

RICHLAND TOWNSHIP ZONING CODE

**RECOMMENDED TO THE TRUSTEES BY
THE ZONING COMMISSION ON
JANUARY 18, 1982**

**ADOPTED BY RICHLAND TOWNSHIP TRUSTEES
MARCH 1, 1982**

**AMENDED
NOVEMBER 2, 1992**

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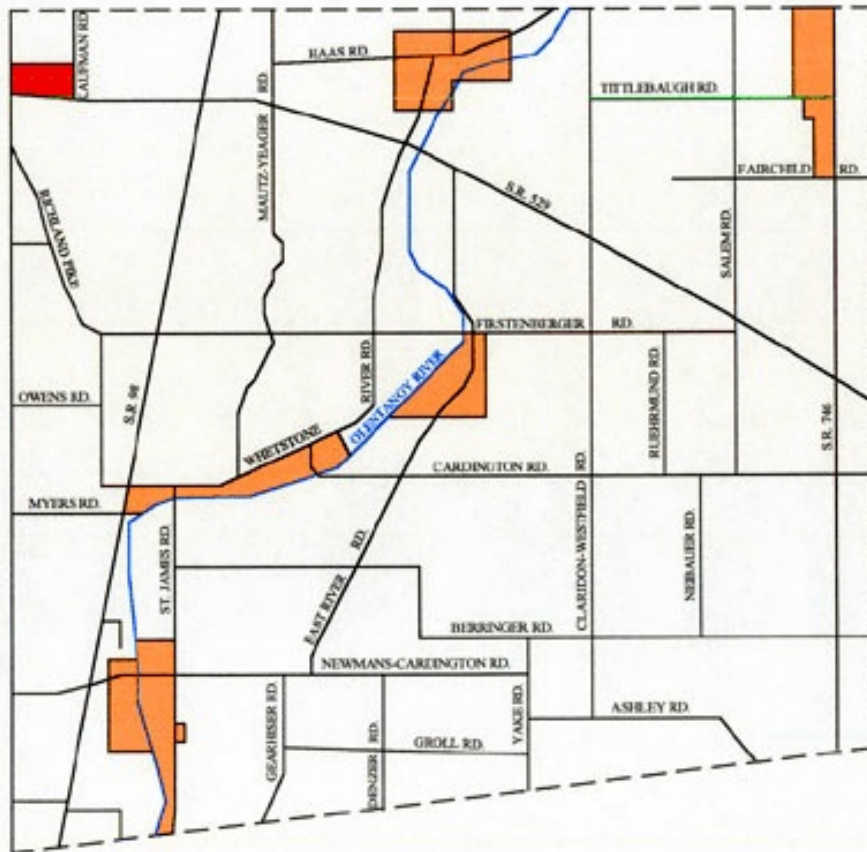
**AMENDED
JANUARY 3, 1998**

RICHLAND TOWNSHIP ZONING RESOLUTION

Whereas, the Board of Trustees of Richland Township deems it in the interest of the public health, safety, morals and general welfare of said township and its residents to establish a general plan of zoning for said township.

Now, therefore, be it Resolved by the Board of Trustees of Richland Township that such zoning resolution is hereby created

RICHLAND TOWNSHIP GENERALIZED ZONING MAP



ZONING DISTRICT LEGEND

- RR, RURAL / RESIDENTIAL DISTRICT
- R, RESIDENTIAL DISTRICT
- B-I, BUSINESS-INDUSTRIAL DISTRICT
- FP, FLOOD PLAIN DISTRICT (See FIRM Maps)



Map Source: 1977 RPC Marion County Highway Map.

Date: 9/4/01

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SECTION I

JURISDICTION, PURPOSE, INTERPRETATION

1.10 JURISDICTION

The provisions of this Resolution shall apply to the unincorporated territory of Richland Township in which a majority vote is recorded at the next election or at any subsequent election.

1.20 PURPOSE

This zoning resolution is adopted to promote the public health, safety, morals, comfort and general welfare; to protect and conserve property and property values, to secure the most appropriate uses of land; and to promote the adequate but economical provision of public improvements, all in accordance with the comprehensive plan. More specific purposes are:

1. To aid in preserving agricultural land in Richland Township.
2. To provide adequate light, air, privacy and convenience of access to property.
3. To lessen or avoid congestion on the streets and highways of Richland Township.
4. To aid in limiting future flood damages.

1.30 INTERPRETATION

1.301 Minimum Requirements and Conflict

1. The provisions of this resolution shall be construed as minimum requirements. They do not prevent other more restrictive requirements if approved by the Electors (eligible votes) of the Township at any general, primary or special elections.
2. Where this Resolution imposes greater restrictions upon the use of land or buildings or upon the bulk of buildings and where it requires higher standards than are required by other laws) ordinances, rules or regulations) this Resolution shall prevail, and where other laws, ordinances, rules or regulations are more restrictive) they shall prevail.

1.31 AGRICULTURAL EXEMPTION

Nothing contained in this resolution shall prohibit the use of any land for agricultural purposes as defined in Section XVI. No zoning permit shall be required for the construction of buildings incident to the agricultural purposes on which such buildings shall be located. The owners or operators of land used for agricultural purposes shall not be required to obtain a zoning permit or conform to the zoning regulation when remodeling an existing farm residence or building a new residence provided that the residence is or is to be occupied by the owners or operators of the agricultural operation.

SECTION II

OFFICIAL ZONING MAP AND ZONING DISTRICTS

2.10 OFFICIAL ZONING MAP

The Township of Richland is hereby divided into Districts which are shown on a map entitled "Official Zoning District Map of Richland Township." This Official Zoning Map shall be identified by the signatures of the Richland Township Trustees and Richland Township Clerk. The Official Zoning District Map shall remain on file in the office of the Richland Township Trustees.

2.20 OFFICIAL ZONING MAP AS PART OF THIS RESOLUTION

The official Zoning Map and all notations, references and other matters thereon are hereby made a part of this Code.

2.30 DETERMINATION OF DISTRICT BOUNDARIES

Except where referenced and noted on the Official Zoning District Map by a clearly designated line and/or written dimensions, the district boundary lines are intended to follow property lines, lot lines or the center lines of streets, alleys or streams as they existed at the time of adoption of this Code. The Zoning Inspector shall interpret the location of boundary lines as shown on the Zoning District Map. When the Zoning Inspector's interpretation is questioned, the boundary lines shall be determined by the Board of Zoning Appeals as prescribed in Section X.

2.40 ZONING DISTRICT CLASSIFICATION

All parts of the unincorporated township shall be designated on the Official Zoning District Map as being located in one of the following zoning districts:

"FP" Flood Plain District

"R-R" Rural - Residential District

"R" Residential District

"B-I" Business - Industrial District

2.50 DEGREE OF RESTRICTIVENESS

Whenever, in this Code, the order of districts as to the degree of restrictiveness is referred to, the order shall be as listed above, with the "FP" District being the most restricted and the "B-I" District being the least restricted.

SECTION III

“FP” FLOOD PLAIN DISTRICT

3.01 PURPOSE

The purpose of the Flood Plain District is to regulate development on Flood Prone land in order to reduce potential loss of life, and damages to property.

3.02 FLOOD PLAIN DISTRICT OVERLAY

The Flood Plain District shall be an over-lapping zone with regulations in addition to any other underlying Zoning District as established in Section II.

3.03 USE REGULATIONS

Any uses permitted in the underlying Zoning District shall be allowed with the exception of the storage of potentially hazardous materials (which if subject to flooding, may become flammable) explosive, or otherwise injurious to human, animal, or plant life.

3.04 DEVELOPMENT STANDARDS

All structures within the Flood Plain District shall meet the existing County Flood Plain Development Standards as enforced by Marion County.

3.05 ESTABLISHMENT OF FLOOD PLAIN ZONE BOUNDARY

The boundaries of the Flood Plain District shall be based on the Flood Insurance Rate Map provided from the Federal Emergency Management Agency pursuant to the National Flood Insurance Program. Should this map be revised, the Flood Plain District boundaries shall likewise be revised.

3.06 DISCLAIMER OF RESPONSIBILITY

This Code does not imply that areas outside the Flood Plain District or land uses permitted with such district will be free from flooding or flood damages. This Code shall thus not create liability on the part of Richland Township or officer or employee thereof for any flood damages that result from reliance on this Code.

SECTION IV

"R-R" RURAL - RESIDENTIAL DISTRICT

4.01 PURPOSE

The purpose of the "R- R" Rural - Residential District is to preserve land currently used for agricultural purposes.

4.02 USE REGULATIONS

1. Principal Permitted Uses

Agricultural
Storage and/or Sale of Fertilizer and Agri-chemicals
Public Uses
Semi-Public Uses
Single-Family Dwellings
Manufactured Homes (See Section 7.10)
Temporary Living Spaces (See Section 7.03)
Petroleum and Gas Drilling and Extraction
Nurseries, Lawn and Garden Centers
Advertising Signs (See Section 7.045)
Veterinary Clinics or Hospital
Mineral, Sand and Gravel Extraction (See Section 7.09)
Seasonal Dwellings (See Section 16-#9)
Private Cemeteries
Top Soil Removal
Nursery Schools and Day Nurseries
Sanitariums, Convalescent Homes and Rest Homes
Rooming or Boarding
Recreation Facilities, Private

2. Conditional Permitted Uses

Airports
Recreational Facilities, Limited Commercial

3. Accessory Permitted Uses and Structures

Private Garages
Private Swimming Pools
Garden Houses, Tool Houses, Playhouses
Living Quarters of Persons Employed on the Premises
Home Occupations (See Section 7.01)
Required Off-street Parking Space
Permanent Roadside Stands on Farms (See Section 7.02)
Accessory Signs (See Section 7.043)

4.03 AREA AND DIMENSIONAL STANDARDS*

	<u>Minimum Lot Size</u>		<u>Minimum Yard Dimension</u>			<u>Maximum Coverage of Lot (Percent)</u>
	Width (Ft.)	Area** (Sq. Ft.)	Front***	Side	Rear	
Dwellings	100	1 Acre	90	20	50	-
All other uses	Sufficient to comply with yard & lot coverage requirement					20%

No structure or building shall exceed 60 feet in height. The height limitation may be appealed to the Richland Township Board of Zoning Appeals. Telecommunication or cellular communication towers exceeding 60 feet in height shall be subject to the requirements of Section 7.13.

* See Section 8.02 for non-conforming lots

** The lot area shall be computed to include the right-of-way

*** The front setback shall be measured from the center of the right-of-way

NOTE: See Section 7.07 for Dimension Standards for Accessory Uses.

4.04 NUMBER OF LOTS

PURPOSE: Recognizing the growing concerns relating to farmland preservation and the need to control premature development, the following restrictions shall apply within the "RR" Rural Residential District.

1. Any parcel or lot of record on the effective date of this resolution may be subdivided, if also in accordance with the Marion County Subdivision Regulations, to provide only up to five (5) residential lots.
2. A residential lot is defined as any lot under ten (10) acres with a home either in use, planned, or potential use.

SECTION V

"R" RESIDENTIAL DISTRICT

5.01 PURPOSE

The purpose of the Residential District is to encourage residential development at appropriate locations and at suitable densities for the provision or potential provision of public services and facilities.

5.02 USE REGULATIONS

1. Principal Permitted Uses

Agriculture
Single-Family Dwellings
Two-Family Dwellings
Three-Family Dwellings
Multi-Family Dwellings
Manufactured Homes (See Section 7.10)
Public Uses
Semi-Public Uses
Temporary Living Spaces (See Section 7.03)

2. Conditional Uses (Subject to Approval by the Board of Appeals)

Mobile Home Parks
Nursery Schools and Day Nurseries
Sanitariums, Convalescent Homes, Rest Homes
Rooming, Boarding or Lodging Houses
Private Clubs, Lodges, Fraternity or Sorority Houses
Recreation Facilities, Private
Funeral Homes or Mortuary
Business, Professional and Industrial Offices in Buildings having the external appearance of residential structures, not including the manufacture, sale or storage of goods.

3. Accessory Permitted Uses and Structures

Private Garages
Swimming Pools, Garden Houses, Tool Houses, Play Houses
Home Occupations (See Section 7.01)
Accessory Signs (See Section 7.043)
Living Quarters for Persons Employed on the Premises
Permanent Roadside Stands on Farms. (See Section 7.043)

5.03 AREA & DIMENSION STANDARDS*

	<u>Minimum Lot Size</u>		<u>Minimum Yard Dimension</u>			<u>Maximum Coverage of Lot (Percent)</u>
	Width (Ft.)	Area** (Sq. Ft.)	Front***	Side	Rear	
<u>Single-Family Dwellings</u>						
Without Public Sewer or Water	100	25,000	90	10	5	-
With Public Sewer or Water	80	18,400	90	10	5	-
With Both Public Sewer & Water	70	18,000	90	10	5	-
<u>Two-Family Dwellings</u>						
Public Sewer & Water Required	70	18,000	90	10	5	-
<u>Multi-Family Dwellings</u>						
Public Sewer & Water Required	100	7,000 (Per Unit)	90	10	5	-
<u>All Other Uses</u>	Sufficient to Comply with yard, parking, and lot coverage requirements		80	20	5	20%

No structure or building shall exceed 60 feet in height. The height limitation may be appealed to the Richland Township Board of Zoning Appeals. Telecommunication or cellular communication towers exceeding 60 feet in height shall be subject to the requirements of Section 7.13.

* See Section 8.02 for non-conforming lots

** The lot area shall be computed to include the right-of-way

*** The front setback shall be measured from the center of the right-of-way

NOTE: See Section 7.07 for Dimension Standards for Accessory Uses.

SECTION VI

"B-I" BUSINESS - INDUSTRIAL DISTRICT

6.01 PURPOSE

The purpose of the "B-I" Business-Industrial District is to provide for various types of commercial and industrial development at appropriate locations.

6.02 USE REGULATIONS

1. Principal Permitted Uses

Agriculture

Public Uses

Semi-public Uses

Lodging, including Motels

Retail business whose principal activity is the sale of new or used merchandise if not elsewhere prohibited.

Service establishments such as barber shops, photography studios, dry cleaning, etc.

Recreational facilities, general commercial

Workshop types of services such as electrical repair, locksmiths, or repair of other goods permitted to be sold within the district

Professional, business or industrial offices

Gasoline service stations

Blending, packaging and storage of previously manufactured products, such as chemical products, feed, grain, and industrial compounds

Manufacturing of household, business or industrial products if not elsewhere prohibited or regulated

Non-manufacturing activities such as transportation terminals, warehousing, research testing laboratories, fuel dealers, etc.

Advertising signs (See Section 7.045)

2. Conditional Permitted Uses (Subject to approval by the Board of Zoning Appeals)

Commercial or Industrial uses determined by the Board of Zoning Appeals to be of the same general character as the above principally permitted uses

The fabrication of structural steel, heavy machinery and transportation equipment

Punch presses and stamping operations

The processing or manufacturing of food products

Sawmills, mixing of cement, bituminous or asphaltic concrete topsoil removal

The following uses, which shall not be located within one thousand (1,000) feet of any existing residence or residential district:

1. Chemical and/or fertilizer manufacturing plant.

2. Distilling of bones, fat or glue, or gelatin manufacturing

3. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals

4. Refining or processing crude petroleum

5. Sanitary landfills
6. Bulk storage of flammable liquids
7. Manufacturing explosives, ammunition, fireworks, matches
8. Refining or processing crude petroleum
9. Airports
10. Junk or salvage yards if surrounded by screened fence six (6) feet high
Adult only entertainment:

No building shall be erected, constructed, or developed and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any adult only entertainment establishment unless authorized by issuance of a conditional use permit in accordance with the provisions of this Resolution. In addition to said provisions, an adult only entertainment establishment shall comply with the following conditional use criteria:

- A. No adult only entertainment establishment shall be permitted in a location which is 1,500 feet of another adult entertainment business;
- B. No adult only entertainment establishment shall be permitted in a location which is 1,000 feet from any residential district, residence, church, public or private school, or public park to avoid a blighting influence on these uses.

In both cases, A and B above, the distance shall be measured from the nearest property line of the existing use to the nearest property line of the proposed adult only entertainment establishment use.

3. Accessory Permitted Uses
 1. Accessory Signs (See Section 7.044)
 2. Off-street parking and loading
 3. Any use customarily incidental to an allowed use.

6.03 AREA AND DIMENSION STANDARDS

All structures shall comply with the dimensional requirements hereunder:

1. Minimum Yard Depth
The minimum front yard depth shall be ninety (90) feet.
2. Minimum Side and Rear Yard:
 - A. If both the side or rear lot line abuts land which is within the Business-Industrial District no minimum side or rear yard is required.
 - B. If either the side or rear lot line abuts land within a different zoning district that yard (or both) shall have a setback equal to the height of the building but not less than twenty-five (25) feet.

SECTION VII

SUPPLEMENTARY DISTRICT REGULATIONS

7.01 HOME OCCUPATIONS

Any person may maintain an office or carry on a customary home occupation in the dwelling used as the person's private residence provided the following conditions are met:

1. The home occupation does not involve any extension or modification of the dwelling which will alter its outward appearance as a dwelling other than a sign as permitted under Section 7.043.
2. There is a maximum of one (1) non-resident employee engaged in the home occupation.
3. The space devoted to such home occupation shall not exceed twenty-five (25) percent of the gross floor area of the principal building.
4. No mechanical equipment shall be installed or used which will create excessive noise, interference with radio or television transmission or reception.

7.02 ROADSIDE STANDS ON FARMS

Roadside stands consisting of a removable structure used only for the display and sale of agricultural products, produced on the premises are permitted accessory uses provided that:

1. Adequate facilities are provided and maintained for off-street parking.
2. That such stand is removed during the seasons when it is not actually used.
3. The stand shall be set back at least five (5) feet from the right-of-way.

7.03 TEMPORARY LIVING SPACE

Temporary living spaces or those spaces used until the main dwelling is completed (generally located in basements, garages, or structures such as travel or vacation trailers) shall be permitted for a period not to exceed one (1) year. The Board of Zoning Appeals may grant an extension to this time limit if it is determined that the persons are hampered by conditions beyond their control.

7.04 SIGNS

7.041 Exempted Signs

The following signs are not subject to the provisions of this Resolution:

- A. Signs relating to the agricultural operations of a particular farm. Signs relating to general commercial products which are not produced on the farm are not exempt.

- B. Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public utility companies for the purpose of safety.

7.042 General Provisions

No sign shall be erected in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape or color it may obstruct the view of motorists or pedestrians.

No sign shall be erected, used, or maintained, which anyway simulates official, directional, or warning signs erected or maintained by the State of Ohio, the County of Marion, or by any township or municipality thereof, or by any railroad, public utility, or similar authorized agency concerned with the protection of public health or safety.

Any illuminated sign shall be so shaded so as not to interfere with the vision of motorists or pedestrians and so as not to direct light on a neighboring residential property.

Any sign that is not maintained shall be removed.

7.043 Accessory Signs in Agricultural and Residential Districts

A home occupation or professional office may have one unlighted sign, not more than four (4) square feet in area.

- A. Any other permitted non-residential use may have one (1) sign with not more than thirty-six (36) square feet per face.

7.044 Accessory Signs in the Business-Industrial District

- A. Two (2) signs for each commercial or industrial use shall be permitted with a maximum of three hundred (300) square feet of total sign area.

7.045 Advertising Signs

- A. Advertising signs shall be deemed to be a principal use
- B. There shall be no more than one (1) advertising sign on any lot having less than two hundred (200) feet of unbroken frontage on a single street. A lot having two hundred (200) or more feet of unbroken frontage may have two (2) advertising signs.
- C. The maximum total sign area shall be four hundred fifty (450) square feet of area per face.

7.046 Local Standards

- A. Accessory Signs
 - 1. No accessory sign shall be located in the required front or side yards.

2. No accessory sign shall be located within one hundred and fifty (150) feet of any road intersection unless affixed to the principal structure.

B. Advertising Signs

1. An advertising sign shall comply with the yard requirements for the principal uses in the district in which it is to be located.
2. No advertising sign shall be located within one hundred and fifty (150) feet of any road intersection.

7.05 MINIMUM DWELLING SIZE

No dwelling shall be erected with less than 1200 square feet of gross floor area, exclusive of breezeways, porches, terraces, basements, and garages.

7.06 FRONTAGE REQUIREMENTS FOR DEEP LOTS WITHIN THE RURAL RESIDENTIAL DISTRICT

In the Rural Residential District, where development is desired a substantial distance from the road) the minimum required frontage may be reduced to fifty (50) feet at a distance 90 feet from the building site provided the following conditions are met:

1. The total area of the lot is three (3) acres or more.
2. The width of lot, measured at the building line, is one hundred (100) feet.
3. All applicable setback requirements are met.
4. Only one single family dwelling is constructed on the lot and no other abutting property uses the strip for access unless it is dedicated as a public street or approved as a private street.
5. The lot is approved under the Marion County Subdivision Regulations.

7.07 ACCESSORY STRUCTURES

- A. Attached garages or other accessory structures connected with the main building by a breeze way or other permanently constructed shall be considered to be part of the principal structure for the purposes of this resolution.
- B. Accessory structures shall be located not less than twenty (20) feet to the rear of the principal structure and not less than five (5) feet from a side or rear lot line.
- C. On corner lots, an accessory structure may not be constructed within twenty (20) feet of any existing residence.

7.08 CORNER LOTS

In all districts, a corner lot shall have a minimum side yard on the side street equal to the required front yard depth required in the district in which it is located.

7.09 NATURAL RESOURCES

The mining of rocks, minerals, sand and gravel shall be permitted in accordance with the district regulations and provided the following conditions are met:

1. Such operations are at least two thousand (2000) feet from a residential district.
2. Such operations are at least one thousand (1000) feet from an existing residence (excluding the residence of the owner or operator).
3. An application for such operation shall be made to the zoning inspector who shall issue a permit. The fee for the permit shall be ten (10) dollars. And the permit shall expire at the end of one (1) year. A new permit and fee shall be required annually as long as the operation continues or as long as equipment is located at the site of operation.
4. Upon termination of operation) land shall revert to the original use, all buildings and structures shall be removed at the expense of the operator within six (6) months of the termination date.

7.10 MOBILE HOMES ON INDIVIDUAL LOTS

The terms manufactured and mobile home are equivalent.

1. The unit must be of new construction or less than five (5) years old.
2. The body of the unit shall have a minimum width of twenty-four (24) feet at its most narrow point exclusive of porches or other attachments. Two singlewide manufactured units placed side by side will not be allowed.
3. All wheels, axles, springs, tongues, and structural supports needed to transport the unit to the site shall be permanently removed.
4. The applicant shall show plans to the Zoning Inspector for a full permanent concrete or masonry foundation around the entire perimeter of the unit. This shall be a foundation that provides adequate support of the home's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the home to the undisturbed ground below the frost line.
5. The unit must be certified to have met HUD (Housing and Urban Development) standards.
6. The unit shall have a minimum residential roof pitch of 3.5:12 with a roof overhang a minimum of eight (8) inches from the vertical side of the unit.
7. The lot the unit is located on complies with the area and frontage standards for the zoning district where it is located.
8. The unit shall not require any additional skirting or underpinning of a style or type customarily associated with or used on manufactured homes.
9. Upon installation, the applicant must surrender any certificate of title issued for the unit to the Clerk of Courts and arrange to have the unit placed upon the real property

tax list and duplicate by the County Auditor.

10. The unit shall be oriented on the lot so that its longest side is parallel to the street or road. However, the Board of Appeals may approve a different orientation if it finds that topography features of the lot or aesthetic considerations so warrant.
11. Once the foundation and perimeter walls are installed, the applicant shall notify the Zoning Inspector. After the Zoning Inspector has been notified, he shall inspect said work within ten (10) working days. Only after the Zoning Inspector has inspected the foundation and determined that it and the unit itself are in compliance with the requirements of this Section may the unit be installed.
12. Applicant shall begin to install the foundation within six (6) months of the issuance of the permit or said permit shall lapse. Applicant may seek an extension of up to six (6) months from the Zoning Board of Appeals.
13. The totality of the circumstances indicates an intention to make the unit a permanent addition to the land upon which it is situated.

7.11 SANITARY LANDFILLS, JUNK YARDS, CHEMICAL MANUFACTURING PLANTS, AND SIMILAR USES

These uses are prohibited in any district except in the Business-Industrial District and only then if:

1. More than one thousand (1,000) feet from any residence or residential district.
2. Approved by the Board of Zoning Appeals after a public hearing. See Section 6.02 (2. Conditional Permitted Uses) and Section 10.022 (Application for Conditional Uses).

7.12 UNLICENCED AND INOPERABLE VEHICLES

No more than one (1) wrecked, unlicensed, or otherwise inoperable vehicle or part thereof is allowed per dwelling unit, to be stored outside of a structure for no more than sixty (60) days per year. Any wrecked, unlicensed, or inoperable vehicle or parts thereof, may be stored for longer periods of time provided they are enclosed by a structure.

7.13 TELECOMMUNICATION OR CELLULAR COMMUNICATION TOWER REQUIREMENTS

1. Telecommunication or cellular communication towers shall be a minimum of 1000 feet from any residential dwelling unit.
2. Telecommunication or cellular communication towers shall be a minimum of 5280 feet from any public or private airport.
3. Telecommunication or cellular communication towers shall be a minimum of one and one-half (1 1/2) tower heights (including base if applicable) from any buildings, roads, alleys, utility lines, etc.
4. Any site where a telecommunication tower is constructed shall be landscaped and maintained in keeping with the decor of the area in which the tower is located.

SECTION VIII

NON-CONFORMING USES AND STRUCTURES

8.01 INTENT

Within the districts established by this resolution or subsequent amendments there exists lots, uses of land and structures which individually or in combination were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution. It is the intent of this resolution to permit these non-conformities to continue until they are voluntarily removed. It is also the intent of this resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

8.02 NON-CONFORMING LOTS

In a district in which dwellings are permitted, a dwelling and accessory structure may be constructed on a lot which is non-conforming as to width and/or area provided the following conditions are met:

1. The lot was a lot of record at the effective date of this resolution.
2. The lot is in separate ownership and not of continuous frontage with adjacent lots of the same ownership.
3. That all applicable setback requirements are met.

8.03 NON-CONFORMING USES OF LAND

A non-conforming use may be continued subject to the exceptions and conditions hereunder.

8.031 Change of Non-conforming Uses

No non-conforming use may be changed to another non-conforming use except with prior approval from the Board of Zoning Appeals in accordance with Section 10.021 of this Code.

8.032 Abandonment

No building, structure or premises where a non-conforming use has ceased for two (2) or more years shall again be put to a non-conforming use.

8.04 NON-CONFORMING STRUCTURES

Structural Alteration, Extension or Repair

A non-conforming structure may be altered, extended or repaired without prior approval from the Board of Zoning Appeals if such alteration, extension or repair does not increase the degree of non-conformity. For example, if the yard requirements are non-conforming as to the dimensions, such dimensions shall not be further decreased.

Expansion of Use

No structure in which a non-conforming use occurs may be expanded or changed to provide for an expansion of its non-conforming use without prior approval from the Board of Zoning Appeals. Examples of such expansion include increasing the number of dwelling units in a housing structure or increasing the floor space of a commercial or industrial establishment.

Repairing Damaged Non-conforming Structure

A non-conforming structure in which a non-conforming use occurs which is damaged or destroyed by fire, flood, winds, acts of God, or other causes beyond the control of the owner may be repaired or reconstructed and the non-conforming use, if any, may be continued provided that such repair or reconstruction is begun within a period of one (1) year and carried on diligently.

SECTION IX

ZONING INSPECTOR AND ZONING PERMITS

1. The position of Township Zoning Inspector is hereby created. He shall be appointed by the Board of Township Trustees and shall receive such compensation, as the Trustees shall provide. He shall keep records of all applications for Zoning certificates and the action taken thereon.
2. Before constructing any building (excluding buildings incident to agricultural purposes), changing the use, or altering any building or structure (including accessory buildings, signs, or changing the use of any premises), application shall be made to the Township Zoning Inspector for a zoning permit. The applicant shall submit a description of the proposed construction, alteration, change of use. Such description shall include when applicable, drawings to scale, showing relevant dimensions and any other information necessary for the enforcement of this resolution.
3. A zoning permit shall be revocable, if among other things, the actual use, construction or alteration does not conform to the terms of the application and permit granted thereon.
4. A zoning permit shall expire one (1) year after issuance unless the construction, alteration or change of use permitted by its issuance has been substantially begun and is thereafter pursued to completion.
5. Applications for a zoning permit shall be accompanied by the following fees:
 - A. The fee for new construction or alterations of existing buildings shall be Twenty-Five (\$25.00) dollars, plus \$1.00 per thousand dollars of value.
 - B. The fee for signs regulated by this resolution shall be Twenty-five dollars (\$25.00).
 - C. The fees set above shall not be charged when the applicant furnished proof that the property has tax exempt status.
6. No zoning permit shall be required for alterations, remodeling or repairs on any building, provided that the gross floor area is not enlarged. No permit shall be required.
7. No zoning permit shall be required for temporary removable structures erected as part of a construction project, nor for the construction of roads, sewers, service lines, utility lines or driveways.

SECTION X

BOARD OF ZONING APPEALS

10.01 ESTABLISHMENT AND ORGANIZATION

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals consisting of five (5) members who shall be residents of the unincorporated territory of the township. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointments by the Board of Township Trustees and shall be for the unexpired term. The members shall serve without compensation.

10.02 POWERS OF THE BOARD

10.021 Interpretation of This Resolution

Upon appeal from a decision of the Zoning inspector, the Board may hear and decide any question involving the interpretation of the test of this resolution or zoning map.

10.022 Applications for Conditional Uses

The Board shall have original jurisdiction and shall hear and decide upon application filed for conditional uses. In considering such an application the Board shall give due regard to the nature and condition of all adjacent uses and structures, and consistency therewith of the proposed use and development. Before authorizing a conditional use, the Board shall determine whether the proposed use would be hazardous, harmful, noxious, offensive or a nuisance to surrounding neighborhoods.

Upon authorizing a conditional use the Board may impose such requirements and conditions with respect to construction, maintenance and operation, in addition to those stipulated in this resolution, the Board shall deem necessary for the protection of adjacent properties and public interest.

10.023 Variances

The Board may authorize upon appeal in specific cases, variances from the provisions of this resolution as will not be contrary to the public interest. However, nothing contained herein shall authorize the Board to affect changes in the zoning map or to add to the uses permitted in any zoning district. In order to grant a variance, the Board must find:

1. That there are special circumstances or conditions applying to the land or buildings for which the variance is sought. These circumstances or conditions shall be such that the strict applications of the provisions of this resolution would result in practical difficulties and unnecessary hardship and deprive the applicant of the reasonable use of the land or building.

2. That the granting of the variance will be in harmony with the general purpose and intent of this resolution and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make it more practicable to consider an amendment to the resolution according to the procedure set forth in Section XII.

10.03 PROCEDURES

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with this resolution. Meetings of the Board shall be held at the call of the Chairman, or in his absence, the Acting Chairman. The Chairman or Acting Chairman may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each, question, or if absent or failing to vote, indicating such fact, and shall keep records of its actions, all of which shall immediately be filed in the office of the Board of Township Trustees. Three (3) members of the Board shall constitute a quorum to conduct business. The Board shall act by resolution and the concurring vote of three (3) members shall be necessary to decide on any matter of which the Board has jurisdiction to decide upon. In the absence of three (3) members, one (1) member shall be a quorum for the purpose of establishing a date and time for the continuance of the meeting, after this is accomplished, such meeting shall adjourn.

10.031 Applications and Appeals

An application for a decision or an appeal to the Board may be made by any person or organization affected by the provisions of this resolution. Appeals to the Board shall be taken within twenty (20) days after a decision of the Zoning Inspector by filing a form, approved by the Board, specifying the grounds therefore.

When an application or appeal has been filed in proper form and with required data, the Secretary of the Board shall place within sixty (60) days said application on appeal upon the calendar for a hearing and cause notices to be served stating the time, place and object of the hearing. Such notices shall be served personally or by mail at least ten (10) days prior to the day of such hearing to all parties of interest and specified in the Boards rules and regulations. The Board shall also publish a notice of such hearing in a newspaper of general circulation in Richland Township at least ten (10) days prior to the public hearing.

The Board shall decide upon an application or appeal within thirty (30) days after the hearing. Any person may appear at such hearings in person or by agent or attorney.

There shall be a fee of twenty (\$20.00) dollars for applications or appeals brought before the Board.

SECTION XI
ZONING COMMISSION

11.01 ORGANIZATION

The Zoning Commission shall be composed of five (5) members, appointed by the Township Trustees who shall be residents of the unincorporated territory of Richland Township. The terms of all members shall be of such length and so arranged that the term of one member shall expire each year. Each member shall serve until his successor is appointed. Members shall be removable for the same causes and the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointments made by the Board of Township Trustees.

11.02 GENERAL PROCEDURES

The Township Zoning Commission shall meet at least four (4) times per year and shall also adopt rules to govern its activities in accordance with this resolution. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be filed immediately in the office of the Township Trustees and shall be public record. Three (3) members of the Commission shall constitute a quorum.

11.03 POWER AND DUTIES

1. The Zoning Commission may initiate proposed amendment to this resolution.
2. The Zoning Commission shall review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees pursuant to Section XII.

SECTION XII

AMENDMENTS

It shall be the policy of the Richland Township Government to consider this Zoning Resolution, together with its zoning District Map, to be subject to amendment from time to time, in order to recognize changing conditions of Land Use and Development, and to utilize proved practices in zoning. The following is a copy of Section 519.12 Ohio Revised Code, as it existed January, 1975.

Amendments or supplements to the zoning resolution may be initiated by motion of the township rural zoning commission, by the passage of a resolution therefor by the Board of Township Trustees or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the township zoning Commission. The Board of Township Trustees may require that the owner or lessee of property filing an application to amend or supplement the zoning resolution pay a fee therefor to defray the cost of advertising, mailing) and other expenses., If the township trustees require such a fee) it shall be required generally, for each application the Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty nor more than forty days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.

If the proposed amendment or supplement intend to re-zone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the county auditor's current tax list or the treasurer s mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement: The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the County or Regional Planning Commission and to the Board of Township Trustees as the case may be.

Within five days after the adoption of such motion or the certification of such resolution or the filing of such application the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County or Regional Planning Commission, if there is such a Commission.

The County or Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.

The Township Zoning Commission shall, within thirty days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the County or Regional Planning Commission thereon to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

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

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

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

SECTION XIII
ENFORCEMENT

1. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars (\$100.00), each day and every day during which such illegal erection, construction, reconstruction, enlargement) change, maintenance or use continues, may be deemed a separate offense.
2. In case any building in 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 law or of this resolution or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of the County of Marion, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or other appropriate action, action proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this Section.
3. No lot, yard, parking area, or other open space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this resolution. No part of a yard, parking area or other space provided for any building in compliance with this code shall be included as a part of a yard, parking area or other open space required for another building.

SECTION XIV

EFFECT OF INVALIDITY OF ONE SECTION

Should any Section or provision of this Resolution be decided by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so held unconstitutional or invalid.

SECTION XV

EFFECTIVE DATE

This Resolution shall take effect and be in force within thirty (30) days following certification by the Board of Elections, if the Resolution is so approved by a majority vote cast by the electors of Richland Township.

SECTION XVI

DEFINITIONS

16.01 INTENT

The following terms shall have the meaning given herein for the purpose of this Resolution.

The word "shall" is to be interpreted as mandatory and not directive.

The word "may" is permissive. All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.

The word "Township" shall mean Richland Township, Marion County, Ohio.

The term "Commission" shall mean the Richland Township Zoning Commission. The term "Board" shall mean the Richland Township Board of Zoning Appeals. The term "Trustees" shall mean the Richland Township Trustees.

1. Agriculture. The use of land for farming, including dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal or poultry husbandry.
2. Accessory Buildings. Buildings located on the same lot with a principal building, the use of which is customarily incident to that of the principal building.
3. Accessory Use. A use subordinate to the principal use of a building or premise, and customarily incidental thereto.
4. Adults Only Entertainment Establishment. An establishment which features adult services that makes available or sells adults only material or which features exhibitions of: persons totally nude, topless or bottomless, or persons with less than full opaque covering of private parts of the body, erotic dancers, strippers, male or female impersonators, or similar entertainment which constitutes adult material.
5. Adults Only Material. Any book, magazine, newspaper, pamphlet, poster, print, slide, transparency, figure) image, description, motion picture film, phonograph record or tape, other tangible thing or any service, capable of arousing interest through sight, sound, or touch, or is characterized by an emphasis on sexual excitement.
6. Airport. Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.
7. Building. Any structure having a roof supported by columns or walls used for shelter or enclosure of persons or property.
8. Building or Structure Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building or structure to the highest point (where roofs are involved a flat roof is considered the highest point, the deck line of a

mansard roof is considered the highest point, and for gable, hip, and gambrel roofs the mean height between eaves and ridge is considered the highest point).

9. Comprehensive Plan. The Comprehensive Plan for Marion County or parts thereof, as and when adopted or amended by the Marion County Regional Planning Commission.
10. District, Zoning. A portion of the land within Richland Township which certain uniform regulations and requirements are in effect.
11. Dwelling. Any building or portion thereof designed or used as the home of one or more persons or families, including modular dwellings but not including a tent, cabin, hotel, motel, recreation vehicle or mobile home.
12. Dwelling, Modular or Industrialized Unit. A fixed dwelling constructed with preassembled or partially preassembled modules or units, built using the same type of materials used in conventional construction, brought to a building site by temporary means of transport, assembled and permanently fixed to the ground. A mobile home or a manufactured home as separately defined shall not be deemed to be a modular dwelling.
13. Dwelling, Seasonal. A summer cottage, winter lodge, or similar lodging occupied less than six (6) months during a year. Mobile homes or manufactured homes are not to be considered seasonal dwellings.
14. Floor Area. The measurement of floor area for the purposes of this resolution shall be the sum of the area of the first floor, as measured to the inside of exterior walls plus that area, similarly measured, of all other stories having eighty four (84) or more inches of headroom. For residential uses, the floor area of uninhabitable basements, cellars, garages, attics, breezeways, and unenclosed porches shall be excluded.
15. Home Occupation. An occupation which is carried on in the home clearly incidental and secondary to the residential use meeting the requirements of Section 7.01 of this resolution.
16. Junk Yard. Land used to dismantle more than two motor vehicles or trailers, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, used building materials, junk, paper, or other salvaged materials.
17. Lot. A single tract or unit of land having frontage on a dedicated public or approved private street, occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with the minimum open space as required in this resolution.
18. Lot, Corner. A lot abutting two (2) streets or roads at their intersections, where the interior angle is not more than 135 degrees.
19. Lot, Area. The computed area within the lot lines.
20. Lot, Width. The mean horizontal distance across the lot between side lot lines, measured at right angles to the lot depth, provided that the minimum lot widths required by this resolution shall be so measured at a distance from the front lot line equal to the required depth of the front yard.
21. Mobile Home or Manufactured Home. Any non-self propelled vehicle so designed,

- constructed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels jacks, blocks, or other foundation and constructed as to permit it being conveyed upon public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and overall length of thirty (30) feet. Such a vehicle shall have U.S. Department of Housing and Urban Development (HUD) National Construction Certification. This definition shall not include a travel or vacation vehicle self-propelled or non-self propelled.
22. Non-Conforming Structure. A building or structure, lawfully existing at the time of the effective date of this resolution that does not conform to the regulations for the Zoning District in which it is located.
 23. Non-Conforming Use. The use of a building or structure or a tract of land, lawfully existing at the time of the effective date of this resolution that does not conform to the regulations for the Zoning District in which it is located.
 24. Principal Use. The primary or chief use for which a lot or structure is used.
 25. Public Uses. All lands, other than streets or highways, owned by and officially designated for continuing public use by a municipality, township, county, school district, state of Ohio, U.S. Government, or any other duly constituted agency of government.
 26. Recreation Facilities, Private. Privately owned recreation facilities which are not operated for the general public for profit, including private country clubs, riding clubs, fishing or hunting clubs, swimming pools and other similar private recreation areas.
 27. Recreation Facilities, Limited Commercial. Recreation areas and facilities open to the public, established and operated for profit, limited to enterprises serving vacation and/or one-day customers, including picnicking, camping, fishing, boating, riding stables, golf courses, ski lodges, swimming pools, with the sale of goods and services limited to food, beverages related supplies and related services.
 28. Recreation Facilities, General Commercial. Recreation areas and facilities open to the public, established and operated for profit, including ice skating rinks, race tracks, amusement parks, carnivals and similar commercial enterprises.
 29. Sign. Any writing, numerals, pictorial representation, illustration, decoration emblem, symbol, trademark, flag, banner, pennant, streamers, or any other figures or object of similar character which:
 1. is a structure or is any part thereof, or is attached to, painted on, or in any other manner represented on a building, column, or other structure, or any portable device, and
 2. is used to announce, direct attention to, or advertise, and
 3. is visible from any street alley, park, or other public area.
 30. Sign, Area of. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame, excluding the necessary supports. For a sign having more than one (1) display surface,

all surfaces shall be included in computing the total of the exposed exterior display surface area. For a sphere or other curved sign, the area shall be that of the largest plane passing through it at right angles to the principal line of vision.

31. Sign, Accessory. A sign which relates solely to the building or premises on which it is located.
32. Sign, Advertising. A sign which directs attention to a use, commodity or service not related to the premises on which it is located, including a billboard.
33. Street. An existing public way approved by official action used as the principal means of access to abutting property. The term "Street" shall include avenue, circle, road, parkway, boulevard, highway, thoroughfare, or any similar term.
34. Variance. A modification of this resolution, granted by the Board of Zoning Appeals permitted in instances where a literal application of provisions in this resolution, pertaining to the land or building, creates an undue hardship.
35. Vehicle. Every device, including a motorized bicycle, on, upon, or by which, any person or property may be transported or drawn upon a street or highway, except devices other than bicycles moved by human power.