space) and Section 7.7(E) (Setback of Buildings on Main County Roads).

G. Screening

Telephone, electrical, cable, and other utility appurtenances and dumpsters shall be sufficiently screened.

SECTION 6.6 Commercial PUD Standards

A. Parking

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 Access Management), ~~Loading Requirements~~, and the

SECTION 6 PLANNED UNIT DEVELOPMENT

SECTION 6.7 Industrial PUD Standards

number of spaces required shall be determined by each specific use within the Planned Unit Development. Parking shall be screened in accordance with Section 8.5 (Special Requirements) and Section 10 (Landscaping Requirements) ~~and Screening~~. Exterior lighting fixtures shall comply with the lighting regulations in accordance with Section 9.5 (Lighting).

B. Perimeter Open Space

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. Common Open Space

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 (1/3) of the required common open space may be a lake or pond).

D. Coverage

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. Lot Area and Dimensions

There shall be no minimum lot size, lot-width, or building, or structure setback requirements except as provided in Section 6.6(B) ~~above~~ and Section 7.5(E) (Setback of Buildings on Main County Roads).

F. Screening

Telephone, electrical, cable and other utility appurtenances and dumpsters shall be sufficiently screened.

SECTION 6.7 Industrial PUD Standards

A. Screening

Industrial Planned Unit Development shall utilize natural features to screen lighting and parking. Parking and lighting shall be screened in accordance with Section 10 (Landscaping Requirements), and Section 9.5 (Lighting).

B. Perimeter Open Space

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. Common Open Space

SECTION 6 PLANNED UNIT DEVELOPMENT

SECTION 6.8 Conservation Development

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 (1/3) of the required common open space may be a lake or a pond).

D. Lot Area and Dimensions

There shall be no minimum lot size, lot width, building or structure requirements except as provided in Section 6.7(B) ~~above~~ and Section 7.5(E) (Setback of Buildings on Main County Roads).

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~~ 20 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) (Major Change).

SECTION 6.9 Change to Approved Plan

A. Minor Change

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~~ Inspector.

B. Major Change

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;

SECTION 6 PLANNED UNIT DEVELOPMENT
SECTION 6.10 Expiration and Extension of Approval Period

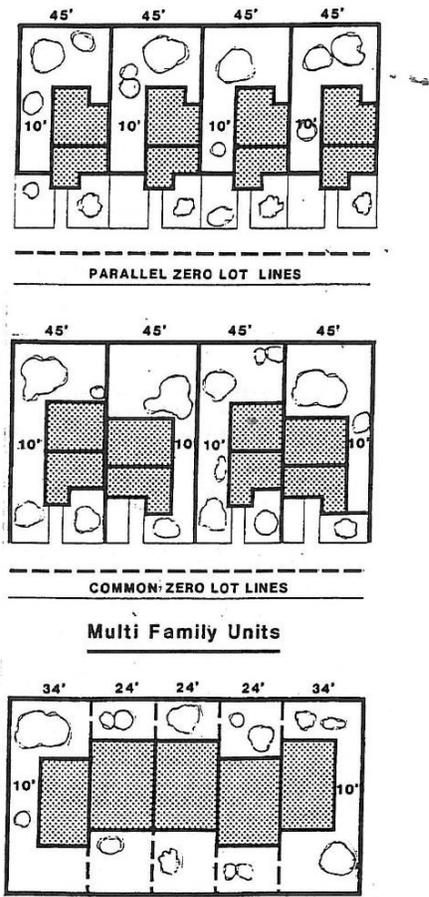
3. Any change that significantly alters the open space areas and their location(s) or reduces the overall open space area;
4. A significant change in street pattern;
5. An increase in the number of buildings or dwelling units;
6. Changes in the building/building envelope location(s) or lot lines that 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.

Figure 6-1

EXAMPLES OF ZERO LOT LINE DEVELOPMENT



SECTION 6 PLANNED UNIT DEVELOPMENT
SECTION 6.10 Expiration and Extension of Approval Period

SECTION 7 Intensity and Dimensional Standards²²

- SECTION 7.1 Purpose
- SECTION 7.2 Measurements, Computations and Exceptions
- SECTION 7.3 Minimum Dimensional Requirements for Dwellings
- SECTION 7.4 ~~Minimum Floor Area Requirements for Dwellings~~
- SECTION 7.4 ~~Basic Yard, Area, Lot Coverage and Height~~ Minimum Dimensional Requirements for all Buildings other than Dwellings
- SECTION 7.5 Height Measurement for Basements
- SECTION 7.6 Roof Types and Building Heights
- SECTION 7.7 Exceptions
- SECTION 7.8 Type of Lots
- SECTION 7.9 Width Line on Curved Streets and Cul-de-Sacs

SECTION 7.1 Purpose

This Section specifies what intensities of uses will be allowed in each district and what height, setback, yard, and other dimensional standards will apply.

SECTION 7.2 Measurements, Computations, and Exceptions

A. General Rules of Measurement

1. Percentages and Fractions. When a calculation required by this Resolution results in a fractional number or percentage, the resulting number shall be rounded to the nearest whole number.
2. Distance Measurements. Unless otherwise expressly stated, distances specified in this Resolution are to be measured as the length of an imaginary straight line joining those points.
3. Lots, Yards, and Open Spaces. No space which, for the purpose of a building, has been counted or calculated as part of a side yard, front yard, or other open space required by this Resolution may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirements of or for any other building.

B. Lot Area Measurements

1. The area of a lot includes the total horizontal surface area within the lot's boundaries, excluding any area of street right-of-way.
2. For nonconforming lots, see Section 18.3 (Single Nonconforming Lots of Record) and 18.4 (Nonconforming Lots of Record in Combination).

²² Current Code Sections 4.4 thru 4.5, Use Regulations, are moved to this new Section 7

SECTION 7 Intensity and Dimensional Standards
SECTION 7.3 Minimum Dimensional Requirements for Dwellings

3. With the exception of approval of a Planned Unit Development or governmental acquisition of land, no lot shall be reduced in area so that the lot area per dwelling unit, lot width, yards, building area, or other requirements of this Resolution are not met.

C. Density

1. **Standards.** Maximum density standards established for Residential districts, as stated in Section 7.3(A) (Basic Yard, Area and Height Requirements for Dwellings).
2. **Measurement.** Maximum density refers to the number of dwelling units allowed per acre of site area, after subtracting existing rights-of-way from the gross site area. Also termed Net Density.
3. **Rounding of Fractions.** When the number of dwelling units yielded by density calculations result in fractions, fractions of one-half or greater are rounded to the next highest whole number, while fractions of less than one-half are rounded down to the next lowest whole number.

SECTION 7.3 Minimum Dimensional Requirements for Dwellings

A. Basic Yard, Area and Height Requirements for Dwellings

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

TABLE 7-1 Dimensional Requirements <u>for Dwellings</u>^[1]								
District	Minimum Lot		Minimum Yard ^[3]				Maximum Height ^[2]	
	Area ^[4] (per family)	Width (ft.)	Front	Rear	One Side	Sum of Both	Stories	Feet
"A" Agricultural (S-F)	1 acre	135	50	35	10	20	2 ½	35
"R-A" Suburban Residential (S-F)	12,000 s.f.	80	40	35	10	20	2 ½	35
"R-B" Suburban Residential (S-F)	16,000 s.f.	80	40	35	10	20	2 ½	35
"R-C" Suburban Residential (S-F)	20,000 s.f.	100	40	35	10	20	2 ½	35
"R-D" Rural Residential (S-F)	1 acre	135	50	35	10	20	2 ½	35
"R-1" Single-Family Residential (S-F)	10,500 s.f.	70	30	35	10	20	2 ½	35
"R-3" Multi-Family Residential								
a) Two-Family	6,000 s.f.	90	30	30	10	24	2 ½	35
b) Multi-family	5,000 s.f.	125	30	30	15	30	3	40

SECTION 7 Intensity and Dimensional Standards
SECTION 7.3 Minimum Dimensional Requirements for Dwellings

TABLE 7-1 Dimensional Requirements for Dwellings ^[1]								
District	Minimum Lot		Minimum Yard ^[3]				Maximum Height ^[2]	
	Area ^[4] (per family)	Width (ft.)	Front	Rear	One Side	Sum of Both	Stories	Feet

Footnotes:

- [1] See Section 7.4 Minimum Dimensional Requirements for All Buildings other than Dwellings.
- [2] See Section 7.7(B) Height
- [3] See Section 7.7(D) Corner Lots Yards and 7.7(E) Setbacks of Buildings on Main County Roads
- [4] See Section 20.3 Interpretation of Terms or Words – Lot Area Definition
- 5. See Section 7.2.1 Special Use Permit Required

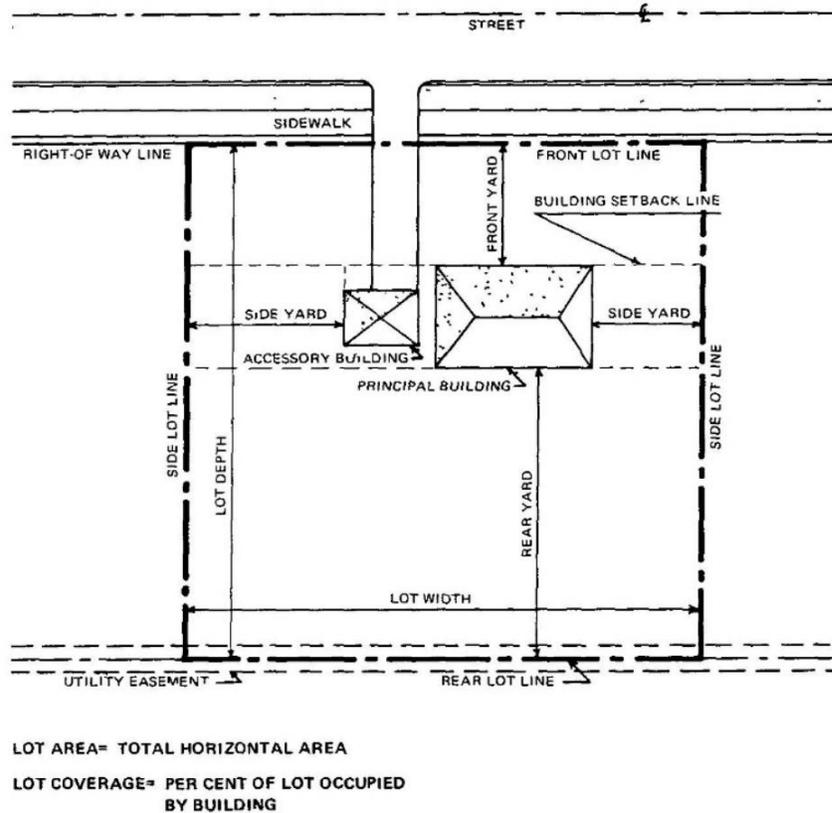


FIGURE 4-1 Lot Terms

B. 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.

SECTION 7 Intensity and Dimensional Standards

SECTION 7.4 Minimum Dimensional Requirements for All Buildings Other than Dwellings

TABLE 7 - 2 Minimum Floor Area Requirements for Dwellings						
DISTRICT	MINIMUM FLOOR AREA					
"A" Agricultural	1,200					
"R-A", "R-B", and "R-C" Suburban Residential	1,200					
"R-D" Rural Residential	1,200					
"R-1" Single-Family Residential	1,200					
"R-3" Multi-Family Residential	2-F	EFFICIENCY	1 BD	2 BR	3 BR OR MORE	PROJECT UNIT AVG
a) One Story	900	--	--	--	--	--
b) More than one story	1,200	--	--	--	--	--
c) Apartment	--	400	540	700	900	620

SECTION 7.4 Minimum Dimensional Requirements for All Buildings Other than Dwellings

~~Basic Yard, Area, Lot Coverage and Height~~

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 7-3 Basic Yard, Area, Lot Coverage and Height Minimum Dimensional Requirements for All Buildings Other than Dwellings							
Districts	Minimum Lot		Minimum Yard (feet)^[1]			Maximum Height^[2]	
	Area³ (ft.)	Width	Front	Rear	One Side	Stories	Feet
"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

SECTION 7 Intensity and Dimensional Standards
SECTION 7.5 Height Measurement for Basements

TABLE 7-3 Basic Yard, Area, Lot Coverage and Height Minimum Dimensional Requirements for All Buildings Other than Dwellings							
Districts	Minimum Lot		Minimum Yard (feet) ^[1]			Maximum Height ^[2]	
	Area ³ (ft.)	Width	Front	Rear	One Side	Stories	Feet
"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 7.7(A) Non-residential Uses Abutting or Opposite an "A" or "R" district
 See 7.7(D) Corner Lots - Yards
 See 7.7(E) Setback of Buildings on Main County Roads
- [2] See 7.7(B) Height
- [3] See 20.3 Interpretation of Terms or Words - Lot Area Definition

SECTION 7.5 Height Measurement for Basements

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.²³

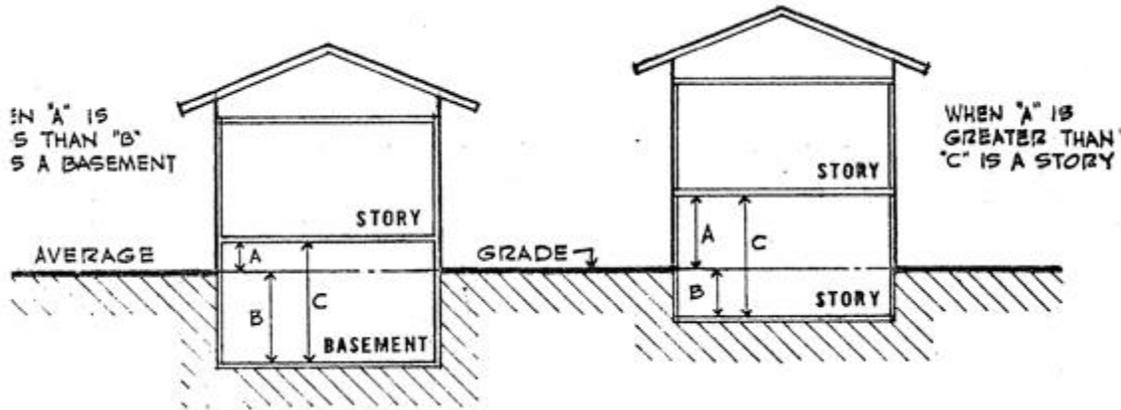


FIGURE 7-2 Basement and Story

SECTION 7.6 Roof Types and Building Height

Building height is measured as the vertical distance from grade at the base of the structure to:

- A. the highest point of the coping of a flat roof;
- B. the deck line of a mansard roof; or

²³ Text moved from def. of basement.

C. the mean height between eaves and ridge for gable, hip and gambrel roofs

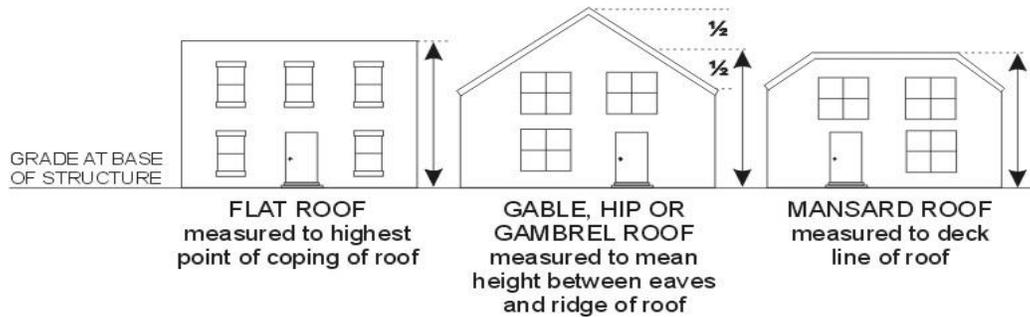


FIGURE 7-3 Measuring Roof Height²⁴

SECTION 7.7 Exceptions

A. Nonresidential Uses Abutting or Opposite an "A" or "R" District

TABLE 7-4 Minimum Yards			
Uses	Minimum Yard (feet)		
	Front	Side	Rear
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.

B. Height

- Building Height Bonus.** The maximum height of buildings and number of stories specified under Sections 7.3 (Minimum Dimensional Requirements for Dwellings) and 7.4 (Dimensional Requirements for All Buildings Other than Dwellings) 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.

²⁴ Replace current code Figure 4-3 with this graphic.

SECTION 7 Intensity and Dimensional Standards

SECTION 7.7 Exceptions

2. **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.

C. 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.

D. Corner Lot **Yards**

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

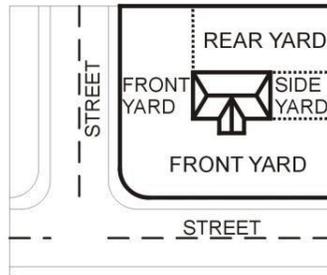


FIGURE 7-4 Corner Lot Yards²⁵

E. 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:

1. 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
2. Setback shall be 100 feet from the Centerline of the existing right-of-way for:

Dutch Road	Neapolis-Waterville Road	Waterville-Monclova Road
------------	--------------------------	--------------------------
3. Setback shall be 125 feet from centerline of existing right-of-way for:

²⁵ Add this new graphic illustrating corner lot yards.

SECTION 7 Intensity and Dimensional Standards

SECTION 7.8 Type of Lots

Berkey-Southern Road (SR 295)

- 4. Setback shall be the greater of 50 feet from the right-of-way line or 150 feet from the centerline for:

Waterville-Swanton Road (SR 64)

- 5. Setback shall be 150 feet from the centerline of the existing right-of-way for:

Toledo-Napoleon Road (US 24)

SECTION 7.8 Type of Lots

See Figure 7-5 for an illustration of type of lots.

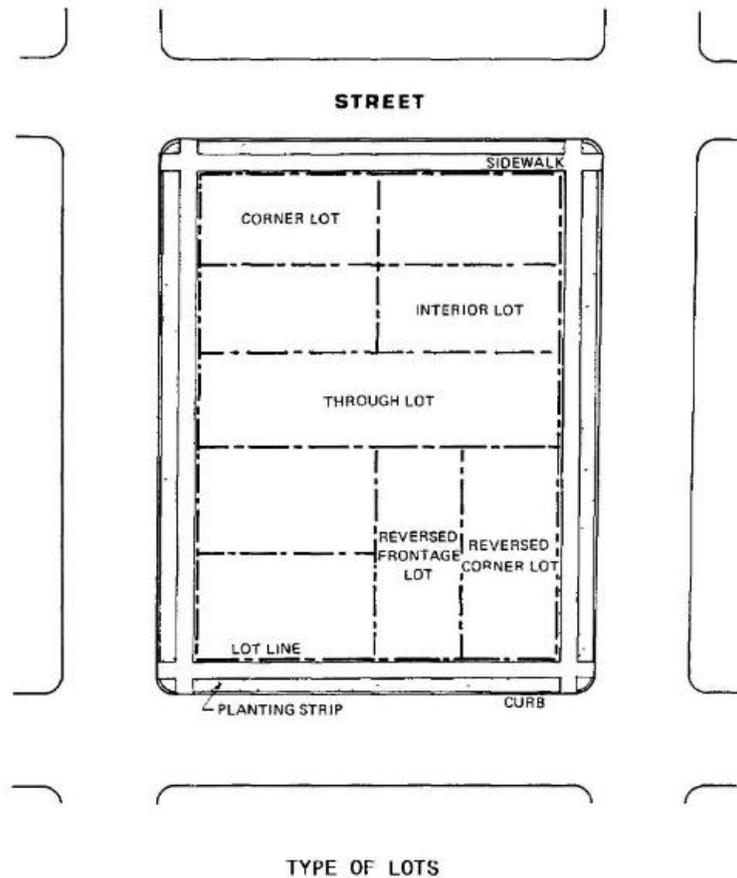


FIGURE 7-5 Type of Lots

SECTION 7 Intensity and Dimensional Standards

SECTION 7.9 Lot Width and Width Line on Curved Streets and Cul-de-Sacs

SECTION 7.9 Lot Width and Width Line on Curved Streets and Cul-de-Sacs

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.²⁶

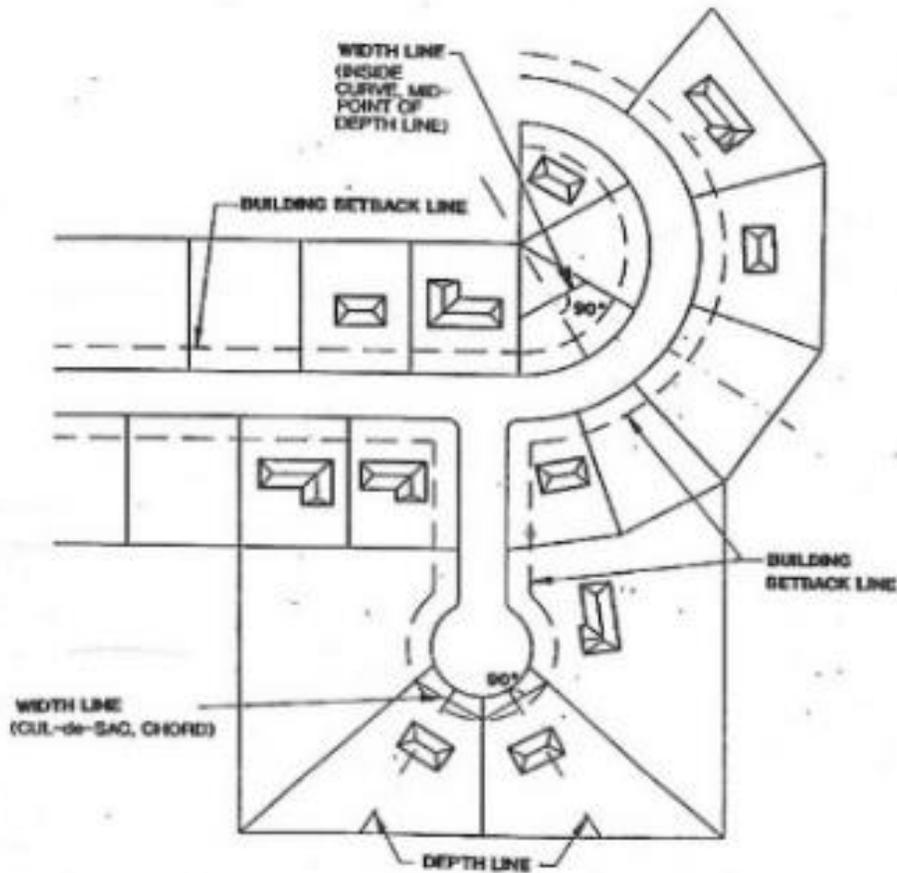


FIGURE 7-6 Lot Width

²⁶ Text moved from definition of Lot Width

SECTION 7 Intensity and Dimensional Standards
SECTION 7.9 Lot Width and Width Line on Curved Streets and Cul-de-Sacs

SECTION 8 - Off-Street Parking and Access Management

Loading

- SECTION 8.1 Purpose
- SECTION 8.2 Applicability ~~Off Street Parking and Loading Requirements~~
- SECTION 8.3 Units of Measure
- SECTION 8.4 General Requirements
- SECTION 8.5 Special Requirements
- SECTION 8.6 Traffic Visibility Safety Triangle
- SECTION 8.7 Space Requirements
- SECTION 8.8 Number of Spaces
- SECTION 8.9 Access Management
- SECTION 8.10 Traffic Impact Study

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 Applicability ~~Off Street Parking and Loading Requirements~~

A. New and Expanded Uses ~~General~~

1. When a building or structure is erected, changed or enlarged by 50% **percent** or more in floor area, or increases by 50%, **percent** the number of employees, customers/users, dwelling units, or seating capacity it shall comply with the requirements of this section.
2. 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; except that if the change in use would require an increase of less than 50 percent in the required number of parking spaces or fewer than five (5) parking spaces, no additional parking shall be required.²⁷

²⁷ *Many communities allow a percentage increase before requiring additional parking; consider this additional language.)*

SECTION 8.3 Units of Measure

A. Multiple Uses

Total number of spaces required shall equal the sum of all the requirements for each separate primary and accessory use.

B. Electric Vehicle Spaces

Spaces set aside for Electric Vehicle charging shall be included in the calculation of required parking requirements.

C. Area Measurements

Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building.

SECTION 8.4 General Requirement

A. Access

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.

B. Location

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 8.5(C) (Off-site Parking).

C. Unlisted Uses

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.

D. Parking Reduction

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 16.3(B)(3) (Modification of Parking and Loading Spaces) and Section 16.3(B)(4) (Public Parking Area Location).

SECTION 8.5 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 **ten (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.

SECTION 8 - Off-Street Parking and Access Management

SECTION 8.5 Special Requirements

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.

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. Parking Requirements for the Physically Disabled ~~Handicapped Parking:~~

All parking lots shall provide spaces for the physically disabled as required by the Ohio Building Code and shall include all necessary markings, striping, and signage.

SECTION 8 - Off-Street Parking and Access Management

SECTION 8.5 Special Requirements

- ~~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 (Landscape Requirements), 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.

I. Lighting

Notwithstanding the lighting performance requirements of Section 9 (Lighting), any lighting used to illuminate any off-street parking areas shall be so arranged as to reflect light away from adjoining residential properties or 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

SECTION 8 - Off-Street Parking and Access Management

SECTION 8.5 Special Requirements

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 **ten (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

1. 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.
2. 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.

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 8.5(A) (Setback). 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 Access Management

SECTION 8.6 Traffic Visibility Safety Triangle Corner Lot

SECTION 8.6 Traffic Visibility Safety Triangle 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.

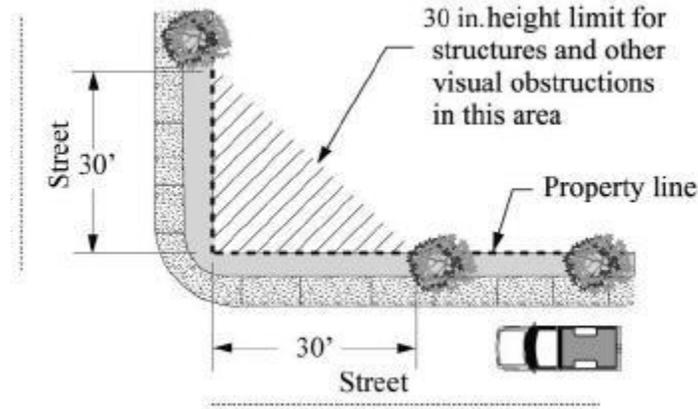
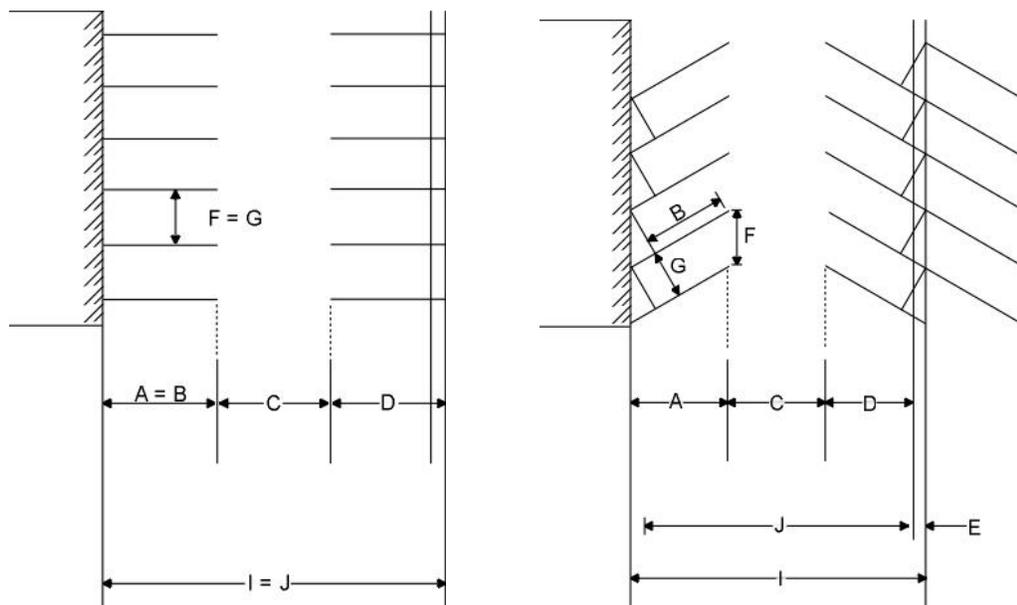


FIGURE 8-1 Traffic Visibility Triangle

SECTION 8.7 Space Requirements

A. Dimensions and Design

1. Parking lot loading spaces shall meet the following dimensional requirements and design as listed and illustrated in Table 8 1 and Figures 8.2 respectively.



. FIGURE 8-2 Angled Parking Diagram

SECTION 8 - Off-Street Parking and Access Management

SECTION 8.8 Number of Spaces

Table 8-1 Parking Stall and Aisle Dimensions					
Diagram Location	Dimension (in feet)	Parking 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
I.	Module Width Wall to Wall	46	54	60	61
J.	Module Width Interlock to Interlock	42	51	58	61

2. Exceptions to Table 8-1 and Figure 8-1

- a. **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.
 - e) ~~Handicapped Parking: Dimensions and design shall comply with requirements of 8.2.2(g).~~
- b. **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.
- c. **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.

SECTION 8.8 Number of Spaces

Use Category	Minimum Number of Off-Street Parking Spaces Required
a) Residential	
<u>Household Living</u>	
Dwelling – Single, Two family	Two (2) for each unit
Dwelling – Multi-family	Two (2) for each unit
<u>Manufactured Home</u>	<u>Two (2) for each unit</u>
Manufactured Home Park	Two (2) for each unit
<u>Group Living</u>	
<u>Adult Family Home, Adult Group Home</u>	<u>One and a half (1.5) per bedroom</u>
Boarding House, Dormitory	One (1) for each sleeping room or tenant, whichever is greater
<u>Community Alternative Home</u>	<u>One and a half (1.5) per bedroom</u>

SECTION 8 - Off-Street Parking and Access Management

SECTION 8.8 Number of Spaces

Use <u>Category</u>	<u>Minimum Number of Off-Street</u> Parking <u>Spaces Required</u>
<u>Group Home</u>	<u>One and a half (1.5) per bedroom</u>
Institutional Health Care Facilities	One (1) per 4 beds
<u>MRDD Family Home, MRDD Group Home</u>	<u>One and a half (1.5) per bedroom</u>
<u>Nursing Home, Assisted Living</u>	<u>One (1) per 2 beds</u>
b) Public and Civic Semi Public/Institutional	
<u>Coliseums, Stadiums</u>	<u>Traffic Impact Study Required, See Sec. 8.10</u>
Day Care Facilities for Adults; Community Centers, <u>Religious/Church-Social Centers</u>	One (1) for every 300 sq. ft.
Day Care Facilities, Child; Nursery School	Six (6) or two (2) for each classroom, whichever is greater
Educational Facilities	
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
Hospitals	One (1) for every four beds
Libraries, Museums, Art Galleries or Community Centers	10 or one (1) for every 300 sq. ft. of gross floor area whichever is greater
<u>Medical Centers</u>	<u>One (1) per 200 square feet</u>
<u>Recreational Facilities</u>	
<u>Recreational facilities active</u>	<u>One (1) space for every five (5) customers and one (1) for every two (2) employees</u>
<u>Open space, passive</u>	<u>One (1) space per acre</u>
<u>Religious Assembly Church or Temple</u>	One (1) for every five (5) seats in main assembly area / auditorium
c) Commercial	
<u>Adult-Oriented Uses</u>	<u>One (1) per 100 sq. ft.</u>
Animal Services	
Animal Care Facilities and Kennels	One (1) for every 400 square feet of gross floor area
Boarding of Domestic Pets	One (1) for every 400 square feet of gross floor area
Auction / Market, Flea Market	One (1) for every 200 square feet of gross floor area or outdoor sales area
Banks or Financial Institutions	One (1) for every 300 <u>400</u> square feet of gross floor area
Banquet / Recreational Hall	One (1) for every 200 square feet of gross floor area
Bed and Breakfast / Tourist Home	One (1) for each sleeping room
<u>Boat Storage</u>	<u>One (1) for every seven (7) boats stored</u>
Businesses, Retail Stores (appliance, printing, salon, hardware, carry-out, furniture, etc.)	One (1) for every 200 <u>300</u> square feet of floor area
<u>Businesses, Trades and Services</u>	<u>One (1) per 400 square feet</u>
<u>Health Care Clinic</u>	<u>One (1) per 200 square feet</u>
Hotels and Motels	One (1) for every room and one (1) for every 100 square feet of gross floor area of bar, restaurant, and conference rooms
Large-scale Retail Project	One (1) for every 200 <u>300</u> square feet of leasable area
Mortuary / Funeral Home	One (1) for every 200 square feet of gross floor area
Movie Theaters, Auditorium, Theaters, Arenas, Conference Centers	One (1) for every four (4) seats or one (1) for every 30 square feet of gross floor area, whichever is greater
Offices	One (1) for every 300 square feet of gross floor area
<u>Personal Services</u>	<u>One (1) for each 300 square feet</u>

SECTION 8 - Off-Street Parking and Access Management

SECTION 8.9 Access Management and Traffic Impact Studies

Use <u>Category</u>	<u>Minimum Number of Off-Street Parking Spaces Required</u>
<u>Professional Services, Medical</u>	<u>One (1) for each 200 square feet</u>
<u>Professional Services and Offices other than Medical</u>	<u>One (1) for each 300 square feet</u>
<u>Recreation Facilities, Commercial</u>	
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 gross 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
<u>Theme Parks</u>	<u>Traffic Impact Study Required, See Sec. 8.10</u>
Restaurant, Lounge, Bar or Tavern	One (1) for every 75 square feet of gross floor area
Self Service Storage Facilities	Two (2) for on site manager or office
Sweepstake / Internet Café	One (1) for each 50 square feet of gross floor area.
Motor Vehicle, Agricultural Implement, Recreational Vehicle, Marine , 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 and Repair	Two (2) for each service bay or one (1) for every 2 (two) pumps, whichever is greater
d) Industrial Use Types 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
e) Other Use Types	
Agricultural Businesses, Farm Market	One (1) for every 200 square feet of gross floor area of outside sales area

SECTION 8.9 Access Management and Traffic Impact Studies

10.7.1 Access to Individual Parcels

Access from public roadways to **individual** 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~~ **follow** applicable ODOT guidelines and regulations.

SECTION 8 - Off-Street Parking and Access Management

SECTION 8.10 Traffic Impact Study

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~~ 100 feet (~~100'~~).

SECTION 8.10 Traffic Impact Study

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.

SECTION 9 Environmental Standards

SECTION 9.1 Purpose

SECTION 9.2 Environmental Standards Generally

- SECTION 9.3 Causes of Blight or Blighting Factors
- SECTION 9.4 Electrical and telecommunication facilities
- SECTION 9.5 Lighting
- SECTION 9.6 Noise
- SECTION 9.7 Radiation
- SECTION 9.8 Smoke, Dust Particulates and Odors
- SECTION 9.9 Ground Borne Vibration

SECTION 9.1 Purpose General

The purpose of this Section is to promote a healthy environment in Waterville Township as it relates to the Township's natural resources; sensitive ecosystems; the integrity of the Township's land, water, and air; prevent, reduce, and eliminate blight and causes of blight; the quality of the Township's visual environment, including the management of outdoor lighting and its impact upon traffic safety, and adjacent land uses; and the provision of adequate sewage disposal and potable water. All provisions of this Section apply to all structures and uses unless otherwise noted.

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 or 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.~~

SECTION 9.2 Environmental Standards Generally²⁸

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.

SECTION 9.3 Causes of Blight or Blighting Factors²⁹

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

²⁸ *Current Code Section 10.1.1(a)*

²⁹ *Current Code Section 9.10.*

SECTION 9 Environmental Standards
SECTION 9.3 Causes of Blight or Blighting Factors

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. Inoperable Vehicle

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. Building Materials Open Storage³⁰

The outdoor storage upon any premises of building materials. **Construction materials stored indoors so as to prevent contact with stormwater, leading to possible non-point pollution, are allowed when** 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 **such outdoor** storage of building materials which is not in violation of applicable zoning or safety regulations is permitted if said materials are kept out of view of the public and abutting premises. Provided further, that all construction debris shall be removed from any premises within 30 days after occupancy thereof.

C. Junk, Trash, and Rubbish

The storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 30 days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other materials or other castoff materials of any kind whether or not same could be put to any reasonable use.

D. Vacant Structures

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. Unusable Structures

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.

³⁰ Additional language for construction materials suggested by Lucas Co. Engineers Office.

SECTION 9 Environmental Standards

SECTION 9.4 Electrical and telecommunication facilities

F. Partially Completed Structures

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. Weeds

Excessive growth of weeds in lawn and landscape areas.

H. Construction Debris and Mud

In addition to the regulations regarding on-site storage of building materials in Section 9.3(B), a developer of a subdivision and/or building site shall make arrangements ~~with the Township~~ to remove mud and dirt from streets at the end of the work day, contain construction debris onsite, and clean up related construction debris ~~found~~ found off-site during the construction process. ~~(Rev. 12/14/05, Z22-C101)~~

SECTION 9.4 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 9.5 Lighting³¹

A. Purpose

The purpose of this exterior lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

B. Photometric Plan

An outdoor lighting plan, including a photometric plan, shall be required for the installation or modification of exterior lights for any project requiring site plan review to ensure compliance with the requirements of this Section. See Section 14.2 (Site Plan Review).

C. Exemptions

Holiday lighting shall be exempt from the requirements of this section.

³¹ *This section is an expansion of current code Section 10.1(b) Glare and Light*

D. Prohibited Lights

Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.

E. General Provisions Applicable to All Districts and Development

1. **Glare and Light.** 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. **Height.** 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.
3. **Lighting Intensity**
 - a. Lighting shall not exceed an average of five (5) foot-candles in any commercial district. The maximum foot-candle level shall be ten (10). 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, or LED lighting.
 - b. The maximum under canopy light level shall be ten (10) foot-candles for automotive refueling, automated teller machines or similar installations.
4. **Lighting Quality**³²
 - a. Non-residential outdoor lighting may not exceed a maximum Correlated Color Temperature (CCT) of 3,000 Kelvin (K) unless otherwise approved by the Zoning Commission to no greater than 4,100K.
 - b. Security lighting such as at an ATM or drive thru may be permitted by the Zoning Commission to exceed a CCT of 3,000K to no greater than 4,100K.
 - c. Non-residential lighting shall have a minimum Color Rendering Index (CRI) of 70 percent.
5. **Shielding.** 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.

³² a. *Does the Township want to include residential lighting also?*

b. *Newer codes are using lighting quality standards such as light color temperature instead of types of light bulbs. Both lumens and color temperature (light appearance) can be found on the packaging of a new lamp.*

- 6. **Up-lighting.** Uplighting is only permitted to illuminate flags, buildings, trees, shrubs, or site surfaces.
- 7. **Swimming Pool Lighting.** See Section 4.29(E) (Swimming Pools, Lighting)

F. Variance

In considering any variance from the provisions of this section, the Township shall take into consideration any state-of-the-art technology that is consistent with the intent of this Section as new lighting technology develops.

SECTION 9.6 Noise³³

A. Purpose

Development or use of land in the Township should not produce disruptive or objectionable noise on a regular or periodic basis.

B. Measurement

- 1. A sound-level meter shall be used to measure decibel level.
- 2. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this Resolution shall be established by the time period.
- 3. Sound pressure levels shall be measured at the lot line or right-of-way line, at a height of at least four (4) feet above the ground surface.

C. Standards

- 1. Sound from any source controlled by this Resolution shall not exceed the following limits at the property line of said source.

Table 9-1 Sound Level Limit Standards		
Use Occupancy Category	Time Period	Sound Level Limit dB(A) (see footnote 1)
Residential	7 a.m. – 10 p.m.	50
	10 p.m. – 7 a.m.	45
Commercial, Business, Institutional	7 a.m. – 10 p.m.	65
	10 p.m. – 7 a.m.	55
Manufacturing, Industrial, Agricultural	At all times	75

Footnote

[1] Or the Ambient Noise Level, as submitted in Section 9.6(D).

³³ *This section is moved from the current code’s Compressor & Pump Station sound standard Section 9.29.6 and is proposed to apply to all township uses*

SECTION 9 Environmental Standards
SECTION 9.7 Radiation or Electromagnetic Disturbance

2. The levels specified above may be exceeded by 10 dB(A) for a single period, no longer than 15 minutes in any one day.

D. Ambient Noise Level

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

E. Exclusions

This Section shall not apply to agricultural operations utilizing equipment with normal silencing devices, home lawn maintenance machines and snow blowers that meet their respective product requirements, the emission of sound for the purposes of alerting persons of an emergency or emergency vehicle, construction or demolition activity, and the emission of sound in the performance of emergency work.

SECTION 9.7 Radiation or Electromagnetic Disturbance

No device or material which generates hazardous radiation or causes electromagnetic disturbances to nearby areas shall be permitted.

SECTION 9.8 Smoke, Dust Particulates and Odors

1. 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.
2. All roadways internal to the site will be paved or maintained to minimize dust.

SECTION 9.9 Ground Borne Vibration³⁴

- A. Any use, operation or ~~Station~~ equipment should not produce ground-borne vibration levels that exceed the levels in Table 9-2 (Vibration Impact Level Standards), 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:

³⁴ *This section is relocated from the current code's Compressor & Pump Station Section 9.29.7. The vibration standard is proposed to apply to all township uses.*

SECTION 9 Environmental Standards

SECTION 9.9 Ground Borne Vibration

Table 9-2 Vibration Impact Level Standards	
Vibration Event Frequency	Impact Level (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

SECTION 10 LANDSCAPE REQUIREMENTS

- SECTION 10.1 Purpose Landscape Requirements
- SECTION 10.2 Applicability
- SECTION 10.3 General Requirements for Submission
- SECTION 10.4 Approval
- SECTION 10.5 Landscaping Standards
- SECTION 10.6 Landscaping for Parking Areas
- SECTION 10.7 Landscaping for Service Structures
- SECTION 10.8 Landscaping for Bioretention Areas (Rain Gardens)
- SECTION 10.9 Landscaping for Detention/Retention Ponds
- SECTION 10.10 Landscape Requirements Matrix
- SECTION 10.11 Modification

SECTION 10.1 Purpose 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 10.2 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.

SECTION 10.3 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;

SECTION 10 LANDSCAPE REQUIREMENTS

SECTION 10.4 Approval

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;
 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.

SECTION 10.4 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 ~~Inspector~~ Inspector Administrator upon

SECTION 10 LANDSCAPE REQUIREMENTS

SECTION 10.5 Landscaping Standards

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.

SECTION 10.5 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.

The use of alternative landscape materials, such as natural prairie grass, rain gardens, and tolerant vegetation that is native to the area, is encouraged to reduce dependency upon irrigation. At installation, plant material shall meet the following size minimums:

1. Deciduous trees shall be **two (2)** inch diameter for canopy shade and shade trees and **one and one half (1-1/2)** inch diameter for small accent and ornamental trees (as measured six **(6)** inches above ground at planting);
2. Evergreen trees shall be a minimum of four **(4)** feet tall at planting measured from the highest elevation among the street grade, the parking lot grade, or the location of the tree;
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.

SECTION 10 LANDSCAPE REQUIREMENTS

SECTION 10.6 Landscaping for Parking Areas

SECTION 10.6 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".
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 (5) percent 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 (10) feet in width or as specified in Section 10.10 (Landscape Requirements Matrix), whichever is greater. ~~and~~
2. Parking lots shall have a vertical six (6)-inch concrete curb on the parking lot side.
3. The perimeter buffer shall contain elements such as mounding, trees, ground cover and shrubs in accordance with Section 10.10 (Landscape Requirements Matrix), that will achieve an effective, continuous screen of a height of at least three (3) feet at maturity. Mounding shall not exceed a 3 to 1 slope.
4. 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.

SECTION 10 LANDSCAPE REQUIREMENTS
SECTION 10.7 Landscaping for Service Structures

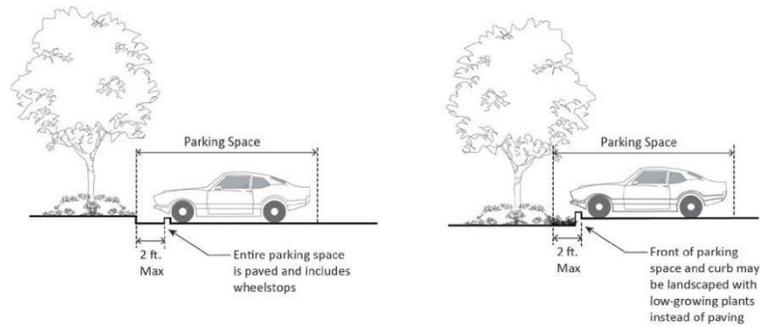


FIGURE 10-1 Vehicle Overhang in Landscape Areas

D. Ground Cover

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.

SECTION 10.7 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 (3) sides and shall be at least one (1) foot taller than the height of the enclosed structure, but shall not be required to exceed ten (10) 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 (2/3) of the height of the service structure(s) and meet the height and ~~one hundred (100)~~ percent opacity requirement within four (4) years.

B. Landscaping Credit

1. 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.

SECTION 10 LANDSCAPE REQUIREMENTS

SECTION 10.8 Landscaping for Bioretention Areas (Rain Gardens)

2. 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.

C. 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.

SECTION 10.8 Landscaping for Bioretention Areas (Rain Gardens)

- A. Green infrastructure elements, including but not limited to bioretention areas (rain gardens) and bioswales, are encouraged to be incorporated into landscape buffers and strips.
- B. Any bioretention areas must be identified on the landscape plan.
- C. If located within any required landscaping strip between a right-of-way and parking area the stormwater treatment facility may only occupy up to 50 percent of the actual available green space.

SECTION 10.9 Landscaping for Detention/Retention Ponds

- A. Detention/retention storm water management facility ponds shall be landscaped.
- B. Traditional detention/retention ponds are prohibited in any required landscaping strip between a right-of-way and parking area.

SECTION 10.10 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 LANDSCAPE REQUIREMENTS

SECTION 10.10 Landscape Requirements Matrix

Table 10-1 Landscape Requirements Matrix			
WHEN...	IS PROPOSED TO ABUT...	A MINIMUM LANDSCAPE REQUIREMENT OF...	PLANT MATERIAL
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 at 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.
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.

SECTION 10 LANDSCAPE REQUIREMENTS

SECTION 10.11 Modification

SECTION 10.11 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 11 ARCHITECTURAL DESIGN REVIEW GUIDELINES

SECTION 11.1 Purpose

SECTION 11.2 Applicability

SECTION 11.3 Scale and proportion of Façade and Exterior Walls

SECTION 11.4 Suitability of Building Materials and Detail Features

SECTION 11.5 Roof Lines

SECTION 11.6 Pedestrian Flows

SECTION 11.1 Purpose

The purpose of architectural design guidelines is to ensure the exteriors are well designed, detailed, and crafted to embody high standards of architectural design and to ensure the long-term viability of multifamily, non-residential, commercial and industrial uses in the Township.

SECTION 11.2 Applicability

Site plan review of buildings under Section 14.2 (Site Plan Review) shall include review the following architectural design elements.

SECTION 11.3 Scale and Proportion of Façade and Exterior Walls

- A. 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.
- B. 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 11.4 Suitability of Building Materials and Detail Features

- A. 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.
- B. 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~~)

SECTION 11.5 Roof Lines

- A. Roof lines shall be varied with a change in height every ~~one hundred~~ (100) linear feet in the building length.

SECTION 11 ARCHITECTURAL DESIGN REVIEW GUIDELINES

SECTION 11.6 Pedestrian Flows

- B.** Roofs shall include elements such as parapets concealing flat roofs and rooftop equipment, overhanging eaves, or multiple roof slope planes.

SECTION 11.6 Pedestrian Flows

- A.** 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.** 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.
- C.** 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 12 SIGNS

~~AND OUTDOOR ADVERTISING STRUCTURES~~

- SECTION 12.1 Purpose
- SECTION 12.2 [Applicability](#)
- SECTION 12.3 [Applications](#)
- SECTION 12.4 General Provisions
- SECTION 12.5 Prohibited Signs
- SECTION 12.6 Exemptions
- SECTION 12.7 [On-premises Electronic Message Center](#)
- SECTION 12.8 Off-Premise Signs
- SECTION 12.9 Signs in Agricultural and Residential Districts
- SECTION 12.10 Signs in Commercial and Industrial Districts
- SECTION 12.11 Common Signage Plans for Multiple Uses
- SECTION 12.12 Definitions

SECTION 12.1 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 12.2 [Applicability](#) 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.** 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 12.3 [Applications](#)

Each application for a sign permit shall include a drawing of the proposed sign showing the following information:

- A.** Name and address of the owner of the sign.
- B.** 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.
- C.** The type of sign or sign structure as defined in this Resolution.

- D.** 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.
- E.** 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).
- F.** Computations showing total number and area of existing and proposed signs on the lot.

SECTION 12.4 General Provisions

- A.** 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.
- B.** 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.
- C.** 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.
- D.** 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.
- E.** If a permit is denied, an appeal of that decision shall be filed within 20 days with the Board of Zoning Appeals.

SECTION 12.5 Prohibited Signs

The following types of signs are prohibited in all districts:

- A. Abandoned Signs³⁵**
Abandoned sign(s) and sign structure shall be removed within 30 days of notification by the Township Zoning Inspector.
- 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-

³⁵ *Moved from current code Section 11.2, second sentence of “Abandoned Signs” Definitions*

source lights, etc.). ~~Public service information signs and~~ Changeable copy signs are not considered animated signs.

C. Temporary Signs

Portable signs, flags, pennants, banners, feather banners, 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~~ with model homes on lots 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 with no commercial message shall be permitted at ~~special events of a civic or philanthropic nature~~ for the duration of the event for a total period not to exceed 60 days.
4. Banner signs not exceeding 30 square feet in aggregate are allowed for a total period not to exceed ~~continuous 30 days period twice~~ per year and require a sign permit.³⁶

D. Flags with a commercial message except as provided in Section 12.5(C) (Temporary Signs).

E. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.

F. Any sign or other object ~~attracting attention to a business~~ which interferes with the safety of the traveling public.

G. Roof Signs.

SECTION 12.6 Exemptions

A. The following types of signs are authorized in every district and are exempt from sign permit requirements:

1. Signs erected and maintained by the Federal government, the State of Ohio, or Lucas County;
2. Any sign ~~public notice or warning~~ required to be posted by a valid and applicable federal, state, or local law, or regulation;
3. Signs erected and maintained by this township.

³⁶ *Moved from "Banner" definition*

4. Signs required to be posted by this township;
 5. Any sign inside a building;
 6. Works of art display that do not include a commercial message;
 7. Seasonal or Holiday signs, lights and decorations with no commercial message to decorate a property;
 8. 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~~ when that property is being offered for 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~~ when that property is being offered for ~~that advertise the sale or lease~~ as of a subdivision or undeveloped acreage;
 3. Signs not exceeding ~~fifty (50) square feet in sign area denoting the architect, engineer, contractor or developer~~ with an active Building Permit;
 4. ~~Memorial Signs or tablets and signs noting name of buildings and dates of construction~~ not exceeding two (2) square feet in area- when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- 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 the total face area of all temporary signs on a parcel 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:** Yard signs shall be displayed for no more than seven (7) days.
 2. **Bandit Political Signs:** Bandit signs shall be displayed for no more than than 60 days.
- D.** ~~Real estate Signs not exceeding six (6) square feet in sign area for “A” or “R” zoned property~~ when that property is being offered for ~~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 12.7 On-premises Electronic Message Center³⁷

The following regulations shall apply to Electronic Message Centers in all districts:

- A. **Maximum Number:** No more than one (1) Electronic Message Center attached to a permitted on-premise freestanding Sign shall be allowed per property.
- B. **Message Duration:** Each Message displayed on an Electronic Message Center must be static and must be depicted for a minimum of eight (8) seconds. When a Message is changed, the change shall occur within three (3) seconds. The continuous scrolling of Messages is prohibited.
- C. **Brightness:** Electronic Message Center signs and are subject to the following brightness limits:
 - 1. During daylight hours between sunrise and sunset, luminance shall be no greater than 5,000 nits.³⁸
 - 2. At all other times, luminance shall be no greater than 250 nits.³⁹
 - 3. Each electronic message center sign must have a light sensing dimming device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the above brightness limits.
- D. **Size:** No freestanding Electronic Message Center shall exceed 50 percent of the total allowable square footage for any on-premise freestanding Sign.
- E. The addition of any Electronic Message Center to any Non-Conforming freestanding Sign is prohibited.

SECTION 12.8 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;

³⁷ Section 12.7 text is similar to Harding, Spencer and Springfield Township zoning resolutions.

³⁸ The luminance value of 5,000 nits (daytime limit) was chosen to help ensure that message center signs are not significantly brighter than signs illuminated by other means. A luminance of 5,000 nits will result in surface brightness similar to non-digital signs that are illuminated during daylight hours by the sun.

³⁹ The nighttime level is from the Illuminating Engineering Society of North America (IESNA) Lighting Handbook, which recommends a maximum nighttime sign luminance of 250 nits for brightly lit areas and 125 nits in low-light settings. Rural municipalities with minimally illuminated roadways may want to consider the lower nighttime luminance level. Rt. 64 Overlay nighttime brightness for electronic fuel signs changed from 500 to 250 nits in Sec. 5.2(N)(6)

- 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 12.9 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. Corner lots may have one sign on each lot frontage.⁴⁰
- B. For those properties on which a home occupation or bed and breakfast has been approved in accordance with the provisions of this Resolution permanent 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;
 - e) ~~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;~~⁴¹
- C. For Residential Development entrances (including subdivision identification) the owner or owners of the residential ~~At any entrance to a residential subdivision or multi-family development there may erect and maintain be not more than two (2) 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 no commercial message. ~~only the name of the subdivision or development.~~ Any ~~subdivision~~ subdivision/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;
- D. All signs except those exempt in Section 12.6 (Exemptions), and those permitted in Section 12.9 (Signs in Agricultural and Residential Districts), subsections (b) and (c) ~~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.

⁴⁰ Last sentence moved and reworded from crossed out "c" below.

⁴¹ These signs are folded into "a" above.

SECTION 12.10 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:

Table 12-1 Signs in Commercial and Industrial Districts					
Zoning District	Type of Sign Permitted	Max. Size of Pole Sign (Sq. Ft.)	Max. Size of Wall Sign ^[1] _[2]	Max. Size of Low Profile Sign (Sq.Ft.)^[3]	Max. Size of Projecting Sign (Sq.Ft.)^[4]
C-1	Wall, low profile, pole, and projecting	60 per face	1.5 sq. ft. per lineal ft. bldg. width	60 per face	40
C-2	Wall, low profile, pole, and projecting	100 per face	1.5 sq. ft. per lineal ft. bldg. width	100 per face	40
C-3	Wall, low profile	N/A	1.5 sq. ft. per lineal ft. bldg. width	50	N/A
C-4	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
M-1	Wall, low profile	N/A	1.5 sq. ft. per lineal ft. bldg. width	50	N/A
M-2	Wall, low profile	N/A	1.5 sq. ft. per lineal ft. bldg. width	50	N/A

Footnotes:

[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 12.10 (Signs in Commercial and Industrial Districts), Subsection (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 ~~ten (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 12.11 Common Signage Plans for Multiple Uses

A. In lieu of the requirements elsewhere in this ~~Section, 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

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.

SECTION 12.12 Definitions

The definitions for the following terms are cited in Section 12 (Signs), but may also appear elsewhere in this Resolution:

"**Abandoned Sign**" means a sign or sign structure which no longer identifies or advertises a business, service, owner, product, or activity or removed within the specified time as ordered by this Resolution. ~~Such sign(s) and sign structure shall be removed within 30 days of notification by the Township Zoning Inspector.~~⁴²

"**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.

"**Bandit Signs**" means a sign constructed, in whole or substantial part, of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that is not protected from exposure to the natural elements, but is made of weather-resistant materials that last for more than seven (7) days but less than 60 days without significant loss through exposure to the elements or wear and tear.

"**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.~~⁴³

"**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.

⁴² *Crossed out sentence moved to Sec. 12.5.A.*

⁴³ *Last sentence moved to Section 12.5.C Temporary Signs.*

- "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)~~
- "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.
- "Feather Banner"** means a portable sign consisting of a vertical banner made of vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, durable fabric or similar material, the longer dimension of which is typically attached to a pole or rod that is driven into the ground, supported by an individual stand or bracketed to a structure. Also called a "blade sign," "swooper," "flutter flag," "bow sign" or "teardrop banner." This definition includes functionally similar devices. See also "Banner".

- "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.~~
- "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 **this Resolution**. ~~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 holiday ~~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, banner, feather banner, bandit sign, or yard sign ~~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.

"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.

"Work of Art Display" means a hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of structure with the permission of the property owner. An original art display does not include: mechanically produced or computer

generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display

“Yard Sign” means a sign that, in whole or substantial part, is not made of weather-resistant material and not adequately protected from the natural elements.

.

SECTION 13 Common Review Requirements

Section 13.1 Purpose

Section 13.2 Applicability

Section 13.3 Authority to File Applications

Section 13.4 Application Submission Schedule

Section 13.5 Application Contents

Section 13.6 Simultaneous Processing Applications

Section 13.7 Effect of Pre-Application Meetings

Section 13.8 Constructive Notice

Section 13.9 Conduct of Public Hearing

Section 13.10 Examination and Copying Of Documents.

Section 13.11 Effect of Any Approvals

Section 13.12 Amendments of Approved Applications

SECTION 13.1 Purpose

The purpose of this section is to establish common review requirements that will ensure that the regulations set forth in this Resolution are soundly and consistently applied.

SECTION 13.2 Applicability

The requirements of this section shall apply to all development review applications and procedures subject to development review under this Resolution, unless otherwise stated.

SECTION 13.3 Authority to File Applications

- A.** The person having legal authority to act in accordance with the approval sought shall file an application for any review in accordance with this Resolution. The person having legal authority shall be the record owner or the duly authorized agent of the record owner and may be required to provide proof of such authority at the time of application.
- B.** The Zoning Commission or Board of Township Trustees may initiate zoning text and map amendments under this Resolution with or without an application from the property owner who may be affected.

SECTION 13.4 Application Submission Schedule

The schedule for the submission of applications in relation to scheduled meetings and hearings of review bodies shall be made available to the public.

SECTION 13.5 Application Contents

A. Submittal Requirements

Applications required under this Resolution shall be submitted in a form and in such numbers as established by the Zoning Inspector and made available to the public.

B. Submission of Fees

1. Applications shall be accompanied by a fee, in accordance with the Waterville Township Zoning Fee Schedule as established in Section 19.5 (Schedule of Fees, Charges and Expenses) to cover the costs of review, inspection, investigation, legal notices and other expenses incidental to the enforcement of this Resolution.
2. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.⁴⁴

C. Complete Application Determination

1. The Zoning Inspector shall only initiate the review and processing of applications submitted under this section if such application is determined to be complete.
2. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Resolution.
3. If an application is determined to be incomplete, the Zoning Inspector shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected.
4. If the applicant fails to resubmit a complete application within 60 days, ~~the original fee shall be forfeited, and~~ the incomplete application shall be deemed withdrawn.
5. If any materially false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

D. Refund of Fees

Application or review fees are not refundable except where the Zoning Inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

⁴⁴ From current code Sec. 14.1.4(e).

SECTION 13.6 Simultaneous Processing Applications

Whenever two or more forms of review and approval are required under this Resolution, the Zoning Inspector shall determine the order and timing of review. The Zoning Inspector may authorize a simultaneous review of applications.

SECTION 13.7 Effect of Pre-Application Meetings.

- A.** Prior to filing an application, an applicant may request a meeting with the Zoning Inspector, a commission/board for a pre-application meeting to discuss the proposed application or project.
- B.** The purpose of the pre-application meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this Resolution prior to the submission of an application.
- C.** Discussions that occur during pre-application meetings are not binding on the Township and do not constitute official assurances or representations by the Township or its officials regarding any aspects of the plan or application discussed.
- D.** No action can be taken by the staff and/or any commissions/boards until the applicant submits an actual application and/or plan to the Township.

SECTION 13.8 Constructive Notice

The following shall apply to all public notice requirements established in each development review procedure:

- A.** Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the agency having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this Resolution, and such finding shall be made available to the decision-making body prior to final action on the request.
- B.** When the records of the township document the publication, mailing, and/or posting of notices as required by this Resolution, it shall be presumed that notice of a public hearing was given as required.

SECTION 13.9 Conduct of Public Hearing

A. Right of All Persons

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

B. Continuation of Public Hearings

1. An applicant may request that a review or decision-making bodies' consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Zoning Inspector prior to the publication of notice as may be required by this Resolution. The Zoning Inspector may grant such requests, in which case the application will be considered at the next regularly scheduled meeting.
2. A request for deferral of consideration of an application received by the Waterville Township Zoning Inspector after publication of notice of the public hearing as required by this Resolution shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
3. The review or decision-making body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place with notice as may be required in accordance with ORC Section 121.22.

SECTION 13.10 Examination and Copying Of Documents

Applications and other Documents and/or records may be inspected and/or copied as provided for by state law.

SECTION 13.11 Effect of Any Approvals

All approvals shall run with the land or use and shall not be affected by change in ownership.

SECTION 13.12 Amendments of Approved Applications

A. Minor Changes

For any review procedure, the Zoning Inspector is authorized to allow minor changes related to design of an approved application where the change is insignificant and has minimal impact to the overall design of the development. This shall not give the Zoning Inspector the authority to vary the requirements of this Resolution or any conditions of approval.

SECTION 13 Common Review Requirements
SECTION 13.12 Amendments of Approved Applications

B. Amendments

Unless otherwise stated, any approval granted through the provisions of this Resolution may be otherwise be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

SECTION 13 Common Review Requirements
SECTION 13.12 Amendments of Approved Applications

SECTION 14 Review Procedures

- Section 14.1 Zoning Certificates
Section 14.2 Site Plan Review
Section 14.3 [Conditional Use Permits](#)
Section 14.4 [Zoning Verification Letter](#)

SECTION 14.1 Zoning Certificates

A. [Compliance Required](#)

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 [or she](#) 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.

B. [Zoning Certificate Upon Written Request](#)

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.

C. [Conditions under which Certificates are Required](#)

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

1. [New](#) construction or structural alteration of any building, including accessory buildings;
2. Change in use of an existing building or accessory building to a use of a different classification;
3. Occupancy and use of vacant land, [including off-street parking developments](#);
4. Change in the use of land to a use of a different classification;
5. Any change in the use of a nonconforming use;
6. A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Resolution or any amendments;
7. The conduct of a home occupation.

D. Application and Issuance of Zoning Certificates

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.
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.
3. If the application is denied, an appeal of that decision shall be filed within 20 days with the Board of Zoning Appeals. in accordance with Section 16 (Appeals, Variances, and Exceptions).⁴⁵

E. Submission

1. **Simple Site Plan.** 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.
2. Each plan shall show:
 - a. The address, and the parcel number(s) of the property involved;
 - b. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street;
 - c. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon;
 - d. The location and size of the proposed structure and/or the proposed enlargement of the existing structure;
 - e. Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Resolution.

⁴⁵ *Complements similarly worded code section 12.4(E) for sign permit appeals to BZA)*

SECTION 14 Review Procedures

SECTION 14.1 Zoning Certificates

3. 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;
4. An approved detailed site plan, as applicable. See Section 14.2 (Site Plan Review.);
5. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application;
6. A file of such applications and plans shall be kept in the office of the Zoning Inspector.

F. Fees for Zoning Certificates

A fee, ~~in accordance with the Waterville Township Zoning Certificate Fee Schedule~~ **as applicable per Section 19.5 (Schedule of Fees, Charges, and Expenses)**, shall accompany each application for a zoning certificate.

~~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.~~⁴⁶

G. Issuance of Zoning Certificate

1. The Zoning Inspector shall not issue a zoning certificate for any application requiring site plan review in accordance with Section 14.2 (Site Plan Review) prior to recommendation by the Zoning Commission, Board of Zoning Appeals, or Architectural Review Board.
2. 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.

H. 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.

I. Revocation of a Zoning Certificate

The Zoning Inspector shall hereby have the authority to revoke an approved Zoning Certificate if the information submitted as part of the application is found to be erroneous or fraudulent after the certificate has been issued.

⁴⁶ *This provision moved to new Sec. 19.5 (Schedule of Fees, Charges and Expenses.)*

SECTION 14.2 Site Plan Review (Detailed Site Plan)

A. Applicability

A detailed site plan review shall be required prior to a zoning certificate application for:

1. ~~Site plan review and landscaping shall be required for~~ All multi-family and non-residential uses which are original uses; ~~or~~
2. Existing uses, when a building or structure is erected, changed, or enlarged by 50% ~~percent~~ or more or 5,000 square feet or greater in floor area; **and**
3. Proposed or expanded off-street parking developments over five (5) spaces.⁴⁷

B. General Submission Requirements

1. A formal letter of submittal shall accompany the site plan. The letter should give reference to a Toledo-Lucas County Plan Commissions 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 landowner, 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~~ conditional 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.

C. General Submission Format Requirements ~~The following submissions are required:~~

1. The site plan shall indicate the scale of the drawing and shall use an engineer's scale.
2. 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.
3. Twelve (12) blue-line or black-line 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; **The Township may also request the site plan be submitted in digital form.**
4. 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".

⁴⁷ Storm drainage is addressed in Toledo for parking lots larger than 5 spaces; Sylvania Twp. project review starts at 10 spaces.

SECTION 14 Review Procedures
SECTION 14.2 Site Plan Review (Detailed Site Plan)

5. 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.~~ prepared by persons professionally qualified to do such work as required by the ORC. A Professional Engineer's or Professional Surveyor's seal may be required pursuant to the ORC Chapter 4733, as determined by the Zoning Inspector.

D. Basic Site Plan Information ~~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.
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 (2) foot 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).~~

SECTION 14 Review Procedures
SECTION 14.2 Site Plan Review (Detailed Site Plan)

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/retention.
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. A landscape plan as required in Section 10 (Landscape Requirements).
15. Building elevation drawings, showing the front, rear and side views, shall be submitted with the site plan.

E. 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:
 - a. Zoning Commission ~~for review and recommendation~~ for permitted uses,
 - b. Board of Zoning Appeals for conditional uses. The site plan shall also be transmitted to the Zoning Commission, or to the Architectural Review Board if in an ~~the Route 64 Overlay District~~, for review and recommendation to the BZA (See Section 14.3(D)(2) Referral to County Planning Commission and Township Zoning Commission);⁴⁸ and
 - c. Architectural Review Board for permitted uses in an ~~the Route 64 Overlay District~~.
3. The date ~~the Zoning~~ a commission or board accepts the site plan shall constitute the official filing date.

⁴⁸ *Referral to the Zoning Commission is new to this draft. This allows Commission review of detailed site plans that were “special uses” but are now “conditional uses.”*

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 **appropriate review body.** ~~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 **original approving body.** ~~Zoning Commission~~.
7. The Zoning Commission **and Boards** 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 14.3 Conditional Use Permits⁴⁹

A. **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 conditional** 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.~~

~~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.~~

⁴⁹ *This is formerly Section 7 Special Uses in the current code. The term "special uses" is changed in this updated code to "conditional uses" to conform with a change to the Ohio Revised Code. The review and approval body is changed from the Zoning Commission to the BZA to conform with the ORC.*

7.2.1 Special Uses Permitted⁵⁰

B. Initiation

Pursuant to Subsection 13.3 (Authority to File Applications), any person having authority to file applications may initiate an application for a conditional permitted use.

C. Applicability

The provisions of this section apply to the location and maintenance of any and all Conditional Uses. Permits are required before any use listed as a conditional use in Section 3.1 (Use Table) may be established or expanded.

D. Procedure for ~~Special Uses~~ Conditional 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.~~ The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where such approval will be consistent with the general purpose and intent of this Resolution as well as the general purpose and intent of the Waterville Township Land Use Plan.

1. Application. An applicant shall file with the Zoning Inspector the following:

- a. Name, address, and phone number of applicant(s).
- b. Legal description of the property.
- c. Present zoning district.
- d. Description of proposed request for the Conditional Use.
- e. A detailed site plan when required in Section 14.2 (Site Plan Review). ~~The Zoning Inspector may defer or waive any site plan information requirement by determining that such information is not needed or relevant to making a determination regarding compliance with requirements of this Resolution.~~
- f. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other parcels within the immediate area of the proposed Conditional Use.

⁵⁰ *The list of conditional uses (formerly termed special uses) has been moved to new Section 3.1 and integrated into the Use Table.*

- d. The capacity of adjacent streets to handle increased traffic in terms of traffic volume;
- e. The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;
- f. The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential fire or other hazards created by the proposed use;
- g. The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;
- h. The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;
- i. The impact of the landscaping of the proposed use in terms of maintained landscaped areas versus areas to remain in a natural state, and the openness of landscape versus the use of buffers and screens;
- j. The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation;
- k. The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature; and
- l. Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.

G. Imposition of Conditions

- 1. In granting any Conditional Use, the Board of Zoning Appeals shall insure that the specific conditions and standards established in Section 4 (Use Specific Regulations), have been adequately addressed.
- 2. The Board may prescribe other appropriate conditions and safeguards as it deems necessary to insure that the use will be conducted in conformance with the intent and purpose of this Resolution. Such conditions and safeguards may include:
 - a. Increased landscaping requirements.
 - b. Screening between any proposed Conditional Use and adjacent property and/or roadway.

- c. The location of parking areas.
- d. Regulating the hours and/or days of operation.
- e. Lighting locations, intensity and areas to be illuminated.
- f. Any other item deemed necessary to protect the general health, safety and welfare of the community.

H. Expiration of Conditional ~~Special~~ Use Permit

A Conditional ~~Special~~ Use Permit shall be granted for only one (1) particular use and said permit shall automatically expire if, for any reason, the conditional ~~special~~ use is not initiated within one (1) year of the granting of the permit or if the conditional use ceases to exist for more than two (2) years.

SECTION 14.4 Zoning Verification Letter

Upon written request from the owner and payment of any fee, the Zoning Inspector shall issue a zoning verification letter for any building or land verifying, after inspection, the extent and kind of use made of the building or land, and whether such use conforms with the provisions of this Resolution.

SECTION 15 Zoning Text and Map Amendments

SECTION 15.1 Authority

SECTION 15.2 Procedures

SECTION 15.3 Effective Date and Referendum

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

A. Initiation of Zoning Amendments

1. Amendments to this Resolution may be initiated in one of the following ways:
 - a. By adoption of a motion by the Zoning Commission;
 - b. By adoption of a resolution by the Township Trustees;
 - c. By the filing of an application by at least one (1) owner, or the owner's authorized agent of said property proposed to be changed or affected by said amendment in accordance with Section 13.3 (Authority to File Applications).
2. Planned Unit Development applications shall be processed as a zoning amendment application, pursuant to Section 15 (Zoning Text and Map Amendment.)

B. 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.

C. 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.

D. 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 Lucas County Planning Commission for review; application incomplete; have requested further information from applicant; etc.).

E. 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:

1. **Publication.** A notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least 10 days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination;
2. **Written Notice Mailing.** 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 Lucas 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);

SECTION 15 Zoning Text and Map Amendments

SECTION 15.2 Procedures

3. **Posting.** The applicant must **post** ~~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)~~

F. Submission to County Planning Commission

Within five (5) days after the adoption of a motion by the **Zoning** 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 **Lucas** County Planning Commission. The **Lucas** 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.

G. Recommendation by Zoning Commission

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

H. 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 ten (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.

SECTION 15 Zoning Text and Map Amendments

SECTION 15.3 Effective Date and Referendum

I. 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 Zoning Commission, a majority vote of the Board of Trustees shall be required.

SECTION 15.3 Effective Date and Referendum

- A.** Such amendment adopted by the Township Trustees shall become effective ~~thirty (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) ~~percent~~% of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.
- B.** No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

SECTION 16 Appeals, Variance and Exceptions⁵²

- Section 16.1 Purpose
- Section 16.2 Initiation
- Section 16.3 Jurisdiction
- Section 16.4 Review Procedures

SECTION 16.1 Purpose

A. Appeals

The purpose of the appeals is to set forth the standards and procedures by which administrative relief may be taken from any order, requirement, decision, or determination made by any administrative official in the enforcement of this Resolution.

B. Variances

The variance procedure is intended to provide a means by which relief may be granted from unforeseen particular applications of this Resolution that create practical difficulties or particular hardships. When such difficulties or hardships may be more appropriately remedied, if at all, pursuant to other provisions of this Resolution, the variance procedure is inappropriate.

C. Exceptions

Exceptions are permitted and require a careful review of such factors as location, design, configuration, and relation to adjacent uses to determine the desirability of authorizing the exception on any given site. Exceptions may or may not be appropriate in a particular location depending on the impacts on adjacent uses and how adverse impacts may be minimized through building design, building siting, location of driveway and parking and screening.

SECTION 16.2 Initiation

A. Appeal

An appeal to the Board of Zoning Appeals shall be taken by any person aggrieved or by any administrative officer of the Township affected by any decision of the Zoning Inspector.

B. Variance and Exception

Pursuant to Section 13.3 (Authority to File Applications), any person having authority to file applications may initiate an application for a variance or exception.

⁵² *Moved from current code Section 14.1.3 Jurisdiction.*

SECTION 16.3 Jurisdiction

The Board of Zoning Appeals 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.
2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board 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 exception 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% percent 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:

SECTION 16 Appeals, Variance and Exceptions

SECTION 16.3 Jurisdiction

- 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.
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 conditional ~~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 conditional ~~special~~ use in any "C" district.
7. **More Than One 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.

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~~ **this** 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 ~~this 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 ~~this 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% **percent** of the floor area of the existing building or buildings devoted to a nonconforming use. (~~Rev. 11-28-12-222-6123~~)

SECTION 16.4 Review 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~~ in accordance with Section 13.3 (Authority to File Applications), shall specify the request and grounds thereof, and shall be filed in the office of the Zoning Inspector.
2. **Appeal.** 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 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 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 ten (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 Section 16.4(B) (Review by Other Officials). 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 19.4 (Violations – Remedies).

SECTION 16 Appeals, Variance and Exceptions

SECTION 16.4 Review Procedures

E. ~~Schedule of Fees, Charges, and Expenses~~

A fee, in accordance with the Waterville Township Zoning Fee Schedule, shall accompany each ~~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 **ten** (10) days of the Board's written decision.

H. Revoke an Authorized Variance or Exception

1. The Board has the power to revoke a variance or exception for noncompliance.
2. 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 17 DECISION MAKING BOARDS

SECTION 17.1 Board of Zoning Appeals

SECTION 17.2 Architectural Review Board

SECTION 17.1 Board of Zoning Appeals

The Board of Township Trustees, for the purpose and intent of this Resolution, hereby creates and establishes the Waterville Township Board of Zoning Appeals, hereafter referred to as the Board.

A. Membership

1. 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.
2. Each member shall be a resident of the territory known and described as Waterville Township.
3. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing.
4. 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)~~

B. Alternates

1. The Board of Trustees may appoint two alternate members to the BZA for a term of one (1) year each.
2. An alternate member shall take the place of an absent regular member at any meeting of the BZA.
3. An alternate member shall meet the same appointment criteria as a regular member.
4. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for.

C. Powers and Duties

~~The Board of Zoning Appeals, hereinafter called the Board, is hereby established by this Resolution and shall serve the purpose to:~~

1. Hear and decide on appeals of a lawfully executed order by any administrative official in the enforcement of this Resolution.
2. The Board shall consider and make a determination on requests for variances from the terms and conditions of this Resolution and consider appeals for

SECTION 17 DECISION MAKING BOARDS

SECTION 17.2 Architectural Review Board

exception for the use of land, buildings or other structures as applicable under the requirements and conditions of this Resolution.

3. Hear and decide on conditional uses for the use of land, buildings, or other structures as provided for in this Resolution.
4. All other powers conferred upon township boards of zoning appeals in ORC Section 519.14 or as authorized by the Board of Township Trustees in compliance with state law. (Rev. 11-28-12, Z22-C123)

D. Organization and Bylaws

The Board may organize and adopt bylaws for its own governance provided they are consistent with state law or with any other resolution of the Township.

E. Meetings

1. Meetings of the Board shall be held at the call of the chair and at such other times as the Board may determine.
2. The chair, or in their absence, the acting chair, may administer oaths and the Board may compel the attendance of witnesses per ORC Section 519.15.
3. All meetings of the Board shall be open to the public, except as exempted by law.
4. The Board shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in a timely manner in the Township offices and shall be a public record, unless exempted by law.

F. Quorum

1. Three members or alternate members of the Board shall constitute a quorum.
2. The Board shall act by resolution when three members concur. Every decision shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application.

SECTION 17.2 Architectural Review Board

A. 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 ORC Section 519.171 of the Ohio Revised Code. (Rev. 11-28-12, Z22-C123)

SECTION 17 DECISION MAKING BOARDS

SECTION 17.2 Architectural Review Board

B. Membership Appointment and Organization

1. 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.
2. Each member shall serve until his or her successor is appointed.
3. Members of the ARB shall serve at will of Trustees.
4. Vacancies shall be filled by appointment by the Board of Trustees.

C. Alternates

1. The Board of Trustees may appoint two alternate members to the ARC. Each alternate member shall serve for a term of one (1) year each.
2. An alternate member shall take the place of an absent regular member at any meeting of the ARC.
3. An alternate member shall meet the same appointment criteria as a regular member.
4. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for.

D. Powers and Duties

The ARB shall review Detailed Site Plans within the Route 64 Overlay District for compliance with landscape and architectural standards of ~~this 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)~~

E. 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)~~

F. Meetings and Procedures

1. Meetings shall be held at the call of the chair.
2. All meetings shall be open to the public.
3. 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)~~

SECTION 17 DECISION MAKING BOARDS
SECTION 17.2 Architectural Review Board

SECTION 18 NON-CONFORMING LOTS, STRUCTURES AND USES

SECTION 18.1 Intent of Resolution Concerning Non-Conformities

SECTION 18 NON-CONFORMING LOTS, STRUCTURES AND USES

- SECTION 18.1 Intent of Resolution Concerning Non-Conformities
- SECTION 18.2 Avoidance of Undue Hardship
- SECTION 18.3 Single Nonconforming Lots of Record
- SECTION 18.4 Nonconforming Lots of Record in Combination
- SECTION 18.5 Nonconforming Uses of Land
- SECTION 18.6 [Termination of Use through Discontinuance](#)
- SECTION 18.7 Nonconforming Structures
- SECTION 18.8 Nonconforming Uses of Structures or of Structures and Land in Combination
- SECTION 18.9 [Termination of Structure through Discontinuance](#)
- SECTION 18.10 Expansion, Repair, and Maintenance

SECTION 18.1 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 18.2 Avoidance of Undue Hardship

- A.** 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.
- B.** 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 18 NON-CONFORMING LOTS, STRUCTURES AND USES

SECTION 18.3 Single Nonconforming Lots of Record

SECTION 18.3 Single Nonconforming Lots of Record

- A.** 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.
- B.** 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 16.4 (Review Procedures).

SECTION 18.4 Nonconforming Lots of Record in Combination

- A.** If two (2) or more nonconforming lots, or portions thereof, with continuous frontage are in single ownership, the Board of Zoning Appeals 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.
- B.** 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 18.5 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:

- A.** 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;
- B.** 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;
- C.** 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 18 NON-CONFORMING LOTS, STRUCTURES AND USES

SECTION 18.6 Termination of Use through Discontinuance

SECTION 18.6 Termination of Use through Discontinuance

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 **two** (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 18.7 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:

- A.** 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;
- B.** 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;
- C.** 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 18.8 Nonconforming Uses of Structures or 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:

- A.** 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

SECTION 18 NON-CONFORMING LOTS, STRUCTURES AND USES

SECTION 18.9 Termination of Structure through Discontinuance

structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

- B.** 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;
- C.** 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 16.4 Review Procedure) 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;
- D.** 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;
- E.** 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;

SECTION 18.9 Termination of Structure through Discontinuance

When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. A nonconforming use shall be considered voluntarily discontinued or abandoned:

- A.** When the intent of the owner to discontinue the use is apparent; or,
- B.** When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within the two year period; or,
- C.** When it has been replaced by a conforming use; or,
- D.** When it has been changed to another nonconforming use by first obtaining a permit from the Board of Zoning Appeals.

SECTION 18.10 Expansion, Repair, and Maintenance

- A.** 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

SECTION 18 NON-CONFORMING LOTS, STRUCTURES AND USES

SECTION 18.10 Expansion, Repair, and Maintenance

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.

- B.** 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.

SECTION 18 NON-CONFORMING LOTS, STRUCTURES AND USES
SECTION 18.10 Expansion, Repair, and Maintenance

SECTION 19 ENFORCEMENT

- SECTION 19.1 Zoning Inspector
- SECTION 19.2 Violations and Penalties
- SECTION 19.3 Revocation of Certificate
- SECTION 19.4 Violations - Remedies
- SECTION 19.5 Schedule of Fees, Charges, and Expenses

SECTION 19.1 Zoning Inspector

- A.** 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.
- B.** Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals, as provided in Section 16.3(A) (Appeals).

See Footnote⁵³

SECTION 19.2 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.~~ the maximum penalty allowed under the ORC Section 519.99.⁵⁴ 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 19.3 Revocation of Certificate

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

⁵³ *Current code Sections 13.2 thru 13.5 concerning Zoning Certificates moved to new Sec. 14.1.*

⁵⁴ *Monclova Twp. Zoning Res. also uses this language "maximum penalty allowed under the ORC Section 519.99"*

without having obtained a new certificate in accordance with this Resolution shall be deemed guilty of violation thereof.

SECTION 19.4 Violations – Remedies

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 19.5 Schedule of Fees, Charges, and Expenses⁵⁵

Fees for Zoning Certificates

A. Establishment of Waterville Township Zoning Fee Schedule

The Board of Township Trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, permits, site plan approvals, amendments, 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 fee schedule may be altered or amended only by the Township Trustees.

B. Posting of Zoning Fee Schedule

The schedule of fees shall be posted in the office of the Zoning Inspector.

C. Submission of Fees

1. Fees, charges, and expenses shall be paid to Waterville Township and shall be paid in accordance with the Zoning Fees Schedule
2. A fee, in accordance with the ~~Waterville Township Zoning Certificate Fee Schedule~~, shall accompany each application. ~~for a zoning certificate.~~
3. 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.

⁵⁵ *This new section consolidates into one section current code fee Sections 14.1.4(e) and 13.5.1*

SECTION 20 DEFINITIONS

SECTION 20.1 Intent

SECTION 20.2 References to Other Regulations and Documents

SECTION 20.3 Interpretation of Terms or Words

SECTION 20.1 Intent

All words used in this Resolution shall, unless otherwise defined herein, be given the precise meaning or significance as that which is normally attributed to such word or as the same is defined in the Ohio Revised Code or if not defined in this Resolution or the Ohio Revised Code, the current Webster's Dictionary. The words shall be liberally construed to achieve the salutary effect or objectives of this Resolution.

SECTION 20.2 References to Other Regulations and Documents

Whenever reference is made to a resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

SECTION 20.3 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 Section 4.2 Accessory Buildings)

Accessory Dwelling Unit: A subordinate dwelling unit either within or added to an existing single-family detached dwelling, or part of a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory dwelling for cooking, eating, sanitation, and sleeping. (See Section 4.3 Accessory Dwelling Unit)

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

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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 Section 4.4 Adult Oriented Uses)

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 Section 4.4 Adult-Oriented Uses)

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.

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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 Section 4.15 Group Homes)

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 Section 4.4 Adult-Oriented Uses)

Adult Oriented Use: Includes adult amusement or entertainment, adult book store, adult movie house, adult video store, massage parlor. (See Section 4.4 Adult-Oriented Uses)

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 Section 4.4 Adult-Oriented Uses)

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 buildings and structures can also be exempt from zoning authority. If a building or structure is directly related to an agricultural activity on the same parcel of land, then Ohio zoning law does not allow a township to require a zoning certificate or prohibit the construction or use of the building. For example, local zoning cannot require a zoning permit or prevent the construction of a barn being built for housing cattle or storing farm machinery that is used for farming on the same property. Also, zoning may not regulate or prohibit any building or structure that is used primarily for vinting and selling wine that is located on the land where grapes are grown.

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 Businesses: Includes but is not exclusive to the following: Farm Markets, Nurseries, Garden Centers, Greenhouses, and Christmas Tree Farms.

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

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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 ATVs, 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.

Animals, Large and Small: Large animals are defined as dairy cattle or calves, beef cattle or calves, horses, sheep, goats, swine, alpacas, llamas, and any other animal of similar size. Small animals are defined as rabbits, all poultry types and any other animal of similar size. (See Section 4.6, Agricultural Uses on Lots between One and Five Acres

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~~ **their** authorized representative, who requests a zoning permit as authorized by this Resolution.

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

Assisted Living: Means an institution, residence or facility licensed by the State of Ohio that provides accommodation and personal assistance to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment. ~~but that is not licensed to provide skilled nursing care.~~

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

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

A-Weighted Sound Level (dba): A measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1000 Hz and above 5000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band. (See Section 9.6 Noise)

Banks/Financial Services: Where money is deposited, kept, loaned, or exchanged.

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 / Tourist Home: ~~See 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.

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. Does not include Kennels. (See Section 4.8 Boarding of Domesticated Animals and Kennels)

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)~~

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

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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 deck line 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 Material, Supplies, Equipment, or Storage Yard: A building or portion thereof and/or open spaces used for the storage of machinery, equipment, materials, and supplies usually by a contractor or other business owner in the pursuit of his or her business. Includes parcel delivery. Does not include motor vehicle salvage yards or junk yards.

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 Offices: Business establishments primarily engaged in general administration, supervision, purchasing, accounting and other management functions. Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.

Businesses, 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

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

by design into a unified shopping center. General business includes retail projects with an aggregate floor area less than 50,000 square feet.

Businesses, 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.

Businesses, 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~~ convenience stores, 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~~)

Carry Out: See Convenience Store

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.

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.

Coliseums, Stadiums: A large scale recreation or entertainment facility with paying participants or spectators. Includes sports stadiums, arenas, and racetracks.

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

Color Rendering Index (CRI): A scale from 0 to 100 percent measuring a light source's ability to show object colors "realistically" or "naturally" compared to a familiar reference source, either incandescent light or daylight. A high CRI provides better illumination with the same or lower lighting levels. (See Section 9.5 Lighting)

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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

Commercial Grain Elevator or Storage: Buildings or complexes of buildings for storage and shipment of grain.

Commercial Vehicle: Any vehicle with a rated carrying capacity of over 6,000 pounds and used or designed to be used for business or commercial purposes. (See Subsection 8.5(J) Parking and Storage of Vehicles and Trailers)

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.

Community Center: A building that can be used for a gathering spot of community members that may have kitchen facilities, meeting rooms, or indoor recreational facilities.

Composting: The process of biological decomposition of solid wastes under controlled conditions resulting in compost. Controlled conditions include but are not limited to grinding, shredding, chipping, mixing feedstocks, bulking agents and additives, piling, physical turning, aerating, adding moisture, performing procedures to achieve human pathogen reductions, or other processing of solid wastes

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~~ **conditional use** 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

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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.

Correlated Color Temperature (“CCT”): A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in Kelvin (“K”). Lamps with a CCT of less than 3,200°K are pinkish and considered warm. Lamps with a CCT greater than 4,000°K are bluish-white and considered cool. (See Section 9.5 Lighting)

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

Convenience Store. An establishments that retails a limited line of goods that generally include milk, bread, soda and snacks. Convenient stores may include refueling sales (motor vehicle service station) if it is specifically listed as a permitted use in the applicable zoning district.

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.

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.

Decks and Porches: An enclosed or unenclosed surface area attached to, or abutting, a building, that is not used for livable space but that is elevated above the ground. (See Section 4.10 Decks, Porches and Decks)

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

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

- 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 Section 4.11 Dish Antennas)

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.

Distribution Facility: A use which typically involves warehouse and office/administrative functions, where short- and/or long-term storage take place in connection with the dispersing of goods or materials at wholesale or retail.

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.

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.

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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.

Educational Facilities, Trade, Vocational, and Colleges: Means colleges, universities, tutoring centers, and vocational or trade schools for adults or minors. This definition excludes public schools, which are defined by this section as Public Uses.

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 Section 4.12 Extraction Industries)

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.

Farm Market: A location where a producer offers fruits, vegetables and other agricultural products for sale. (See Section 4.5 Agricultural Businesses)

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

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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

Fence: A barrier made of wire, wood, metal, masonry or other material typically used to enclose a yard or open space; or to screen or separate areas. It includes a wall, gate or other structure used as a fence. (See Section 4.14 Fencing)

Financial Insurance Services: A business that offers securities and insurance products for sale to the public.

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.

Foot-candle: A measure of light falling on a surface. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away.

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 ORC.

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

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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.

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) ORC.

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. Includes dental clinics.

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 Section 4.16 Home Occupations)

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:

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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

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

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

Kelvin ("K"): A measurement used to describe the color temperature of a light source. This is the specification that gives a description of the warmth or coolness of a light source. (See Section 9.5 Lighting)

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 Section 4.22 Motor Vehicle Salvage Yards and Junk Yards)

Kennel: 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 and 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 Section 4.18 Large-scale Retail Projects)

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.
- 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.~~⁵⁶(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~~ Lucas County Major Street and 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

⁵⁶ *Text on measuring lot width moved to Section 7.9 Lot Width and Width Line on Curved Streets and Cul-de-Sacs.*

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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 Section 4.20 (Manufactured Home, Permanently Sited)

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 ORC Section 3733.01. ~~(See Section 9.19 Manufactured Home Parks)~~

Manufactured Home, Permanently Sited: ~~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;~~
- ~~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")⁵⁷~~

A distinct type of manufactured home that meets specified criteria so that the home appears similar to a conventional home. (See Section 4.20 Manufactured Home, Permanently Sited)

Manufactured Home Sales: An establishment primarily engaged in the display and sale of manufactured housing units.

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% **percent** or greater, where outside storage of materials **is** ~~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,

⁵⁷ Criteria moved to Section 4-20 Manufactured Home, Permanently Sited

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

- 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 spillover 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 Section 4.4 Adult-Oriented Uses)

Medical Center: A group of facilities providing health services including medical research and other related facilities such as laboratories, in-patient and out-patient departments, training facilities, central service facilities and living quarters operated as an integral part of the facility.

Medical marijuana: means marijuana, as defined in ORC Section 3796.01(A)(1), that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose per ORC Section 3796.01(A)(2).

Metal stamping / machine shops: A workshop where machine, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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 ORC 3781.06.

Modular Home: See Industrialized Unit

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

Motor Vehicle Body Shop: Any building or portion thereof used for the repair or straightening of a motor vehicle body or frame or painting of motor vehicles. Maintenance, service, and engine repair may be performed as an ancillary function of the bodywork.

Motor Vehicle Service Station: Any premises used for supplying gasoline, ~~and~~ oil, and electric charging of vehicles, 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 in an enclosed building.

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 Section 4.22 Motor Vehicle Salvage Yards and Junk Yards)

Motor Vehicle Washing Facility: An establishment wherein automobile and other vehicular equipment is washed and cleaned manually or automatically.

Movie Theater: A specialized theater for showing movies or motion pictures.

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

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

Department of Mental Retardation and Developmental Disabilities pursuant to ORC Section 5123.19. (See Section 4.15 Group Homes)

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~~)

Mortuary / Funeral Home: An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human dead. The facility may include spaces for the conduct of funeral services, informal gatherings or display of funeral equipment and crematory services.

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~~)

Natural prairie grass: A handsome hardy North American grass with foliage turning pale bronze in autumn.

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.

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

Nursery: Land or buildings used for raising and growing of flowers, trees, shrubs or grass sod from seed, seedlings, cuttings, or grafted stock.

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. See Day Care Facilities

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.

Oil and Gas Drilling Wells: Any borehole, whether drilled or bored, for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.

Offices: A building with offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

ORC: The Ohio Revised Code, as amended.

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.

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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.

Open Storage and Display of Materials and Equipment: An accessory use for the storage and/or display of any material, equipment, or item(s) outside of an enclosed building or structure or on a parcel of land.

Outdoor commercial sales or rental of goods stored outside: Use of property for the display and sales or rental of products and services, primarily outside of a building or structure, including but not limited to burial monuments; swimming pools, and portable storage sheds, including related repair activities and sale of parts. Material sold is usually stored outdoors and a building is on site in which sales may be consummated or products displayed. At no time shall any salvage material be considered as merchandise or goods on display.

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.

Patio (unenclosed): An uncovered, non-enclosed outdoor hard surfaced area and does not require a building zoning permit for construction.

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.

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 ORC 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 Section 4.24 Ponds)

Printing and Publishing: Establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals and establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Personal Services."

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.

Professional Offices: The office of a member of a recognized profession maintained for the conduct of that profession.

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.

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 Section 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

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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.

Indoor Recreational Uses: This includes small, generally indoor facilities, including: fitness centers, gymnasiums, handball, racquetball or tennis club facilities, ice or roller skating rinks, bingo parlors, billiard parlors, bowling centers, poolrooms, and amusement arcades.

Theme Park: An establishment primarily engaged in operating a variety of attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands, restaurants and souvenir sales.

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.

Religious Assembly: ~~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 church, synagogue, temple, mosque, or other such place for worship and religious activities. (See Semi-Public Uses)

Research Laboratories: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

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

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

Restaurant: An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings. Includes coffee shops, cafés, bakeries, and other similar establishments.

Restaurant/Lounge: An establishment licensed to sell alcoholic beverages for consumption on premises; and in which limited food service may be accessory to the service of alcoholic beverages. Such establishments may include but are not limited to cocktail lounges, taverns, brewpubs, bars, or pubs.

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 wind turbine rotor blades. (See Section 4.33 Wind Turbine, Small)

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 Section 4.25 Self Service Storage Facilities)

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, places of religious assembly churches, parochial schools, hospitals, and other educational, religious, or philanthropic organizations and telecommunication facilities.

Service Laboratories: An establishment primarily engaged in conducting necessary testing for engineering, scientific, medical, dental, and other health services.

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.

Shooting Range: A facility operated for the purpose of shooting with firearms or archery equipment, whether publicly or privately owned and whether or not operated for profit, including, but not limited to, commercial bird shooting preserves and wild animal hunting preserves established pursuant to this Resolution. "Shooting Range" does not include a facility owned or operated by a municipal corporation, county, township police district, or joint police district.

Shopping Center: See Large-scale Retail Project

Short-Term Rental: Any dwelling that is rented wholly or partly for a fee for less than 30 consecutive days by tenants from which the permanent occupant or owner receive

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

monetary compensation. Short term rentals do not include Bed and Breakfast/Tourist Homes, Hotels/Motels, or Group Living Facilities. (See Section 4.26 Short Term Rentals)

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 Section 12 Signs)

Site Plan - Detailed: A scaled drawing of a proposed project meeting the requirements listed in Section 14.2 (Site Plan Review) 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 Section 4.32 Waste Disposal Facility)

Solar Access: The ability of one property to continue to receive sunlight across property lines without obstruction from another's property (buildings, foliage, or other impediment) (See Section 4.27 Solar Energy Systems)

Solar Energy System: An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. Includes passive solar and active solar systems. (See Section 4.27 Solar Energy Systems)

Solar Glare: The potential for solar panels to reflect sunlight, with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility. (See Section 4.27 Solar Energy Systems)

Solar Panel (or module): A device for the direct conversion of sunlight into useable solar energy (including electricity or heat). (See Section 4.27 Solar Energy Systems)

Solar Panel Tilt: The angle of the solar panels and/or solar collector relative to their latitude. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon. Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round. (See Section 4.27 Solar Energy Systems)

~~Special Use (Exception): A use other than a use by (or as of) right.⁵⁸~~

Storage Garage: See Garage

⁵⁸ This definition is now combined with Conditional Use

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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

Studios of art, photography, dance, or music: Small scale facilities, typically accommodating one group students or fewer at a time, in no more than one instructional space. Larger facilities are included under the definition of "Educational Facilities." Examples of these facilities include: small-scale tutoring centers; individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists. Individual photographer studios are also included in the definition of "Professional Offices."

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. (See Section 4.28 Sweepstakes / Internet Café)

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 Section 4.29 Swimming Pools)

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

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 Section 9.30 Telecommunication Towers and Radio Towers)

Tennis courts, Private: A tennis court not used for commercial purposes, and is only used by the residents and their invited guests.

Tiny House: A dwelling that is 400 square feet (37 sq. m) or less in floor area, excluding lofts.

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

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 Section 4.7 Bed and Breakfast / Tourist Home)

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 wind turbine rotor blades.

Truck Transport Terminals: The premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point.

Turbine: Rotary engine in which the kinetic energy of a moving fluid is converted into mechanical energy by causing a wind turbine's 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.

Vibration Decibel (VdB): A unit-less measure of vibration, expressed on a logarithmic scale and with respect to a defined reference vibration velocity. In the United States, the standard reference velocity is 1 micro-inch per second (1x10⁻⁶ in/sec). (See Section 9.9 Ground Borne Vibration)

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.

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

Warehouse Warehousing: A building or structure facility used for the storage of goods, materials, or equipment without sales to the public.

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. (See Section 4.32 Waste Disposal Facility)

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. (See Section 4.33 Wind Turbine, Small)

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. (See Section 4.33 Wind Turbine, Small)

Wind turbine, small: Is defined as 10kw capacity or less. (See Section 4.33 Wind Turbine, Small)

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, patios, platforms, or decks, which are open to the sky. On a corner lot the owner may elect either street frontage as the front yard.

SECTION 20 DEFINITIONS

SECTION 20.3 Interpretation of Terms or Words

- 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, patios, 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.

Yurts: A circular tent or structure of felt or skins or tarps or like type materials on a collapsible framework

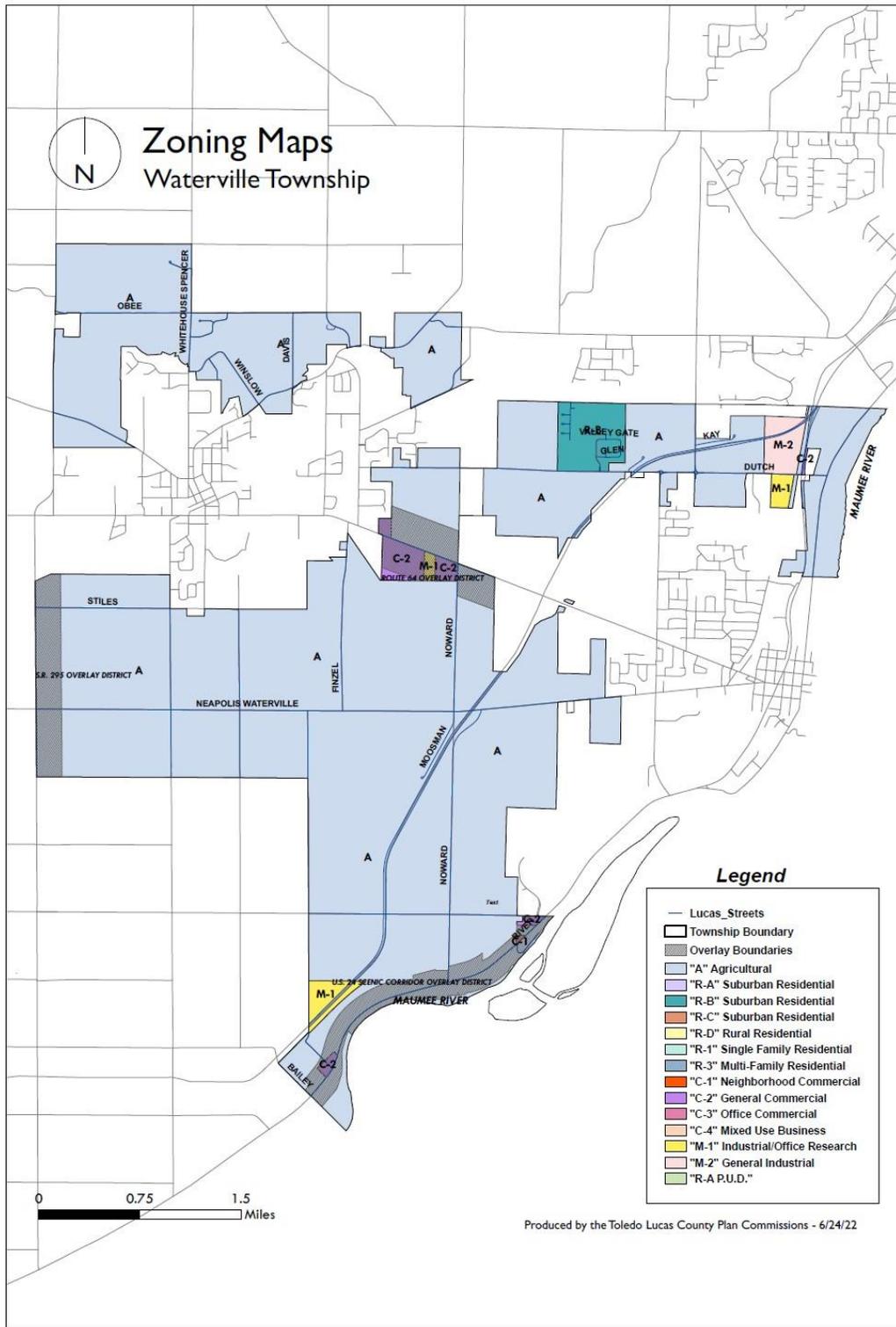
Zoning Inspector: The agent, appointed by the Township Trustees, who is responsible for the administration of the Township Zoning Regulations and required inspections for zoning compliance per Ohio Revised Code Section 519.16. For the purposes of this ~~Zoning~~ Resolution, the term Zoning Administrator is equivalent to Zoning Inspector.

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

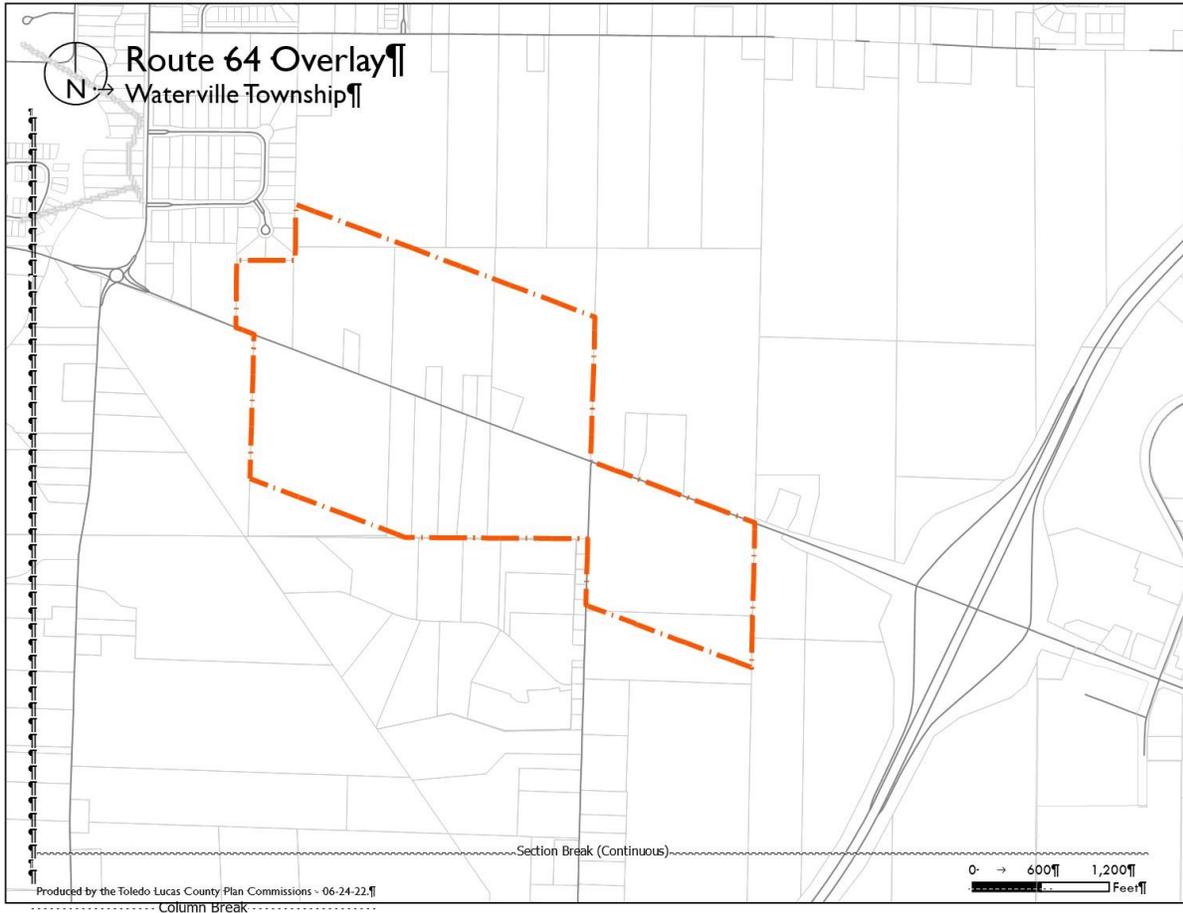
Zoning District Map: Map or maps of the township and amendments delineating zoning districts.

APPENDICES

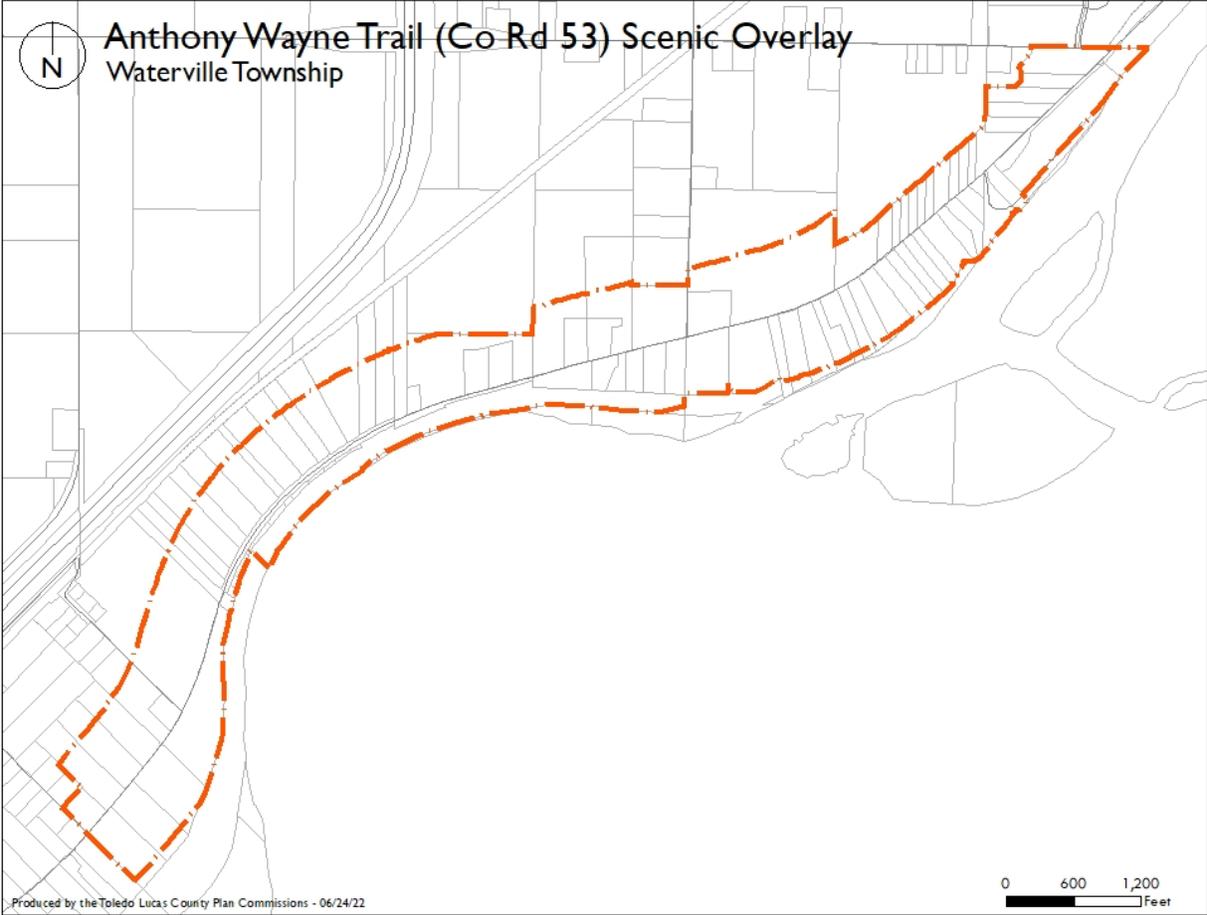
Appendix 1: Zoning Map



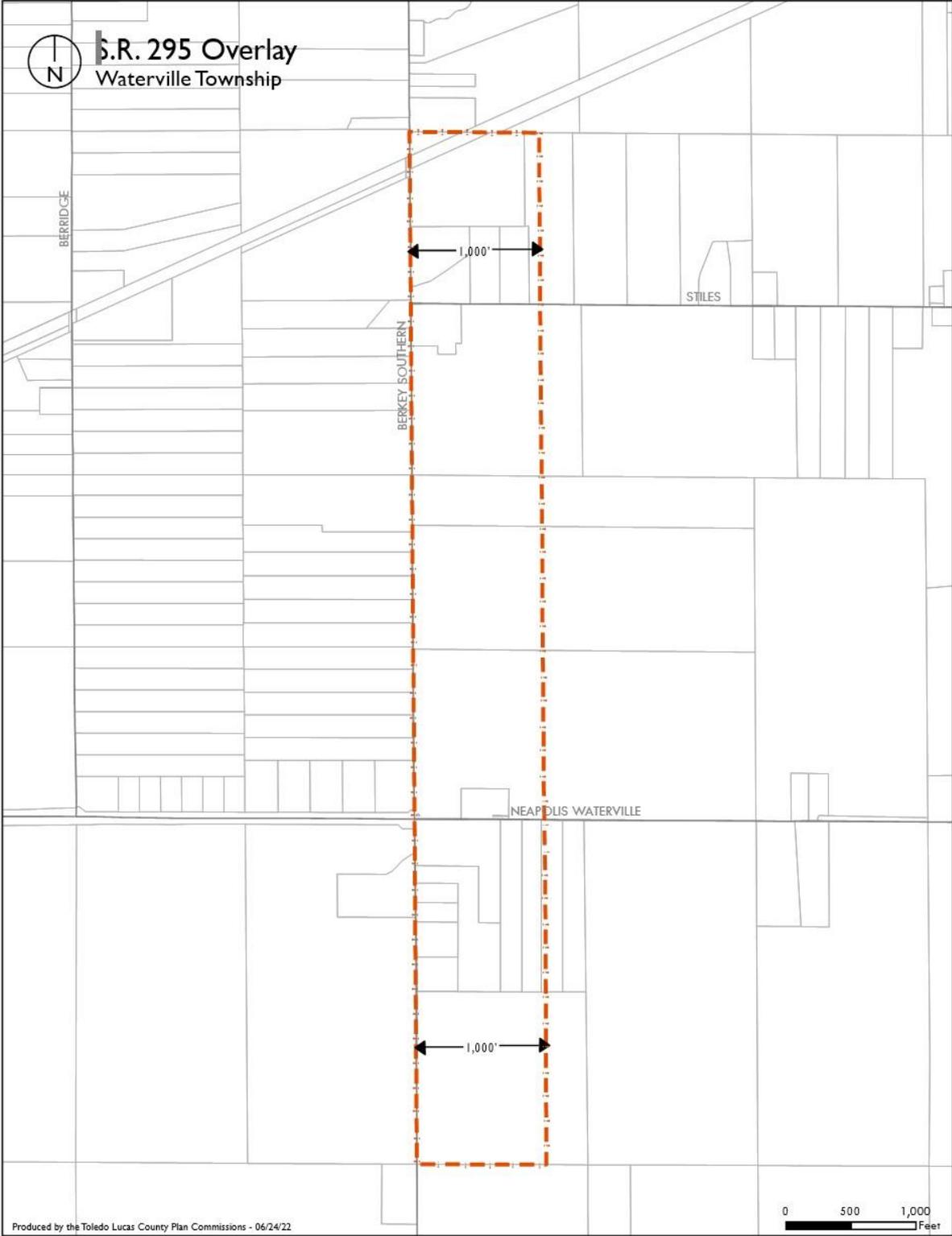
Appendix 2: Route 64 Overlay



Appendix 3: Anthony Wayne Trail (Co Rd. 53) Scenic Overlay



Appendix 4: State Route 295 Overlay District



Produced by the Toledo Lucas County Plan Commissions - 06/24/22

Appendix 5: New Route 24

