

PROPOSAL

PERU TOWNSHIP ZONING RESOLUTION TABLE OF CONTENTS

ARTICLE I - TITLE.....	3
ARTICLE II - PURPOSE	3
ARTICLE III - INTERPRETATION OF STANDARDS	3
ARTICLE IV - APPLICATION OF RESOLUTION	4
ARTICLE V - DISTRICTS AND BOUNDARIES	6
ARTICLE VI - AGRICULTURAL/RESIDENTIAL DISTRICT	8
ARTICLE VII - PLANNED RESIDENTIAL DISTRICT	10
ARTICLE VIII - COMMERCIAL DISTRICT.....	13
ARTICLE IX - SPECIAL USE DISTRICT	15
ARTICLE X - HOME BUSINESS.....	17
ARTICLE XI - LIGHT INDUSTRIAL DISTRICT	18
ARTICLE XII - TELECOMMUNICATIONS TOWER.....	21
ARTICLE XIII - ADULT ENTERTAINMENT.....	25
ARTICLE XIV - NON-CONFORMANCE	29
ARTICLE XV - SIGNS.....	32
ARTICLE XVI - STANDARDS.....	35
ARTICLE XVII - ZONING COMMISSION.....	54
ARTICLE XVIII - BOARD OF ZONING APPEALS.....	58
ARTICLE XIX - ZONING INSPECTOR.....	61
ARTICLE XX – FEES AND ZONING FORMS	64
ARTICLE XXI – DEVELOPMENT PLAN AND SITE PLAN.....	65
ARTICLE XXII - ZONING CERTIFICATE	74
ARTICLE XXIII - AMENDMENT OF RESOLUTION AND/OR ZONING MAP	78
ARTICLE XXIV - VARIANCE	80
ARTICLE XXV - CONDITIONAL USE PERMIT	83
ARTICLE XXVI - APPEAL	84
ARTICLE XXVII - PUBLIC HEARING4SECTION 27.1 PUBLIC HEARING.....	85
ARTICLE XXVII - ENFORCEMENT	92
ARTICLE XXIX – SEVERABILITY AND REPEAL	94

APPENDIX..... 95

PROPOSAL

DRAFT

ARTICLE I - TITLE

This Resolution shall be known and may be cited and referred to as the Peru Township Zoning Resolution, Morrow County, Ohio.

ARTICLE II - PURPOSE

This Resolution is enacted to protect and maintain the rural and agricultural character of the township; to promote public health, safety, and morals; to protect and conserve natural resources and scenic areas; and to secure the most appropriate use of land, in accordance with existing township plans or plans that may be later adopted as permitted by the provisions of Chapter 519 of the Ohio Revised Code (hereafter ORC).

These regulations make every effort to ensure that the Township's rural character does not significantly alter and that its residents enjoy as much freedom from regulations as possible.

ARTICLE III - INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control; however, where the provisions of this Resolution are less restrictive, the more restrictive provision of other laws, rules, regulations restrictions or resolutions shall control. The Peru Township Zoning Commission (hereafter Zoning Commission), Peru Township Board of Zoning Appeals (hereafter Appeals Board), and the Peru Township Trustees (hereafter Trustees) will, when appropriate, refer to all plans, comprehensive plans, studies, and treaties affecting the township area and may require inclusion of recommendations in plans or proposals as submitted or approved.

ARTICLE IV - APPLICATION OF RESOLUTION

Section 4.1 Conformance Required

- A. Except as otherwise provided herein, no temporary or permanent dwelling, building or structure shall be moved on the site, erected, converted, enlarged, reconstructed or structurally altered nor shall any building, structure, or land be used or occupied, other than in strict conformance with all the use and standards established by this Resolution for the district in which the dwelling, building, structure, or land is located.
- B. All dwellings and buildings shall conform to state and/or local building codes in effect on the date that construction of the dwelling or building or any alteration thereto is commenced.

Section 4.2 Agriculture

Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no Zoning Certificate shall be required for any such use, building or structure. Information may be required to be provided to the Zoning Inspector showing that a proposed use qualifies as an agricultural exemption.

Section 4.3 Public Utilities, Railroads, and Natural Resources Exploration and Drilling

- A. Nothing contained in this Resolution shall affect the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure 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. The term “public utility” does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility, that has been issued a permit under ORC Chapter 3734 or a construction and demolition debris facility that has been issued a permit under ORC Chapter 3714. The term “operation of its business” shall not be deemed to include general offices or other uses not related directly to the provision of utility services.
- B. Nothing contained in ORC 519.02 to 519.25 confers power on the Trustees or Appeals Board with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons and/or property or providing or furnishing such transportation service over any public road, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901, 4903, 4905, 4909, 4921, and 4923 of the Revised Code. However, this division confers no power on the Trustees or Appeals Board with respect to a building or structure of, or the use of land by, a person engaged in the

DRAFT

transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants.

- C. The mining of sand, gravel, clay, mineral ore deposits and the drilling for oil or gas shall be permitted in every District provided that:
 - 1. The operation is at least eight hundred (800) feet from a dwelling unless the dwelling is on the land where the operation is performed.
 - 2. The owner or the person who plans to mine or drill shall submit to the Zoning Inspector a Zoning Certificate Application and Zoning Certificate fee payable to Peru Township. A Zoning Certificate Application can be obtained from the Zoning Inspector.
 - 3. The Zoning Certificate shall be valid for one (1) year and renewable annually on receipt of any applicable fee adopted by the Trustees.
 - 4. Upon termination of operations, the 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 of operations.
- D. All applicable regulations contained within this Resolution shall apply where the ORC grants authority.

Section 4.4 Dwelling, Building, or Structure under Construction

Nothing contained in this Resolution shall require any change in the plans, construction, size or designation of a dwelling, building, or structure upon which construction was begun before the effective date of this Resolution. The Zoning Inspector may require proof in the form of an affidavit or other similar documents that the original intended use has not been changed. The ground story framework, including structural parts of the second floor, if applicable, shall be completed within twelve (12) months and the entire dwelling, building, or structure shall be completed within twenty-four (24) months after the effective date of this Resolution.

ARTICLE V - DISTRICTS AND BOUNDARIES

Section 5.1 Districts

For the purpose of this Resolution, the following Districts are hereby created in order that the unincorporated areas under the Resolution may be divided into one or more such Districts:

- A. Agriculture and Residential District
- B. Planned Residential District
- C. Commercial District
- D. Special use District
- E. Light Industrial District

Each of the Districts include land so zoned in the Township and differs from the others by reason of the uses that are permitted or the standards of development that are applicable in the Districts. The purpose of each District can be found in the applicable Article for each District.

The regulations shall be uniform for each kind of dwelling, building, structure, or use throughout each District, but the regulations in one District may differ from those in other Districts as set forth in this Resolution.

Section 5.2 District Boundaries

The boundaries of each District are indicated on the Zoning Map. Except for owners' names, the Zoning Map, plans submitted with rezoning petitions, and all notations, references, and other matters shown thereon shall be as much a part of this Resolution as if they were fully described or rewritten herein.

Section 5.3 Rules for Interpretation of Boundaries

Where uncertainty exists with respect to the boundaries of any of the Districts as shown on the Zoning Map, the following rules shall apply:

- A. Where a District boundary is indicated as approximately following the center line of a road or highway, a road line, or a highway right-of-way line, such center line, road line, or highway right-of-way line shall be construed to be the District boundary.
- B. Where a District boundary is indicated as approximately following a lot line, such lot line shall be construed to be the District boundary.

DRAFT

- C. Where a District boundary is indicated as approximately parallel to a road center line, road line, highway center line, or highway right-of-way line, the District boundary shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such distance shall be determined using the scale shown on the Zoning Map.
- D. Where a District boundary follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- E. Where a District boundary follows a stream or other body of water, the centerline of the body of water shall be deemed to be the District boundary unless otherwise indicated.
- F. Where a District boundary follows a mete and bounds description (i.e. the boundary lines of land, with their terminal points and angles) approved as part of a rezoning of any territory, said metes and bounds description shall have control over all of the foregoing.
- G. Questions concerning the exact location of District boundary lines shall be determined by the Zoning Inspector, subject to the owner's right of appeal to the Appeals Board as described in Article XXVI.

Section 5.4 Zoning Map

The official Zoning Map shall be maintained by the Zoning Inspector and shall be accessible to the public upon request at all reasonable times.

ARTICLE VI - AGRICULTURAL/RESIDENTIAL DISTRICT

Section 6.1 Purpose

The purpose of the Agriculture/Residential (hereinafter referred to as A/R) District is to safeguard land for agricultural and residential use. The A/R District is intended to protect from the intrusion of uses not performing a function appropriate to the principal use of the land for agricultural and residential purposes.

Section 6.2 Permitted Uses

When developed in strict accordance with the Standards described in Article XVI and this Article, the following uses shall be permitted in the A/R District:

- A. A single-family dwelling or dwelling Unit.
- B. A duplex; however, the reconstruction, enlargement, expansion, or substitution of an existing duplex shall comply with the Standards described in Article XVI.
- C. A building or structure that is for residential use.
- D. A Home Business, subject to the conditions specified in Article X.
- E. Agriculture.
- F. A building or structure that is for agricultural use, including the storage, sorting, preliminary processing or sale of agricultural products, when:
 - 1. The lot is five (5) acres or more;
 - 2. The products are used in the production of other farm products; and
 - 3. The storage, processing, sorting, or sales is carried on incident to other farming operations by the owner or lessee.
- G. The roadside sale of agricultural products where at least fifty (50) percent 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.
- H. When a building or structure is developed, re-constructed, extended, enlarged, expanded, moved, or substituted and the building or structure is for residential or agricultural use, it shall comply with the Standards described in Article XVI.

DRAFT

- I. A church.
- J. A public or private school, park, or playground.
- K. A cemetery.
- L. A Telecommunications Tower when developed in strict compliance with Article XII.

Section 6.3 Zoning Certificate Application

- A. A person who plans to develop a new, single-family dwelling, duplex, or dwelling Unit or move an existing dwelling to another area on the same lot in the A/R District shall submit to the Zoning Inspector:
 - 1. A completed Zoning Certificate Application; and
 - 2. The Zoning Certificate Application fee payable to Peru Township.
- B. A Zoning Certificate Application can be obtained from the Zoning Inspector.

Section 6.4 Prohibited Uses

A use that is not specifically permitted by the express terms of this Article shall not be permitted in the A/R District.

ARTICLE VII - PLANNED RESIDENTIAL DISTRICT

Section 7.1 Purpose

When one (1) lot in a Residential/Agricultural District is split into six (6) or more lots, the developer shall begin action to amend the Zoning Map to identify those lots as a Planned Residential District and comply with this Article and the applicable Standards as specified in Article XVI.

A Planned Residential District is established under the provisions of Ohio Revised Code 519.021(B) to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in planning and building of all types of development in accordance with the Comprehensive Plan. The regulations set forth herein are based on the premise that the ultimate quality of a built environment or development proposal is determined not only by the general classification of land uses, but also by the specific way in which such land uses are executed.

An owner who elects to develop a Planned Residential District may apply to have the zoning map amended as described in Article XXIII to rezone the property as a Planned Residential District and no longer be subject to any previously applicable zoning regulations. Once property has been rezoned as a Planned Residential District, subsequent development on that property shall comply with the applicable Standards as specified in Article XVI.

Section 7.2 Permitted Uses

When developed in strict accordance with an approved Development Plan, Standards as described in Article XVII, and this Article, the following uses shall be allowed in the Planned Residential District:

- A. A single-family dwelling, not including a mobile home.
- B. A building or structure that is for residential use; however, when a building or structure is developed, reconstructed, extended, enlarged, expanded, moved, or substituted and the building or structure is for residential use, it shall comply with the Standards described in Article XVII.
- C. A public or private club and grounds for games and sports.
- D. A public or private golf course, including commercial activities that are carried on in conjunction with a golf course, such as a club-house, pro-shop, and restaurant.
- E. A building and grounds for civic, social, religious, professional, educational and similar purposes.
- F. A public playground and athletic field open to the public, including an accessory building or structure.

- G. A building or structure that is for non-residential use by the Planned Residential District.
- H. A Home Business when allowed in the Development Plan.

Section 7.3 Application to Amend

- A. Until the Application to Amend has been approved and the Zoning Map has been finalized to allow for a new Planned Residential District or an expansion of an existing Planned Residential District, a person shall not develop a new or expand an existing Planned Residential District.
- B. A person who plans to develop a new or expand an existing Planned Residential District shall submit to the Zoning Inspector:
 - 1. Six (6) copies each of the Application to Amend, all required information listed on the Application to Amend, and Development Plan; and
 - 2. The Application to Amend fee payable to Peru Township.
- C. An Application to Amend can be obtained from the Zoning Inspector.

Section 7.4 Zoning Certificate Application

- A. Until the Application to Amend has been approved and the Zoning Map has been finalized to allow for a Planned Residential District and an approved Zoning Certificate has been received, a person shall not:
 - 1. Develop a new, single-family dwelling or move an existing dwelling to another area on the same lot.
 - 2. Develop a new building or structure that is for non-residential use.
 - 3. Reconstruct, enlarge, move, or substitute an existing building or structure that is for non-residential use.
- B. The person shall submit to the Zoning Inspector:
 - 1. A completed Zoning Certificate Application; and
 - 2. The Zoning Certificate Application fee payable to Peru Township.
- C. A Zoning Certificate Application can be obtained from the Zoning Inspector.

Section 7.5 Prohibited Uses

DRAFT

A use that is not specifically allowed by the express terms of this Article shall not be allowed in the Planned Residential District.

PROPOSAL

ARTICLE VIII - COMMERCIAL DISTRICT

Section 8.1 Purpose

The purpose of the Commercial District is to provide reasonable conditions under which desirable commerce may operate in the Township while preserving the health, safety, and general welfare of the residents and agriculture of the Township.

Section 8.2 Permitted Uses

When developed in strict compliance with an approved Site Plan, Standards as described in Article XVI, and this Article, the following uses are permitted in the Commercial District:

- A. Retail stores primarily engaged in selling merchandise for personal or household consumption or rendering services incidental to the sale of goods that are principally for the benefit of the township residents. These include but are not limited to hardware stores, food stores, drug stores, florists, laundry and dry-cleaning stores, beauty and barber shops, health spas, clothing stores, shoe repair, restaurants, or any similar establishment consistent with the above listed uses.
- B. Offices for professionals such as insurance agents or brokers; real estate services; legal services; medical, dental, optical, or mental health services; alcohol or drug treatment; accountants; architects; engineers; veterinarians; or any similar service.
- C. Offices for credit agencies, personal credit institutions, or loan offices.
- D. A single-family dwelling; however, the reconstruction, enlargement, expansion, or substitution of an existing dwelling shall comply with the Standards described in Article XVI.
- E. A Home Business as described in Article X.
- F. Agriculture.
- G. A building or structure that is for residential or agricultural use; however, when a building or structure is developed, reconstructed, extended, enlarged, expanded, moved, or substituted and the building or structure is for residential or agricultural use, it shall comply with the Standards described in Article XVI.
- H. A building or structure that is for non-residential and non-agricultural use by the Commercial entity.
- I. A Telecommunication Tower as described in Article XII.

Section 8.3 Application to Amend

DRAFT

- A. A person who plans to develop a new or expand an existing Commercial District shall, prior to such development, submit to the Zoning Inspector:
 - 1. Six (6) copies each of a completed Application to Amend the Zoning Map, all required information listed on the Application to Amend the Zoning Map, and a Site Plan per Article XXI; and
 - 2. The Application to Amend the Zoning Map fee payable to Peru Township.
- B. An Application to Amend the Zoning Map can be obtained from the Zoning Inspector.

Section 8.4 Zoning Certificate Application

- A. Upon receipt of an approved Site Plan and Zoning Certificate for a Permitted use in a Commercial District, a person may:
 - 1. Develop a new, single-family dwelling or move an existing dwelling to another area on the same lot.
 - 2. Develop a new building or structure that is for non-residential or non-agricultural use by the Commercial entity.
 - 3. Reconstruct, enlarge, move, or substitute an existing building or structure that is for non-residential or non-agricultural use by the commercial entity.
- B. The person shall submit to the Zoning Inspector:
 - 1. A completed Zoning Certificate Application; and
 - 2. The Zoning Certificate Application fee payable to Peru Township.
- C. A Zoning Certificate Application can be obtained from the Zoning Inspector.

Section 8.5 Prohibited Uses

A use that is not specifically permitted by the express terms of this Article shall not be permitted in the Commercial District.

ARTICLE IX - SPECIAL USE DISTRICT

Section 9.1 Purpose

The purpose of the Special use District is to allow for private, semi-public, and public recreation, social, cultural and religious activities within the Township while protecting the natural, scenic areas for conservation of open space. It allows for a new or the expansion of an existing Special use District provided it is not likely to create a nuisance in terms of noise, odor, smoke, traffic or other similar nuisances to neighbors.

Section 9.2 Permitted uses

When developed in strict compliance with an approved Site Plan, Standards as described in Article XVI, and this Article, the following uses shall be permitted:

- A. Public or private clubs and grounds for games and sports.
 - 1. Public or private golf courses including commercial activities that are carried on in conjunction with golf course clubhouse facilities such as pro-shops and restaurants.
 - 2. Private clubs and grounds for civic, social, religious, professional, educational, and similar purposes.
 - 3. Public playgrounds and athletic fields.
 - 4. Public or private parks, preserves, or sanctuaries.
 - 5. Campgrounds and other recreational ventures not provided by other sections of this Resolution, provided that all federal, state and local permits are obtained and occupancy is limited to a maximum of two hundred seventy (270) days during any twelve (12) consecutive calendar months. Full-time employees including but not limited to maintenance worker, caretaker, and administrator are exempt from the maximum occupancy restriction.
- B. A single-family dwelling.
- C. A building or structure for non-residential use by the Special use entity.
- D. A building or structure for residential use; however, when a building or structure is developed, reconstructed, extended, enlarged, expanded, moved, or substituted and the building or structure is for residential use, it shall comply with the Standards described in Article XVI.
- E. A Telecommunications Tower as described in Article XII.

Section 9.3 Application to Amend

- A. A person who plans to develop a new or expand an existing Special Use District shall, prior to such development, submit to the Zoning Inspector:
 - 1. Six (6) copies each of the Application to Amend the Zoning Map, all required information listed on the Application to Amend, and Site Plan; and
 - 2. The Application to Amend the Zoning Map fee payable to Peru Township.
- B. An Application to Amend the Zoning Map can be obtained from the Zoning Inspector.

Section 9.4 Zoning Certificate Application

- A. When the Zoning Map has been amended to allow for a new or expanded Special Use District, the Site Plan has been approved, and an approved Zoning Certificate has been received, a person may:
 - 1. Develop a new, single-family dwelling or move an existing dwelling to another area on the same lot.
 - 2. Develop a new building or structure that is for non-residential or non-agricultural use by the Special Use entity.
 - 3. Reconstruct, enlarge, move, or substitute an existing building or structure that is for non-residential or non-agricultural use by the Special Use entity.
- B. The person shall submit to the Zoning Inspector:
 - 1. A completed Zoning Certificate Application; and
 - 2. The Zoning Certificate Application fee payable to Peru Township.
- C. A Zoning Certificate Application can be obtained from the Zoning Inspector.

Section 9.5 Prohibited Uses

A use that is not specifically permitted by the express terms of this Article shall not be permitted in the Special Use District.

ARTICLE X - HOME BUSINESS

Section 10.1 Purpose

The purpose of this Article is to allow a Resident to operate a Home Business in the A/R, Commercial, or Special Use District.

For the purposes of this Resolution, a Home Business exists when:

- A. A Resident of the Premises produces, sells or provides a service or product in a dwelling, building, or structure on the Premises; and
- B. There are no more than two (2) full-time equivalent, non-resident employees.

Section 10.2 Permitted Uses

When developed in strict accordance with the Standards described in Article XVI and this Article, the following Home Businesses shall be permitted in connection with and accessory to the residential use of the property:

- A. An adult family home, as provided in ORC 3722.03.
- B. A Type A family day care home or Type B residential day-care facility, as provided in ORC Chapter 5104.
- C. A child day-care center or child day camp, as described in ORC Chapter 5104.
- D. A bed and breakfast, Air BnB, or boarding or rooming house.
- E. A business permitted in the Commercial District, per Section 8.2, or a permitted special use as described in Section 9.2.
- F. The roadside sale of agricultural products.
- G. Child care, other than a child day-care center, as defined in ORC Section 5104(L), where a Resident, who is not the child's parent, guardian, or custodian, administers to the needs of an infant, toddler, pre-school age child, and/or school-age child outside of that child's school hours, when applicable, for part of a twenty-four (24) hour day in a place other than the child's home.

Section 10.3 Prohibited Uses

A use that is not specifically permitted by the express terms of this Article shall not be permitted as a Home Business.

ARTICLE XI - LIGHT INDUSTRIAL DISTRICT

Section 11.1 Purpose

The purpose of the Light Industrial District is to provide reasonable conditions under which desirable industry may operate in the Township while preserving the health, safety, and general welfare of the residents and agriculture of the Township.

Section 11.2 Permitted Uses

When developed in strict compliance with the approved Site Plan, Standards as described in Article XVI, and this Article, the following uses are permitted in the Light Industrial District:

- A. Any use permitted in Article VIII.
- B. Manufacturing and assembly of apparel, appliances and associated components, electrical equipment, footwear, low-volume (10 units or less per month) specialty vehicles, robotics, cabinetry and millwork, glass and glass products, architectural and structural metals, machine development, computer and electronic products, fabricated metal products. Industrial and commercial machinery, measuring and analyzing instruments, and transportation equipment.
- C. Public utilities.
- D. Construction establishments.
- E. Wholesale trade establishments.
- F. Service or repair facilities, provided that all activities are performed entirely within an enclosed or screened structure, including the parking and storage of customer and business-owned equipment.
- G. Transportation and warehousing establishments.
- H. A building or structure that is for non-residential and non-agricultural use by the industrial entity.
- I. A Telecommunication Tower as described in Article XII.

Section 11.3 Conditionally Permitted Uses

Other uses that are not contrary to the public interest of the Township are conditionally permitted in the Light Industrial District when developed in strict compliance with an approved Site Plan, Standards as described in Article XVI, and this Article, including:

- A. Adult Entertainment Business.
- B. Any other business that is similar in nature or character to those described in Section 11.2, when approved by the Appeals Board

Section 11.4 Application to Amend

- A. A person who plans to develop a new or expand an existing Light Industrial District shall, prior to such development, submit to the Zoning Inspector:
 - 1. Six (6) copies each of the Application to Amend the Zoning Map, all required information listed on the Application to Amend, and Site Plan according to Article XXI; and
 - 2. The Application to Amend the Zoning Map fee payable to Peru Township.
- B. An Application to Amend the Zoning Map can be obtained from the Zoning Inspector.

Section 11.5 Zoning Certificate Application

- A. When an approved Site Plan and Zoning Certificate have been received for aa Permitted use in a Light Industrial District, a person may:
 - 1. Develop a new building or structure that is for non-residential or non-agricultural use by the industrial entity.
 - 2. Reconstruct, enlarge, move, or substitute an existing building or structure that is for non-residential or non-agricultural use by the industrial entity.
- B. The person shall submit to the Zoning Inspector:
 - 1. A completed Zoning Certificate Application;
 - 2. Six (6) copies of the Site Plan; and
 - 3. The Zoning Certificate Application fee payable to Peru Township.
- C. A Zoning Certificate Application can be obtained from the Zoning Inspector.

Section 11.6 Conditional Use Permit Application

- A. When a Conditional Use Permit Application and the Development Plan have been approved by the Appeals Board for an Allowed use in the Light Industrial District, a person may develop a new conditionally allowed use.

B. The person shall submit to the Zoning Inspector:

1. A completed Conditional Use Permit Application;
2. Six (6) copies of the Site Plan; and
3. The Conditional Use Permit Application fee payable to Peru Township.

C. A Conditional Use Permit Application can be obtained from the Zoning Inspector.

Section 11.7 Prohibited Uses

A use that is not specifically or conditionally permitted by the express terms of this Article, shall not be permitted in the Light Industrial District.

ARTICLE XII - TELECOMMUNICATIONS TOWER

Section 12.1 Purpose

Public utilities or other functionally equivalent providers may site a Telecommunications Tower, provided that the conditions contained in this Article are met.

Section 12.2 Permitted Uses

- A. When developed in strict compliance with Standards described in Article XVI and this Resolution, a Telecommunications Tower that complies with the requirements of this Article may be installed on a lot in the A/R, Special Use, Commercial, or Light Industrial District when a Conditional Use Permit has been received.
- B. A Telecommunications Tower is any free-standing structure or any structure attached to a building or structure that meets all of the following criteria:
 - 1. The free-standing or attached structure is proposed to be constructed on or after October 31, 1996.
 - 2. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
 - 3. The free-standing or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.
 - 4. The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
 - 5. The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
 - 6. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

Section 12.3 Notice Requirement

DRAFT

A. A person who plans to locate, erect, construct, reconstruct, change, alter, remove, or enlarge a Telecommunications Tower in the A/R, Special Use, or Commercial District shall send a notice by certified mail to:

1. Each owner whose lot is adjacent to or directly across a road from the lot on which the tower is proposed to be located. The notice shall be sent to the address shown on the Morrow County Auditor's current tax list.

If the notice is returned because the certified mail notice was unclaimed or refused, the person shall mail the notice by first class mail. The failure of delivery of the notice does not invalidate the notice.

2. The Trustees and include a copy of each notice sent to an owner.

B. The notice shall include the following:

1. That the person intends to construct a Telecommunications Tower;
2. A description of the property sufficient to identify the proposed location; and
3. That the owner may, no later than fifteen (15) days after the date the notice was mailed, file with the Zoning Inspector a written objection to request the Zoning regulations be applied.

Section 12.4 Objection Period

A. When no written objection is received by the Trustees and no Trustee makes an objection to the proposed location of the Telecommunications Tower within fifteen (15) days of the date the notice was mailed, the development of the Telecommunications Tower may proceed.

B. When, within fifteen (15) days of the date the notice was mailed, a written objection is received by the Trustees or a Trustee makes an objection to the proposed location of the Telecommunications Tower, the Trustees shall send a written notice to the person that:

1. An objection has been received;
2. The Telecommunications Tower is subject to the power conferred by and in accordance with ORC Section 519.211(B)(2); and
3. If the person elects to pursue the development of the Telecommunications Tower, the person may file a Conditional Use Permit Application with the Zoning Inspector.

Section 12.5 Conditional Use Permit Application

DRAFT

- A. When a written objection is timely received by the Trustees or a Trustee makes a timely objection to the proposed location of the Telecommunications Tower and the person has elected to pursue the development of the Telecommunications Tower, a person shall not develop a Telecommunications Tower until an approved Conditional Use Permit has been received.
- B. To develop a Telecommunications Tower when an objection has been received, the person shall submit to the Zoning Inspector:
 - 1. Six (6) copies each of the Conditional Use Permit Application and all required information listed on the Conditional Use Permit Application.
 - 2. Six (6) copies of a Site Plan that includes:
 - a. A locator map that contains the following:
 - i. The location of all the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
 - ii. The general location of planned future facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
 - iii. For each location of the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower, there shall be listed:
 - a) The type and size of tower at each location;
 - b) The type of equipment located or proposed on each tower;
 - c) The space available on the tower for additional equipment; and
 - d) A site plan depicting any parcels on which any existing or proposed Telecommunications Tower, antenna, or equipment is currently or is proposed to be located.
 - b. A scaled and dimensioned site plan for the facility that contains the following:
 - i. the location, type and size of existing and proposed towers, antennas and equipment located or to be located at the site;
 - ii. the location of existing and proposed buildings and structures, access drives, circulation and parking areas;
 - iii. detailed drawings of the landscape screening plan and related design standards;
 - iv. on-site land uses, structures and zoning district, and adjacent land uses, structures and zoning districts;
 - v. setbacks from property lines and dwellings within 600 feet of the proposed tower; legal description of the lot on which the tower is to be sited;
 - vi. any other information necessary to assess compliance with this section; and
 - vii. any illumination required by the FAA or FCC.
 - c. A written certification from a professional engineer stipulating:
 - i. That the tower's design is structurally sound and in compliance with all applicable federal, state and local building codes;
 - ii. That the equipment placed on the tower and at the site complies with all current FCC regulations;
 - iii. That the tower will, to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of

DRAFT

antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location; and

- iv. The height and fall zone drawing.
 - d. A demonstration by the owner/operator that the Telecommunications Tower must be located where it is proposed in order to service the applicant's service area and that there are no alternative sites reasonably available in any area. This shall include an explanation and accompanying documentation as to why a tower on this proposed site is technically necessary and showing the unavailability of useable sites located in the Light Industrial District; a description of the suitability for use of existing towers, other tall structures or technology not requiring the use of the proposed new tower; and a demonstration that a technically suitable location is not reasonably available on an existing tower or tall structure. If another tower or tall structure is technically suitable, the applicant must show that a reasonable request to co-locate was made and that such request was rejected. "Tall structures" shall include smoke stacks, water towers, utility buildings and structures over 48 feet in height, power transmission towers, existing antenna support structures or other Telecommunications Towers.
 - e. A statement signed by the owner/operator that all towers shall meet or exceed current standards and regulations of the FAA, FCC and any other agency of the state or federal government with the authority to regulate such towers; if the applicable standards and regulations are changed, then the owners/operators of the towers shall, if required by the applicable governmental authority, bring such towers into compliance with the revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the applicable governmental authority.
 - f. A statement signed by the owner/operator that the owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued.
3. The Conditional Use Permit Application fee payable to Peru Township.
- C. A Conditional Use Permit Application can be obtained from the Zoning Inspector.

ARTICLE XIII - ADULT ENTERTAINMENT

Section 13.1 Purpose

The purpose of this Article is to promote the public health, safety, morals, and welfare through the regulation of adult entertainment businesses. It is the intent of this Article to regulate adult entertainment businesses, as defined in the Appendix, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of Adult Entertainment businesses within close proximity to existing adult entertainment businesses, A/R Districts, Planned Residential Districts, schools, churches, parks or playgrounds within the Township.

This Article is intended to prevent crime, protect the Township's retail trade, maintain property values, and generally protect and preserve the quality of the Township's neighborhoods, community life, and Commercial Districts and not to suppress the First Amendment right of free speech.

Each Section of this Article is an independent part thereof and the holding of any Section of this Article to be unconstitutional, void, beyond the authority of the Township, or legally ineffective for any reason shall not effect the validity or constitutionality of any other section of this Article.

Only one (1) adult entertainment business shall be permitted in Peru Township and shall be located in a Light Industrial District.

Section 13.2 Permitted Uses

- A. When developed in strict compliance with an approved Site Plan, Standards as described in Article XVI, and this Resolution, an adult entertainment business and a building or structure used for an adult entertainment business shall be permitted in a Light Industrial District.
- B. An adult entertainment business includes but is not limited to:
 - 1. Adult arcade;
 - 2. Adult bookstore or adult video store;
 - 3. Adult cabaret;
 - 4. Adult motion picture theater, concert hall, auditorium, or similar commercial establishment, which features persons who appear in a state of nudity or features live performances that are characterized by the exposure of sexual activities or anatomical areas as defined in the Appendix; or
 - 5. Massage parlor.

Section 13.3 Zoning Certificate Application

- A. Until an approved Zoning Certificate and Site Plan have been received, an owner or lessee of a lot in a Light Industrial District shall not:
 - 1. Develop a new building or structure for use by an adult entertainment business.
 - 2. Reconstruct or substitute an existing building or structure for use by an adult entertainment business.
- B. The person shall submit to the Zoning Inspector:
 - 1. A completed Zoning Certificate Application;
 - 2. Six (6) copies of the Site Plan; and
 - 3. The Zoning Certificate Application fee payable to Peru Township.
- C. A Zoning Certificate Application can be obtained from the Zoning Inspector.

Section 13.4 Location Restrictions

An adult entertainment business shall be located according to the following restrictions:

- A. No adult entertainment business shall be established within two thousand five hundred (2,500) feet of:
 - 1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - 2. A public or private educational facility including but not limited to a childcare center, nursery school, preschool, kindergarten, elementary school, private school, intermediate school, continuation school, special education school, junior college, or university. The term “educational facility” includes the lot on which the educational facility exists.
 - 3. A lot on which a dwelling exists.
 - 4. A public park or recreational area that has been designated for park or recreational activities including but not limited to a park, playground, bike trail, swimming pool, reservoir, golf course, athletic field, basketball, or tennis court, wilderness areas, or other similar public land within the Township or operated and managed by another public entity; or
 - 5. A business that is oriented primarily towards children or family entertainment.

- B. No adult entertainment business may be enlarged or expanded.

Section 13.5 Sign Regulations for Adult Entertainment Businesses

Signs for an adult entertainment business shall comply with Article XV, with the following exceptions:

- A. All signs shall be painted on or attached directly to a wall or on the surface of masonry, concrete, frame or other approved building walls and extend no more than twelve (12) inches from the face of the wall or building wall with a maximum allowable sign area of forty (40) square feet.
- B. No merchandise or pictures of the products or entertainment on the Premises shall be displayed in window areas or any area where they can be viewed from outside of the building.

Section 13.6 Mainstream Media Shops or Stores

Mainstream media shops or stores that have a maximum of 10 percent of their gross area devoted to adult entertainment material are permitted in Commercial and Light Industrial Districts provided that:

- A. Adult entertainment material shall be physically and visually separated from mainstream material and shall not be displayed publicly.
- B. Separation shall be by a solid opaque-walled enclosure at least eight feet high or reaching to the ceiling.
- C. Inventory marketed to and predominantly consumed by minors shall not be displayed within 15 feet of the entrance to the adult entertainment material area.
- D. Access to the adult entertainment material area shall be controlled by electronic or other means to provide assurance that a person under the age of eighteen (18) years will not obtain access to and the general public will not accidentally enter the adult entertainment material area.
- E. The adult entertainment material area shall provide a sign with a minimum area of two (2) square feet on only one side at its entrance warning that persons under the age of eighteen (18) years are not permitted inside.
- F. No adult arcades are permitted in mainstream media stores.
- G. There shall be no more than one adult entertainment material area per store.
- H. There shall be no exterior signs that advertise adult entertainment material.

Section 13.7 Prohibited Uses

DRAFT

A use that is not specifically permitted by the express terms of this Article shall not be permitted.

PROPOSAL

ARTICLE XIV - NON-CONFORMANCE

Section 14.1 Purpose

The purpose of this Article is to ensure that any use, dwelling, building, structure, or lot that exists and is lawful at the time of the enactment of this Resolution but does not comply with the requirements of this Resolution may be continued.

Nothing in this Resolution shall be deemed to require a change in plans, construction, or designated use of any dwelling, building, or structure when development was lawfully begun prior to this Resolution and has been carried on in a diligent manner after the enactment of this Resolution.

Section 14.2 Non-conforming Use

- A. Where a lawful use exists that would not be permitted by this Resolution, the non-conforming use may continue as long as it remains otherwise lawful.
- B. A non-conforming use may be enlarged, increased, or extended within the building or structure where the non-conforming use existed as of the date of this Resolution; however, a non-conforming use shall not be enlarged, increased, or extended to any other building or structure.
 - 1. A non-conforming use shall not be moved in whole or in part to any other portion of the lot other than that already occupied by the non-conforming use at the effective date of this Resolution.
 - 2. A person shall not substitute a non-conforming use with another non-conforming use.
 - 3. If any non-conforming use is discontinued or abandoned for twenty-four (24) months or more, any subsequent use shall conform to this Resolution.

Section 14.3 Non-Conforming Lot

- A. When a lot exists that would not be permitted by this Resolution because the lot area or lot width does not comply to this Resolution, it shall be considered a non-conforming lot. A non-conforming lot may continue to be used so long as it remains otherwise lawful.
- B. A single-family dwelling or a building or structure that is for residential or agricultural use that complies with the Standards described in Article XVI may be developed on a non-conforming lot.

Section 14.4 Non-Conforming Dwelling, Building or Structure

DRAFT

- A. When a lawful dwelling, building, or structure exists or is in the process of being developed on the effective date of this Resolution that would not be permitted by the terms of this Resolution by reason of restrictions on lot area, lot coverage, building height, minimum setbacks, building location on the lot, or other requirements concerning the dwelling, building or structure, it shall be considered a non-conforming building or structure. A non-conforming building or structure may continue to be used provided it remains otherwise lawful and complies with the following provisions:
1. A person shall not enlarge, increase, or extend a non-conforming dwelling, building, or structure.
 2. When a non-conforming dwelling is damaged by fire, explosion, flood, wind, earthquake, or any other calamity, it may be restored as it existed before it was damaged.
 3. When a non-conforming building or structure that is for residential or agricultural use is damaged by fire, explosion, flood, wind, earthquake, or any other calamity and the cost of restoration is:
 - a. Less than sixty (60) percent of its value, it may be restored as it existed before it was damaged.
 - b. Equal to or greater than sixty (60) percent of its value, it shall be restored in compliance with the Standards described in Article XVI.
 4. When a non-conforming building or structure that is for non-residential or non-agricultural use is damaged by fire, explosion, flood, wind, earthquake, or any other calamity and the cost of restoration is:
 - a. Less than sixty (60) percent of its value, it may be restored as it existed before it was damaged.
 - b. Equal to or greater than sixty (60) percent of its value, it shall be restored in compliance with the Standards described in Article XVI upon receipt of an approved Zoning Certificate.
- B. When a non-conforming dwelling, building, or structure was in the process of being developed on the effective date of this Resolution and the ground story framework, including structural parts of a second floor, if applicable, has not been completed within thirty-six (36) months after the effective date of this Resolution, any rights as a non-conforming dwelling, building or structure is lost. Development shall not continue on such a non-conforming dwelling, building or structure until an approved Zoning Certificate has been received.
1. A non-conforming dwelling shall not be moved for any reason or distance whatsoever until an approved Zoning Certificate has been received.
 2. A non-conforming building or structure that is for residential or agricultural use that is moved shall comply with the Standards described in Article XVI.

DRAFT

3. A non-conforming building or structure that is for non-residential or non-agricultural use shall not be moved for any reason or distance whatsoever until an approved Zoning Certificate has been received.
4. Nothing in this Section shall be deemed to prevent the strengthening or restoring a non-conforming dwelling, building, or structure to a safe condition when it has been declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 14.5 Zoning Certificate Application

A. Until an approved Zoning Certificate has been received, a person shall not:

1. Develop a new single-family dwelling on a non-conforming lot.
2. Develop a new building or structure that is for non-residential or non-agricultural use on a non-conforming lot.
3. Replace a non-conforming building or structure that is for non-residential or non-agricultural use when sixty (60) percent or more of value of the dwelling, building or structure has been damaged by a calamity.
4. Complete a non-conforming dwelling or a building or structure that is for non-residential or non-agricultural use that was begun prior to the effective date of this Resolution but the ground story framework, including structural parts of the second floor, if applicable, were not completed within thirty-six (36) months after the effective date of this Resolution.
5. Move a non-conforming dwelling.
6. Move a non-conforming building or structure that is for non-residential or non-agricultural use.

B. The person shall submit to the Zoning Inspector:

1. A completed Zoning Certificate Application; and
2. The Zoning Certificate Application fee payable to Peru Township.

C. A Zoning Certificate Application can be obtained from the Zoning Inspector.

Section 14.6 Prohibited Uses

A use not specifically permitted by the express terms of this Article shall not be permitted.

ARTICLE XV - SIGNS

Section 15.1 Purpose

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor signs used for commercial, planned residential, special use, telecommunications, or light industrial purposes. It is intended to protect values, preserve the scenic and natural beauty of the Township, reduce sign distraction and obstructions that may contribute to traffic accidents, provide more open space, and generally curb the deterioration of the natural environment.

This Resolution does not intend to infringe on the rights of free speech, as protected by the First Amendment of the United States Constitution, and Chapter 1, Section 11, of the Ohio Constitution. All regulations in this Article are to be construed, whenever possible, in favor of political debate and the accommodation of the rights of persons to speak freely.

Section 15.2 Permitted Signs for Use by a Commercial, Planned Residential, Special Use, Telecommunications, and Light Industrial Entity

When developed in strict accordance with a Site Plan, if applicable, Standards as described in Article XVI, and this Article, the following signs shall be permitted:

- A. A free-standing, building-mounted, or ground-mounted sign identifying or advertising a product or service provided by a commercial, planned residential, special use, telecommunications, or light industrial entity on the lot where the sign is located. Such sign shall comply with the following regulations:
 - 1. No individual sign shall have a surface area of greater than thirty-two (32) square feet per side;
 - 2. Not more than one sign is permitted;
 - 3. No sign shall be located closer than fifteen (15) feet from the right-of-way of the adjoining road; and
 - 4. Setback from the side lot line shall be in accordance with development standards for the District in which the sign is located.
- B. A free-standing, building-mounted or ground-mounted sign identifying or advertising a product or service by a commercial, planned residential, special use, telecommunications, or light industrial entity that is not provided on the lot where the sign is located shall be permitted in the Commercial or Light Industrial District or in the A/R District on land used for agricultural purposes under the following regulations

DRAFT

1. No sign shall exceed three hundred (300) square feet in area per side nor have more than two sides.
2. No sign shall exceed thirty-five (35) feet in height or have a length more than four times the height of the billboard face.
3. The sign shall be located behind the building set-back lines established for the District in which the sign is located and no closer than one thousand two hundred (1,200) feet from the closest dwelling or inhabited building.
4. The sign must be able to withstand a wind force of eighty-five (85) miles per hour.

Section 15.3 Non-conforming Sign

- A. Any sign in existence prior to the effective date of this Resolution that does not comply with the provisions of this Article is considered to be non-conforming. A non-conforming sign shall be permitted to continue in its non-conforming status provided the sign was erected in compliance with applicable laws in existence on the date of its erection. However, a non-conforming sign that fails to comply with Sections 16.2(A)(1) through 16.2(A)(6) shall be moved or altered so that it does comply with those Sections.
- B. A non-conforming sign shall not be relocated or replaced unless it is brought into compliance with the provisions of this Article.
- C. A non-conforming sign may be maintained or repaired but only in accordance with the following provisions:
 1. The size and structural shape shall not be changed or altered.
 2. The copy on the sign may be changed provided that the change applies to the original use associated with the sign and the copy area is not enlarged.
 3. When a non-conforming sign is damaged to the extent that sixty (60) percent or more of the sign must be repaired or replaced, the sign shall be brought into compliance with this Article within sixty (60) days of the date the damage occurred. When less than sixty (60) percent of the sign is damaged, the sign shall be repaired within sixty (60) days of the date the damage occurred.
- D. Any subsequent owner or lessee shall bring a non-conforming sign into compliance with this Article.

Section 15.4 Abandoned Sign

DRAFT

- A. A sign shall be declared abandoned if it meets the following criteria:
 - 1. A non-conforming sign, as described in Section 15.3, has been discontinued or abandoned.
 - 2. Any sign that remains after the business for which it was constructed or erected has been closed to the public for at least one hundred eighty (180) consecutive days. Seasonal businesses are exempted from this determination.
 - 3. Any sign that has not been maintained in good repair.
- B. An abandoned sign shall be brought into compliance with this Article.

Section 15.5 Prohibited Signs

A sign not specifically permitted by the express terms of this Article shall not be permitted.

ARTICLE XVI - STANDARDS

Section 16.1 Existing Development Standards

In addition to any other provisions of this Resolution, a person shall strictly comply with the following standards:

- A. No more than eight (8) inoperable, unlicensed, or unused Vehicles or non-agricultural equipment are allowed on a lot, of which no more than four (4) can be viewed from the roadway.

This prohibition shall not apply to Vehicles or equipment stored pursuant to sales or repair activity permitted as a Home Business or Commercial endeavor.

- B. An aerial or antenna for the sole purpose of residential use shall be permitted when:
 - 1. The maximum height of the tower does not exceed fifty (50) feet; and
 - 2. The height is not greater than the distance from the center of the base of the tower to the nearest lot line.
- C. The storage of or activity involving flammable or explosive material shall provide for adequate safety devices that prevent the hazard of fire or explosion. Commercial, Light Industrial, and Special Use activities or storage of flammable or explosive material shall adhere to the Occupational Safety and Health Administration standards.
- D. Accumulated trash, garbage, refuse, debris, or discarded material that creates a hazard or public nuisance to the neighborhood or general public shall not be permitted.
- E. Dumping or incineration of kitchen waste, sewage, or dead animals shall not be permitted. The composting of kitchen waste is permitted.
- F. Waste materials, whether solid or liquid, shall not be permitted on the Premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Morrow County Health Department and do not create a burden on any adjoining lot.
- G. No structure or pond shall be constructed, installed, or operated to store treated or untreated human, animal, or industrial waste or Class B biosolids or sludge, except human or animal waste that was generated on the lot.
- H. Liquid or solid wastes shall not be discharged into stream or the ground. No material shall be discharged that can contaminate any water supply or interfere with bacterial processes in sewage treatment. The standards of the Ohio Environmental Protection Agency shall apply.

DRAFT

- I. No emission of air pollutants shall be permitted that violates the Clean Air Act Amendment of 1977 or later Amendments as enforced by the Ohio Environmental Protection Agency.
- J. Dust or silt generated by non-residential and non-agricultural use in the Commercial, Light Industrial, or Special Use District shall be minimized through landscaping or paving in such a manner as to prevent its transfer off the lot by wind or water in objectionable quantities.
- K. Equipment that produces intense, earth-shaking vibrations or noise that are discernible without instruments on an adjoining property shall not be used, located, or installed. The noise standards of the Environmental Protection Agency shall apply.
- L. Any continuous, frequent, or repetitive emission of odors or an odor-causing substance in such concentration as to be readily perceptible on an adjoining property shall not be permitted.
- M. Exterior lighting fixtures shall be shaded, shielded, or pointed so the light intensity or brightness is not objectionable to surrounding lots.
- N. Dangerous wild animals, as described in ORC Section 935.01, shall not be permitted unless authorized pursuant to ORC Chapter 935.

Section 16.2 Existing Standards - Signs

The following standards shall apply to all signs permitted pursuant to this Resolution that are located and erected in the Township regardless of type, style, location, design or other classification.

- A. A sign shall not:
 - 1. Be located, erected, or maintained within the right-of-way of the road.
 - 2. Interfere with the visibility of pedestrian or vehicular traffic entering, leaving, or operating on roadways or rights-of-way.
 - 3. Be located or designed so that it interferes with, obstructs the view of, or can be confused with any authorized traffic control sign, signal, or device.
 - 4. Make use of the words “Stop”, “Danger”, or other words that may mislead or confuse drivers when the sign is on a public road.
 - 5. Attempt or appear to attempt to direct the movement of traffic or interfere with, imitate, or resemble an official sign, signal, or device.
 - 6. Be illuminated to a level that causes unreasonably high light levels on an adjacent road or right-of-way.

7. Be illuminated to a level that causes unreasonably high light levels on a residential lot or residence or be a nuisance to neighbors.
8. Be attached to any board or fence, regardless of location, without the permission of the owner.
9. Be placed on any utility pole or, without the permission of the owner, a tree or natural feature.

B. A sign shall be maintained in good repair.

Section 16.3 New Development Standards - General

In addition to the Standards described in Section 16.1, all new development in the A/R, Commercial, Light Industrial, and Special Use Districts shall be in strict compliance with the following:

- A. No portion of any lot shall be used or sold in a manner that diminishes compliance with lot area and width requirements established for the District in which the lot is located.
- B. Except as specifically provided in this Article, a new lot shall not be less than two (2) acres.
- C. A new lot shall have a minimum road frontage of two hundred (200) feet.
- D. A new lot of more than two (2) but less than ten (10) acres shall not be more than three (3) times deeper than it is wide. A new lot of ten acres or more is exempt from the depth-to-width ratio. The width is that portion that runs along the public road.
- E. A dwelling or building for residential use shall not be located closer than:
 1. Fifteen (15) feet to any side lot.
 2. Fifteen (15) feet to the rear lot Line.
 3. Fifty (50) feet of the right-of-way of any adjacent road, not including steps and uncovered porches that are less than ten (10) feet in width.

The setback on a corner lot shall be in accordance with the provisions governing the road or highway on which the dwelling or building faces.

- F. A driveway shall not be located closer than three (3) feet from the side lot line.
- G. To the maximum extent possible, all natural drainage courses shall be maintained.

- H. Temporary structures may be used incident to construction work on the Premises or on adjacent public projects or during a period while the permanent dwelling, building, or structure is being constructed. A temporary structure shall be removed not later than thirty (30) days after the project has been completed.

Section 16.4 New Development Standards - Residential Use

The following new development Standards apply to residential use in the A/R, Commercial, and Special Use District:

- A. A new lot for a single-family dwelling shall have a minimum lot area of two (2) acres. A new lot for two, single-family dwellings or a duplex shall have a minimum lot area of three (3) acres.
- B. A new lot may contain no more than two (2) single-family dwellings or one (1) duplex.
- C. A single-family dwelling or dwelling unit shall have a minimum of five hundred (500) square feet of gross floor area, not including breezeways, terraces, decks, porches, and garages.
- D. A duplex or dwelling unit shall not result in an additional access point to the existing public roadway.
- E. For a Manufactured Home or Mobile Home used as a dwelling:
 - 1. A Manufactured Home, regardless of size, shall be placed on a permanent foundation. A Mobile Home shall be provided with paved strips, piers or a pad of such width and length and so positioned as to furnish a stable base for the manufactured housing and be tied down with the manufacturer's recommended anchors.
 - 2. Manufacturer's approved unit skirting shall be placed around the lower perimeter, when applicable.
 - 3. Any addition made to a Manufactured or Mobile Home must be on a permanent foundation and have at least one (1) exterior exit.
 - 4. An addition that had been attached to a Manufactured Home or Mobile Home that had previously been on the lot may not be re-attached to a replacement Manufactured Home or Mobile Home.
 - 5. One Manufactured or Mobile Home shall not be connected to another Manufactured or Mobile Home, when that connection was not intended and designed by the manufacturer.
 - 6. The Manufactured or Mobile Home shall not be more than ten (10) years old from the date of manufacture.

- F. Lighting: All exterior lighting shall be down-lighting so that no light shall be cast on adjoining properties.

Section 16.5 New Development Standards - Planned Residential District

The following new development Standards apply to a Planned Residential District:

- A. Lot size: The minimum lot size for a single-family dwelling is:
1. One (1) acre, if all of the lots in the Planned Residential District will be served by a public sewage system; or
 2. Two (2) acres, if one or more of the lots in the Planned Residential District will be served by private sewage systems.
- B. Lot depth: Each lot shall be no more than three (3) times deeper than it is wide, when the lot is less than ten (10) acres. A lot of ten acres or more is exempt from the depth-to-width ratio. The width is that portion that runs along the public road, road, or highway.
- C. Road frontage: The frontage of a new residential lot shall comply with Section 16.3(C).
- D. Width-to-depth ratio: A new residential lot that is less than ten (10) acres shall be no more than three (3) times deeper than it is wide. A new residential lot that is ten (10) acres or more is exempt from this the depth-to-width ratio. The width is that portion that runs along the public road.
- E. Dwellings: A new residential lot may contain no more than one (1) single-family dwelling.
- F. Minimum dwelling size: A single-family dwelling shall have a minimum of eleven hundred (1,100) square feet of gross floor area, not including breezeways, terraces, decks, porches, and garages. A mobile home shall not be permitted.
- G. Building height: The height of a non-residential building or structure shall comply with Section 16.6(A)(3).
- H. Setbacks.
1. The setbacks for a dwelling or building for residential use shall comply with Section 16.3(E).
 2. A non-residential building or structure shall comply with Section 16.6(A)
 3. The setback on a corner lot shall be in accordance with the provisions governing the road or highway on which the building or structure faces.

DRAFT

- I. Driveway: A driveway for residential use shall comply with Section 16.5(I). A driveway for a non-residential lot shall comply with Section 16.6(A)(9).
- J. Parking: Parking for uses permitted pursuant to Section 8.2 (C) shall comply with Sections 16.6(A)(8).
- K. Freight loading area: Freight loading areas permitted pursuant to Section 8.2 (D) shall comply with Section 16.6(A)(10).
- L. Screening: Screening of non-residential areas shall comply with Section 16.6(A)(7).
- M. Lighting: All exterior lighting shall be down-lighting so that no light shall be cast on adjoining properties and consistent with the International Dark-Sky Association's (IDSA) goal to eliminate over-lighting.
- N. Existing trees: An existing tree with a trunk diameter of six (6) inches or more at breast height shall be retained or replaced on that lot or another lot within the Planned Residential District, unless it is determined by the Zoning Commission that the retention or replacement of such tree would be an unreasonable burden on the development or unreasonably limit the use of the lot. If the Zoning Commission determines that retainment or replacement is unreasonable, the Development Plan shall include a tree replacement plan that includes:
 - 1. The total combined diameter of replacement trees shall equal or exceed the combined diameter of the removed tree(s), with no replacement tree having a diameter of less than two and a half (2.5) inches.
 - 2. Replacements shall be made within one year of the date of removal of any tree for which replacement is required.
 - 3. If the lot cannot accommodate all required replacement trees, they may be planted in locations as approved by the Zoning Commission. Payment into a Tree Fund (as established by the Trustees) shall be required if there are not suitable planting locations as determined by the Zoning Commission.
- O. Plants and trees: A developer shall:
 - 1. Not install any plant species that have been identified as invasive or potentially invasive by the Ohio Invasive Plants Council (<https://www.oipc.info/list-of-assessed-species.html>) in residential or non-residential lots; and
 - 2. Only install native Ohio plants and trees, as identified by the Ohio Department of Natural Resources (<https://ohiodnr.gov/discover-and-learn/safety-conservation/about-ODNR/nature-preserves/Documents/native-plants-lists>) in residential and non-residential lots.

DRAFT

- P. Parking: No vehicle, as described in ORC Section 4501.01, or equipment that is for non-residential use shall be parked in the front of a residential lot, unless provided in an approved Development Plan. The following, as described in ORC Section 4501.01, are permitted:
1. Passenger cars;
 2. Bicycles, motorized bicycles, and mopeds;
 3. Commercial cars; and
 4. Commercial trucks, that have only two axles.
- Q. Roads: All Planned Residential District roads shall be approved by the Morrow County Engineer before any development begins.
1. Prior to beginning development, the developer will forward to the Trustees a map of all Peru Township roads that will be used in the Planned Residential District.
 2. There shall be a minimum of two (2) means of ingress/egress connected to a federal, state, county, or township road.
 - a. The ingress/egress shall be separated by at least seven hundred fifty (750) feet and be located on two (2) or more separate roads where possible.
 - b. The Trustees may approve the egress to be onto Township roads provided that the Developer upgrades the roads to the county standards. The upgrade shall extend in each direction from the center of the egress to either the nearest intersection or a quarter (.25) mile, whichever is less. Such upgrade to the road shall be paid by the Developer, completed before the first lot is sold, and completed in accordance with federal, state, county, or township regulations.
- A Planned Residential District in which all lots have a road frontage of two hundred (200) feet or more is exempt from the ingress/egress requirement.
3. A cul-de-sac shall be one hundred fifty (150) feet wide at the turn-around or comply with state specifications, whichever is larger, and meet County regulations.
 4. There shall be no public roads that dead-end in a Planned Residential District.
 5. All roads, including driveways, shall be designed to support the weight of fully-loaded, public safety vehicles. The design weight shall be no less than fifty thousand (5,000) pounds or as otherwise permitted in an approved Development Plan.
 6. Construction debris, mud, or other material from the development shall be cleaned off all public roads at least twice a day or as directed by the Township. Failure to comply shall result in forfeiture of the bond or security required in Section 16.5(FF).

DRAFT

- R. Construction traffic: Construction traffic shall be routed on roads selected and/or approved by the Township and/or County.
- S. Utilities: All utilities such as water, public sewage system, electric, gas, telephone, etc. shall be underground. Pad mount transformers; gas, electric, and water meters; and telephone junction boxes may be surface-mounted. Underground utilities may be located in the right-of-way of the road.
- T. Water: all lots must be served by public water.
- U. Fire hydrants: fire hydrants shall be installed throughout the Planned Residential District as directed by the local Fire District. When public water is available, there shall be one (1) fire hydrant located no more than five (500) feet from a dwelling or building that will be regularly occupied.
- V. Watershed Study: The Developer shall submit a watershed study to and comply with the recommendations regarding watershed issues from the following: the Trustees, Morrow County Engineer's Office, Morrow County Health Department, and Morrow County Conservation Department.
- W. Open space: Open space shall be distributed throughout the Planned Residential District as part of a unified open space system that serves to unify the Planned Residential District visually and functionally and buffers surrounding land uses. The location, shape, size and character of open space shall be suitable for the Planned Residential District in relation to the location, number, and types of buildings it is intended to serve. Open space includes wooded areas, ponds, lakes, and wetlands, lawns, and gardens. A minimum of forty (40) percent of the gross acreage shall be dedicated to open space.
 - 1. The open space shall be for the use and enjoyment of and accessible to the owners and residents of the Planned Residential District and may be accessible to the public. The open space may be used for a school, church, or recreational purposes.
 - 2. Any use, building, and/or structures specified in the approved Development Plan for the open space must be appropriate to the scale and character of the planned development in relation to its size, density, expected population, topography, and the type of dwellings. The buildings, structures, and improvements that are allowed in the open space must be appropriate to the use specified for the common open space in the approved Development Plan and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
 - 3. The open space may be suitably improved for its intended use, but open space containing natural features worthy of preservation, such as slopes over twelve (12) percent and wooded areas, may be left unimproved.

DRAFT

4. The open space may be conveyed to a public entity or other organization that has agreed to maintain the open space and any buildings, structures or improvements that have been placed on it. All land dedicated to the public must meet the requirements of the appropriate authority as to size, shape, and location. Public utility or other similar easements and rights-of-way for water courses or other similar channels are not acceptable for open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the public entity or other organization to which the land is conveyed.
 5. The open space may be conveyed to an owners' association or similar organization formed for the maintenance of the planned development. The open space must be conveyed by covenants under such an arrangement subject to approval by the Zoning Commission. Such covenants shall restrict the open space to the uses specified in the approved Development Plan and provide for the maintenance of open space in a manner that assures its continuing use for its intended use. Membership in the owners' association shall, by deed restriction, be mandatory for any owner within the planned development.
 6. If the open space is not conveyed to a public entity or an owners' association, it must be deeded in title to a fiduciary which, for a fee, acts as a trustee for the benefit of all owners and occupants of the planned development. The trustee shall give easements across the open space and the right to use the facilities to all owners and occupants of the planned development. The trustee shall be provided the right to charge and lien each property of its proportionate share of upkeep costs for the common facilities.
- X. Historical sites and artifacts: The Developer shall immediately report any artifact uncovered during construction to the Trustees and the Ohio Historical Society and cease all work in the involved area pending investigation by the Ohio Historical Society.
- Y. Model homes: Model homes are defined as residential-type structures used as sales offices by builders/developers to display the builder's/developer's product. Model homes may be furnished to display alternative building features to prospective buyers. All exterior lighting shall be extinguished at the closing time of the model home. Model homes may be staffed by the builder/developer sales force. The use of a model home shall terminate when building permits have been issued for ninety (90) percent of the lots.
- Z. Stormwater study: Prior to beginning development, the developer shall submit a stormwater study to the following entities: the Trustees and the Morrow County Engineer's Office, Health Department, Conservation Department, and Soil and Water District.
- AA. Retention basins: A retention basin shall be permitted when it is created to manage stormwater runoff, protect against flooding, for erosion control, or serve as an artificial wetland and so improve the water quality in adjacent bodies of water shall provide for a sustainable design, including thorough site analysis, native plants selection, energy efficiency, and use of sustainable materials. Further water conservation and management strategies, such as rainwater

DRAFT

harvesting, permeable paving, bioswales, or bioretention basis (commonly referred to as rain gardens), shall also be permitted.

BB. Wildlife corridors and habitats and native plant habitats: Prior to any development, the developer shall identify wildlife corridors; significant wildlife habitats, whether in woodlands, vegetation or other Natural Resources, especially those listed as endangered, threatened, or of special concern by the US Environmental Protection Agency or the Ohio Department of Natural Resources; and native plant habitats. The developer shall, to the greatest extent possible, prevent any fragmentation of wildlife corridors and/or wildlife and native plant populations by the development of roads, dams, fences, utility easements, and similar activities that cut off wildlife habitats.

CC. Bonds: The developer shall post a bond or other approved security in an amount determined by:

1. The Morrow County Engineer to cover the cost of any improvements or repairs necessary to existing County or Township roads; and
2. The Trustees to protect the Township from any costs that may be incurred for Township road improvements or other repairs to Township roads made necessary by the activities of the developer, contractors, and/or sub-contractors.

DD. General liability insurance: The Developer shall maintain general liability insurance coverage of five million (5,000,000) dollars or in an amount required by federal, state, or County regulations. Copies of all insurance policies shall be provided to the Township and any changes immediately reported to the Trustees.

EE. A Planned Residential District shall maintain an owners' association when required by ORC Chapter 5312.

FF. Divergences: An applicant may request a divergence from any standard or requirement of this Article by specifically listing each divergence on the preliminary and/or final Development Plan. The Zoning Commission, as a part of either preliminary or final approval of the Development Plan, may grant divergences and note, in the approved Development Plan, that the divergence "was approved per plan."

GG. Supplemental conditions and safeguards: The Zoning Commission may impose additional conditions relating to the development of the Planned Residential District with regard to type and extent of public improvements to be installed, landscaping, development, improvement and maintenance of common open space, and any other pertinent development characteristics.

In the event any land use matter in a Planned Residential District is not addressed by this Article, then the applicable regulations found elsewhere in the Zoning Resolution shall apply.

Section 16.6 New Development Standards - Non-residential and Non-agricultural Use

A. The following new development Standards apply to non-residential and non-agricultural use in the Commercial, Special Use and Light Industrial Districts:

1. Lot area: A lot in a Commercial or Special Use District shall have a minimum lot area of three (3) acres and two hundred fifty (250) continuous feet of frontage on a public road. A lot for a Light Industrial District shall have a minimum lot area of ten (10) acres and three hundred (300) continuous feet of frontage on a public road. The lot size shall be adequate to provide the yard spaces and off-road parking as herein required. No part of the road right-of-way shall be included in the calculation of the minimum lot area, even if the person holds title to one-half of said road right-of-way.
2. Lot coverage: No more than twenty (20) percent of a lot shall be covered by buildings and/or structures and no more than thirty (30) percent of a lot shall be covered by other improvements such as parking areas, loading and service areas, and driveways. Therefore, at least fifty (50) percent of a lot shall be devoted exclusively to the Yard.
3. Building height: A building or structure shall not exceed forty (40) feet in height from the finished grade. This building height limitation does not apply to church spires, domes, chimneys, cooling towers, elevator shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers, or necessary mechanical appurtenances when erected to any safe and lawful height. Windmills, aerials, antenna, or towers may be constructed to a height not greater than the distance from the center of its base to the nearest property line.
4. Telecommunication Towers shall be developed in accordance with Section 16.7.
5. Setbacks. A building or structure shall not be located closer than:
 - a. Fifty (50) feet of the right-of-way of any adjacent road.
 - b. Fifty (50) feet to any side yard of an adjacent residential lot line or fifteen (15) feet to any side yard of an adjacent non-residential lot line.
 - c. Fifty (50) feet to any adjacent residential rear lot line or fifteen (15) feet to any side yard of an adjacent non-residential lot line.

The setback on a corner lot shall be in accordance with the provisions governing the road or highway on which the building or structure faces.

6. Side yard: The side yard shall equal one-third ($1/3$) the sum of the height and depth of the main building or structure, but in no case shall be less than one hundred (100) feet from an A/R District or a dwelling in a Commercial or Special Use District, or as stated in an approved Site Plan.

DRAFT

7. Rear Yard: The rear yard shall equal one-third (1/3) the sum of the height and width of the building or structure, but in no case shall be less than one hundred (100) feet from an A/R District or a dwelling in a Commercial or Special Use District, or as approved per Site Plan.
8. Screening: An outside storage area, trash container, service area, or loading dock that is visible from the roadway or any adjacent dwelling shall be screened by a wall, fence, or shrubbery of at least six (6) feet in height.
9. Parking:
 - a. A parking area shall not be located closer than six (6) feet to the adjacent side and rear lot lines.
 - b. Parking may be permitted in front of the main building if not more than forty (40) percent of the setback area, exclusive of the right-of-way, in front of the main building is used for parking.
 - c. All parking areas and adjacent aisles or driveways shall be paved with asphalt material or concrete.
 - d. All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Parking spaces shall be served by aisles of sufficient width to ensure easy and smooth access to all parking spaces. Parking spaces shall adhere to the requirements of the American with Disabilities Act.
10. A driveway that serves a parking area for five (5) or more vehicles shall not be less than twenty (20) feet in width and shall be adequate to ensure easy access to the parking spaces. No driveway shall be located so that it enters a public road within one hundred (100) feet of an intersection to two (2) roads unless there are two driveways serving the parking area, one of which is more than one hundred (100) feet and the other not less than forty (40) feet from the intersection. All driveways should be located and the adjoining lots graded so that vehicular traffic entering a road from the driveway has an unobstructed view of at least three hundred (300) feet on either side.
11. Freight loading area: When a use requires the delivery or pick-up of merchandise or supplies, an adequate loading area shall be provided. When the use requires a tractor-trailer unit for delivery or pick-up, the loading area shall be adequate in size to accommodate the tractor-trailer unit. Loading and unloading shall not take place or interfere with vehicular traffic on an adjacent road.
12. Roads: All new roads in a Commercial, Special Use, Adult Entertainment, or Light Industry District shall be approved by the Morrow County Engineer before any development begins.
13. Drinking Water: A Planned Residential District shall be provided with public drinking water.

DRAFT

14. Prior to beginning development, the developer will forward to the Trustees a map of all Peru Township roads that will be used in the Commercial, Special Use, Adult Entertainment, or Light Industry District.
15. There shall be a minimum of two (2) means of ingress/egress connected to a federal, state, county, or township road.
 - a. The ingress/egress shall be separated by at least seven hundred fifty (750) feet and be located on two (2) or more separate roads where possible.
 - b. The Trustees may approve the egress to be onto Township roads provided that the Developer upgrades the roads to the county standards. The upgrade shall extend in each direction from the center of the egress to either the nearest intersection or a quarter (.25) mile, whichever is less. Such upgrade to the road shall be paid by the Developer, completed before the first lot is sold, and completed in accordance with federal, state, county, or township regulations.

A District in which all lots have a road frontage of two hundred (200) feet or more is exempt from the ingress/egress requirement.

16. A cul-de-sac shall be one hundred fifty (150) feet wide at the turn-around or comply with state specifications, whichever is larger, and meet County regulations.
17. There shall be no public roads that dead-end in a Commercial, Special Use, Adult Entertainment, or Light Industry District.
18. All roads, including driveways, shall be designed to support the weight of fully-loaded, public safety vehicles. The design weight shall be no less than fifty thousand (5,000) pounds or as otherwise permitted in an approved Development Plan.
19. Construction debris, mud, or other material from the development shall be cleaned off all public roads at least twice a day or as directed by the Township.
20. Construction traffic: Construction traffic shall be routed on roads selected and/or approved by the Township and/or County.
21. Utilities: All utilities such as water, electric, gas, telephone, etc. shall be underground. Pad mount transformers; gas, electric, and water meters; and telephone junction boxes may be surface-mounted. Underground utilities may be located in the right-of-way of the road.
22. Fire hydrants: fire hydrants shall be installed throughout Commercial, Adult Entertainment, Special Use, and Light Industrial Districts as directed by the local Fire District. When public water is available, there shall be one (1) fire hydrant located no more than five (500) feet from a dwelling or building that will be regularly occupied.

DRAFT

23. Watershed Study: The Developer shall submit a watershed study to and comply with the recommendations regarding watershed issues from the following: the Trustees, Morrow County Engineer's Office, Morrow County Health Department, and Morrow County Conservation Department.
 24. Any activity that produces intense light or heat, such as high temperature processing, combustion, welding, or a similar activity, shall be performed within an enclosed building or structure and not visible beyond any lot line.
 25. When a tree with a diameter of five (5) inches or more must be removed during development, a replacement tree shall be planted on that lot or another lot within the Township. The replacement tree shall be a native Ohio tree, as described by the Ohio Department of Natural Resources, that has a diameter of two (2) or more inches.
 26. Lighting: All exterior lighting shall be down-lighting so that no light shall be cast on adjoining properties.
- B. Except as provided in an approved Site Plan, no boat, motor home, equipment, or trailer of any type shall be parked in the front yard.

Section 16.7 New Development Standards - Telecommunications Towers

- A. No Telecommunications Tower shall be located in any platted subdivision approved under the ORC Sections 711.05, 711.09 or 711.10 or in any area consisting of 15 or more lots approved under the ORC Section 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, when at least 35 percent of the lots within such subdivision or area are developed with at least one dwelling unit.
- B. The maximum height of a tower proposed for one (1) antenna facility for use by a single telecommunications provider shall be one hundred fifty (150) feet. The maximum height of a tower proposed for multiple antenna facilities for shared use by multiple telecommunications providers shall be as follows:
1. Towers proposed for and designed to support the co-location of a total of two (2) antenna facilities shall be one hundred sixty-five (165) feet.
 2. Towers proposed for and designed to support the co-location of a total of three (3) antenna facilities shall be one hundred eighty (180) feet.
 3. Towers proposed for and designed to support the co-location of four (4) or more antenna facilities shall be one hundred ninety-five (195) feet.

DRAFT

Tower height shall be the distance measured from the base of the tower, at grade, to the highest point on the tower, including any antenna. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.

- C. The tower shall not be placed closer than five hundred (500) feet from any existing residential dwelling located on a lot contiguous to or directly across the road from the lot on which the tower is proposed to be constructed.
 - 1. Reasonable and safe access and circulation shall be provided to the tower. The location and design of the access drive and circulation areas shall be subject to review and comment by the fire department providing primary fire service to the township.
 - 2. The tower shall be located no closer to a road right-of-way than permitted in the building setback for the applicable District.
 - 3. A tower shall be located no closer to any lot line than the distance equal to the height of the proposed tower. Any stabilization structures or guide wires shall be located no closer to any lot line than fifty (50) feet.
 - 4. Security fencing shall be provided to prevent uncontrolled access to the tower site.
 - 5. The lot on which the tower is to be located shall meet the minimum lot area and frontage requirements of the District in which it is located.
- D. The tower shall be screened by a six (6) foot high fence or barrier and, outside of and along the fence or barrier, a continuous evergreen hedge, trees or similar landscape materials of a size, type, area, and design deemed appropriate by the Appeals Board. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising but may contain a single identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the area on which the tower is to be located is kept free of weeds and trash. The storage of Vehicles is prohibited and any equipment must be contained inside the screened area.
- E. The tower and related screening shall, to the extent practicable, be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower shall not contain or be illuminated by artificial lights, beacons, or strobes, unless otherwise required by the Federal Aviation Administration (FAA) or the Federal Communications Zoning Commission (FCC). Any required illumination shall be fully disclosed on the site plan. All surfaces shall be maintained in good condition, absent of flaking or peeling paint and rust. Unless otherwise approved by the Appeals Board, the tower shall be of a non-corrosive monopole design.
- F. The tower shall be fully automated and shall be visited only for periodic and necessary maintenance.

DRAFT

- G. When the tower is located on a lot that is not owned by the tower operator, the applicant shall present documentation that the owner has approved the application.
- H. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity. Antenna towers are not permitted to be built to a height that exceeds the applicant's service need as substantiated by the testimony of the applicant's engineer. If the tower must be extended in the future to accommodate co- location, the initial tower foundation must be designed to support this co-location capacity and the tower must be designed to accommodate this extension capability. This ultimate height shall be specified on the drawings submitted with the application. Unless otherwise approved, the tower height shall not be extended until co-locators are installed.

In the event the applicant's (or the applicant's successor's) service needs change such that a substantially lower tower height than initially approved will sufficiently accommodate the applicant's service needs in the reasonably foreseeable future, then the tower shall be reduced to such height. After this reduction, the applicant may extend the tower height to the level originally approved if the applicant's service needs require such extension. A "substantially lower tower height" is defined to mean a height reduction of twenty (20) feet or more.

- I. A tower may be attached to a building or structure that is a permitted use in the District, provided that the tower's height does not exceed twenty (20) feet above the existing building or structure to which the tower is attached; and further provided that all requirements except those found in paragraphs B., G., and I. of this Section are met. All roof-mounted towers shall be screened from view to the extent possible. The outside storage of Vehicles or equipment, if not located inside the building or structure on which the tower is located, shall be screened by a minimum six (6) foot high solid fence or barrier and, outside of and along the fence or barrier, a continuous evergreen hedge, trees or similar landscape materials of a size, type and design deemed appropriate by the Appeals Board. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the tower area is kept free of weeds and trash.
- J. Lighting: All exterior lighting shall be down-lighting so that no light shall be cast on adjoining properties.
- K. If the applicant proposes to construct a separate equipment shelter on the site, the equipment shelter shall be shown on the site plan, be designed to be aesthetically and architecturally compatible with the surrounding environment, be located completely within the fenced area of the site, and be in compliance with the accessory building regulations of the District in which it is to be located.

- L. Each year in January, the owner/operator shall file with the Zoning Inspector a declaration that certifies that the radio frequency transmission and/or reception equipment attached to the tower is in use and is operational.

Section 16.8 New Development Standards - Floodway

Certain areas of Peru Township lie within the Floodway of Alum Creek, West Branch Alum Creek, and Turkey Run. Inundation of those areas during periods of high water can impose great loss of property value unless controls are imposed to ensure that land uses within those areas consider such risks and minimize the impact of such flooding. Further, the addition of fill material to or the dredging of Alum Creek, West Branch Alum Creek, Turkey Run, and bordering wetlands or other tributaries imposes additional risks of flooding and threatens their loss as irreplaceable Township natural resources and as areas of scenic and natural beauty. In the best interests of the Township, the following regulations shall be imposed:

- A. No dwelling shall be developed within the Floodway of any stream or river.
- B. A riparian buffer shall be maintained along any river, creek, or stream. The riparian buffer shall not be developed but managed to promote indigenous vegetation that can maintain the structural integrity of the river, creek, or stream bank. A riparian buffer shall be provided for all wetlands required to be retained by the U.S. Army Corps of Engineers or the Ohio EPA. Existing trees should be preserved and protected to the extent practicable. The following setbacks shall be maintained:

Watershed Size	Setback Distance
Less than .5 square miles	25 feet
.5 to 20 square miles	75 feet
20 – 300 square miles	120 feet
More than 300 square miles	300 feet

Wetland Class	Setback Distance
1	Not mandatory
2	75 feet
3	120 feet

- C. No land lying within the Floodway shall be filled or excavated except in compliance with the Morrow County Flood Damage Prevention Regulations, Section 404 of the Clean Water Act, and Ohio's Section 401 Water Quality Certifications.

Section 16.9 New Development Standards - Adult Entertainment

- A. There shall be only one (1) adult entertainment business permitted in Peru Township.

DRAFT

- B. An adult entertainment business shall not be located within two thousand five hundred (2,500) feet of:
- 1 A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - 2 A public or private educational facility including but not limited to a childcare center, nursery school, preschool, kindergarten, elementary school, private school, intermediate school, continuation school, special education school, junior college, or university. The term “educational facility” includes the lot on which the educational facility exists.
 - 3 A lot on which a dwelling exists.
 - 4 A public park or recreational area that has been designated for park or recreational activities including but not limited to a park, playground, bike trail, swimming pool, reservoir, golf course, athletic field, basketball, or tennis court, wilderness areas, or other similar public land within the Township or operated and managed by another public entity; or
 - 5 A business that is oriented primarily towards children or family entertainment.
- C. An adult entertainment business building may not be enlarged or expanded.
- D. Mainstream media shops or stores that have a maximum of 10 percent of their gross area devoted to adult entertainment material are permitted in Commercial and Light Industrial Districts provided that:
1. Adult entertainment material shall be physically and visually separated from mainstream material and shall not be displayed publicly.
 2. Separation shall be by a solid, opaque-walled enclosure at least eight feet high or reaching to the ceiling.
 3. Inventory marketed to and predominantly consumed by minors shall not be displayed within 15 feet of the entrance to the adult entertainment material area.
 4. Access to the adult entertainment material area shall be controlled by electronic or other means to provide assurance that a person under the age of eighteen (18) years will not obtain access to and the general public will not accidentally enter the adult entertainment material area.
 5. The adult entertainment material area shall provide a sign with a minimum area of two (2) square feet on only one side at its entrance warning that persons under the age of eighteen (18) years are not permitted inside.

DRAFT

6. No adult arcades are permitted in mainstream media stores.
7. There shall be no more than one adult entertainment material area per store.
8. There shall be no exterior signs that advertise adult entertainment material.

PROPOSAL

ARTICLE XVII - ZONING COMMISSION

Section 17.1 Appointment of Zoning Commission

- A. The Trustees hereby create and establish a Zoning Commission composed of five (5) regular members who reside in the Township and are appointed by the Trustees.
- B. The Trustees may appoint to the Zoning Commission up to two (2) alternate members who reside in the Township. An alternate member shall take the place of a member who is or will be absent at any meeting of the Zoning Commission. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.
- C. The terms of the regular members shall be five (5) years and arranged so that the term of one member will expire each year. The terms of the alternate members shall be five (5) years and arranged so that the term of one alternate member will not expire in the same year as the other alternate member. Initial terms may be less than five (5) years in order to arrange for the sequential expiration of terms. A regular or alternate member shall serve until a qualified successor is appointed. A regular or alternate member may be reappointed by the Trustees at the end of his/her term if that member remains qualified.
- D. A regular or alternate member of the Zoning Commission shall be presumed to have resigned if that member establishes a residence outside of Peru Township. The Trustees shall send a written notice by first class mail to the last known address of the member that states:
 - 1. The member is presumed to have resigned from the Zoning Commission due to establishing a residence outside of Peru Township; and
 - 2. Unless the member proves to the Trustees that she/he continues to reside in the Township, the member shall be removed from the Zoning Commission.
- E. A regular or alternate member of the Zoning Commission may be removed for non- performance of duty (ex. the member has unexcused absences from three (3) consecutive, regular meetings), misconduct in office, or other cause when written charges are filed with or by the Trustees. Within three (3) days of written charges being filed, the Trustees shall send by certified mail to the last known address of the member:
 - 1. A copy of the written charges; and
 - 2. A notice stating that:
 - a. The member may attend the next regularly scheduled meeting of the Trustees to contest the charges.

DRAFT

- b. If the member attends the meeting to contest the charges and the Trustees are convinced that the charges have no merit, the member shall remain on the Zoning Commission. If, however, the member fails to attend the meeting or fails to convince the Trustees that the charges have no merit, the Trustees shall remove the member from the Zoning Commission.

If the notice is returned because the certified mail notice was unclaimed or refused, the Trustees shall mail the notice by first class mail. The failure of delivery of the notice does not invalidate the notice.

- F. When a regular or alternate member resigns or is removed before the expiration of that member's term, the Trustees shall appoint a Township resident to the Zoning Commission for the remainder of the unexpired term.

Section 17.2 Compensation and Expenses of Zoning Commission

The members of the Zoning Commission may be permitted their expenses or compensation, or both, as the Trustees may approve and provide.

Section 17.3 Functions of the Zoning Commission

- A. The Zoning Commission shall:

1. Submit a plan, including both text and maps, representing the recommendations of the Zoning Commission for the carrying out of this Resolution.
2. Review any request to amend the Zoning Map and/or this Resolution and recommend approval, disapproval, or modification of the request to the Trustees.
3. Review from time to time but no later than every five (5) years the provisions of this Resolution and recommend to the Trustees any changes that are deemed necessary in order to promote the intent of this Resolution.
4. Perform activities required pursuant to Section 27.1(A).
5. Review any request to develop a Planned Residential District.

- B. The Zoning Commission may, within the limits of the monies appropriated by the Trustees for the purpose, employ or contract with executives, professionals, technical assistants and other assistants as it deems necessary. However, the Zoning Commission shall not employ a Trustee, the Township Fiscal Officer, the Zoning Inspector, a Zoning Commission member, or an Appeals Board member.

DRAFT

- C. The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.
- D. The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies with information, maps, and data pertinent to township zoning.
- E. The Zoning Commission may request the Morrow County Regional Planning Commission prepare or make available to the Zoning Commission a zoning plan, including text and maps, for any unincorporated areas under Township zoning or any portion of the same.

Section 17.4 Zoning Secretary

- A. To assist in the administration of this Resolution, the Trustees may appoint a Zoning Secretary whose duty shall be to maintain Zoning Commission records, confirm information in applications, process all notices required under this Resolution, record the minutes of the Zoning Commission and the Appeals Board, and perform such other duties relating to this Resolution as the Trustees may require.
- B. The Zoning Secretary may be compensated at rates set from time to time by the Trustees.
- C. The Fiscal Officer may be named to this position and may receive compensation for such services in addition to other compensation permitted by law.

Section 17.5 Organization and Voting

- A. The Zoning Commission shall adopt rules necessary to conduct its affairs in keeping with the provisions of this Resolution. The Zoning Commission shall elect a chair and vice-chair from among its members. If a Zoning Secretary is not appointed by the Trustees, the Zoning Commission shall elect a secretary to maintain Zoning Commission records, process all notices required under this Resolution, record the minutes of the Zoning Commission, and perform such other duties relating to this Resolution as the Trustees may require.
- B. The Zoning Commission shall meet monthly or at other times when requested by the chair or, when acting in the capacity of chair, the vice-chair or two (2) other members of the Zoning Commission.
- C. At least three (3) members shall be in attendance at any meeting of the Zoning Commission before any official business can be conducted. A concurring vote of three (3) members shall be necessary to perform its functions.
- D. All meetings of the Zoning Commission shall be open to the public and comply with ORC Section 121.22.

DRAFT

- E. The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and the official actions. Zoning Commission minutes and records shall be immediately filed at the Township Hall and shall be public record.

PROPOSAL

ARTICLE XVIII - BOARD OF ZONING APPEALS

Section 18.1 Appointment of Board of Zoning Appeals

- A. The Trustees hereby create and establish a Board of Zoning Appeals (hereinafter referred to as Appeals Board) composed of five (5) members who reside in the Township and are appointed by the Trustees.
- B. The Trustees may appoint to the Appeals Board two (2) alternate members who reside in the Township. An alternate member shall take the place of a regular member who is or will be absent at any meeting or hearing of the Appeals Board. When attending a meeting or hearing of the Appeals Board on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.
- C. The terms of the regular members shall be five (5) years and arranged so that the term of one member will expire each year. The terms of the alternate members shall be five (5) years and arranged so that the term of one alternate member will not expire in the same year as the other alternate member. Initial terms may be less than five (5) years in order to arrange for the sequential expiration of terms. Each regular member or alternate member shall serve until a qualified successor is appointed. A member may be reappointed by the Trustees at the end of his/her term if that member remains qualified.
- D. A regular or alternate member of the Appeals Board shall be presumed to have resigned if that member establishes a residence outside of Peru Township. The Trustees shall send a written notice by first class mail to the last known address of the member that states:
 - 1. The member is presumed to have resigned from the Appeals Board due to establishing a residence outside of Peru Township; and
 - 2. That, unless the member proves to the Trustees that she/he continues to reside in the Township, the member shall be removed from the Appeals Board.
- E. A regular or alternate member of the Appeals Board may be removed for non-performance of duty (ex. the member has unexcused absences from three (3) consecutive, regular meetings), misconduct in office, or other cause when written charges are filed with or by the Trustees. Within three (3) days of written charges being filed, the Trustees shall send by certified mail to the last known address of the member:
 - 1. A copy of the written charges; and
 - 2. A notice stating that:
 - a. The member may attend the next regularly scheduled meeting of the Trustees to contest the charges.

DRAFT

- b. If the member attends the meeting to contest the charges and the Trustees are convinced that the charges have no merit, the member shall remain on the Appeals Board. If, however, the member fails to attend the meeting or fails to convince the Trustees that the charges have no merit, the Trustees shall remove the member from the Appeals Board.

If the notice is returned because the certified mail notice was unclaimed or refused, the Trustees shall mail the notice by first class mail. The failure of delivery of the notice does not invalidate the notice.

- F. When a regular or alternate member resigns or is removed before the expiration of that member's term, the Trustees shall appoint a Township resident to the Appeals Board for the remainder of the unexpired term.

Section 18.2 Compensation and Expenses

The members of the Appeals Board may be permitted their expenses or such compensation, or both, as the Trustees may approve and provide.

Section 18.3 Functions of the Appeals Board

- A. The Appeals Board may hear and decide an Appeal where it is alleged there is an error in a requirement, decision, or determination made in the enforcement of this Resolution as described in Article XVI.
- B. The Appeals Board shall have the power to authorize a variance as described in Article XXIV.
- C. The Appeals Board may grant a Conditional Use Permit for the use of land, buildings, or other structures as described in Article XXV.
- D. The Appeals Board shall conduct a Public Hearing pursuant to Section 27.1.
- E. The Appeals Board may, within the limits of monies appropriated by the Trustees for the purpose, employ such executives, professionals, technical assistants and other assistants as it deems necessary. However, the Appeals Board shall not employ a Trustee, the Fiscal Officer, the Zoning Inspector, a Zoning Commission member, or an Appeals Board member.
- F. In exercising the powers established in this Article, the Appeals Board may reverse or affirm, wholly or in part, or may modify the requirement, decision, or determination being appealed, and may make such requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

Section 18.4 Organization and Voting

DRAFT

- A. The Appeals Board shall adopt rules necessary to conduct its affairs in keeping with the provisions of this Resolution. The Appeals Board shall organize, elect a chair and vice-chair, and adopt rules in accordance with the provisions of this Resolution. The Appeals Board shall elect a secretary to maintain Appeals Board records, process all notices required under this Resolution, record the minutes of the Appeals Board, and perform such other duties relating to this Resolution as the Trustees may require.
- B. The Appeals Board shall meet at the call of the chair or, when acting in the capacity of the chair, the vice-chair and at such other times as the Appeals Board may determine.
- C. The chair or, in his or her absence, the vice-chair may administer oaths and the Appeals Board may compel attendance of witnesses.
- D. All meetings of the Appeals Board shall be open to the public and comply with ORC Section 121.22.
- E. The Trustees, the Fiscal Officer, and the Zoning Inspector shall be notified in advance of all Appeals Board meetings.
- F. At least three (3) members shall be in attendance at any meeting of the Appeals Board before any official business can be conducted. A concurring vote of three (3) members shall be necessary to perform its functions.
- G. The Appeals Board shall keep minutes of its proceedings showing the vote, failure to vote, or absence of each member upon each question; records of its examinations; and other official actions. The Appeals Board shall file its minutes and records at the Township Hall which shall be public record.
- H. The concurring vote of three (3) members of the Appeals Board shall be necessary to reverse or modify any requirement, decision or determination of the Zoning Inspector or to decide in favor of an applicant on any matter in which the Appeals Board is required to hear under this Resolution. The failure of an applicant to secure at least three (3) concurring votes shall constitute a decision for disapproval of the application and, in the case of an Appeal, shall be deemed a confirmation and affirmation of the decision of the Zoning Inspector.

ARTICLE XIX - ZONING INSPECTOR

Section 19.1 Appointment of Zoning Inspector

- A. The Trustees shall appoint a Zoning Inspector and, if necessary, an assistant. If the Trustees appoint an assistant to the Zoning Inspector, the term “Zoning Inspector” shall be understood to mean either the Zoning Inspector or the assistant to the Zoning Inspector. The Zoning Inspector shall:
1. In accordance with Section 22.3, review each Zoning Certificate Application to ensure compliance with this Resolution and the Zoning Map.
 2. Investigate any complaints as described in Section 19.3.
 3. Investigate any allegation as to whether a sign complies with Article XV.
 4. Investigate any allegation of a public nuisance.
 5. Review a Zoning Certificate Application as specified in Article XXII.
 6. Comply with the variance process described in Article XXIV when a variance Application has been submitted.
 7. Comply with the Conditional Use process described in Article XXVI when an Application for Conditional Use Permit has been submitted.
 8. Comply with the Appeals process described in Article XXVII when an Appeal has been filed.
 9. Attend meetings and public hearings scheduled by the Zoning Commission, when necessary.
 10. Attend meetings and public hearings scheduled by the Appeals Board, when necessary.
 11. Review Development Plans and Site Plans and, when requested, provide information regarding a Development Plan or Site Plan to the Zoning Commission or Appeals Board.
 12. Ensure that the owner/operator of a Telecommunications Tower files a certification that the radio frequency transmission and/or reception equipment attached to the Telecommunications Tower is in use and in operation, as described in Section 16.7(K). Such certification is required to be filed in January of each year.
 13. Maintain records as described in 19.7.

DRAFT

14. Submit a copy of an issued Zoning Certificate to the Auditor.
- B. The compensation for the Zoning Inspector shall be set and paid by the Trustees.

Section 19.2 Bond

- A. Before entering upon the duties of the office, the Zoning Inspector shall give bond in accordance with the provisions of ORC Section 519.161.
- B. The Trustees shall determine the amount of bond the Zoning Inspector shall post in accordance with Section 19.2.

Section 19.3 Investigation of Complaints

- A. A person may file a written complaint alleging a violation of this Resolution or the Zoning Map with the Zoning Inspector or the Trustees. The Trustees may develop a policy that requires a person provide his or her address. The written complaint may not be in the form of an email, unless the Trustees establish an email account for the Township that may receive such complaints.
- B. The Zoning Inspector shall begin to investigate a complaint within ten (10) business days of its receipt.
- C. The Zoning Inspector shall prepare and maintain a written report of the investigation. When appropriate, the written report shall include any available photographs that establish whether there is failure to comply with this Resolution or the Zoning Map.
- D. The Zoning Inspector may but is not required to inform the complainant of the results of the investigation.

Section 19.4 Receipt of Application Requiring A Public Hearing

- A. When the Zoning Inspector receives an Application to Amend, the Zoning Inspector shall forward the Application to Amend and any documents received with the Application to Amend to the Zoning Commission.
- B. When the Zoning Inspector is notified that the Zoning Commission has received an Application to Amend that has not been forwarded by the Zoning Inspector, the Zoning Inspector shall submit any documentation the Zoning Inspector has regarding the Application to Amend.
- C. When the Zoning Inspector receives a Conditional Use Permit Application, a variance Application, or an Application to Appeal, the Zoning Inspector shall forward the Application and any documents received with the Application to the Appeals Board.

- D. When the Zoning Inspector is notified that the Appeals Board has received a Conditional Use Permit Application, a Variance Application, or an Application to Appeal that has not been forwarded by the Zoning Inspector, the Zoning Inspector shall submit any documentation the Zoning Inspector has regarding the Application.
- E. The Zoning Inspector shall review a Site Plan or Development Plan submitted with an Application to Amend, an Application to Appeal, or a Conditional Use Permit Application and provide to the Zoning Commission or Appeals Board, as applicable, his/her written recommendations to approve, reject, or amend the Site Plan or Development Plan.

Section 19.5 Public Hearing

The Zoning Inspector shall attend any Public Hearing and answer any questions regarding an Application, Site Plan, or Development Plan.

Section 19.6 Decisions of Appeal Board

The Zoning Inspector shall comply with the decision of the Appeals Board and incorporate the terms and conditions of the decision in any Zoning Certificate issued pursuant to the decision.

Section 19.7 Zoning Inspector Records

The Zoning Inspector shall maintain all Applications, attachments to Applications, Zoning Certificates, Conditional Use Permits, variances, copies of notices, photographs received or made, and documents related to complaints made pursuant to this Resolution at the Township Hall.

ARTICLE XX – FEES AND ZONING FORMS

Section 20.1 Fee Schedule

- A. The Trustees shall establish a fee schedule for all zoning applications, request to amend an approved Development Plan, Zoning Certificate Extension Request, the review of a Development or Site Plan, copy costs, stenographer's fee, or any other activity necessitated by this Regulation.
- B. The fees established by the Trustees will be effective immediately and may be amended by the Trustees as needed.

Section 20.2 Fee Payment

A fee shall be required to be paid when an Application is submitted or copies of a hearing transcript or other document is requested. Fees shall be made payable to Peru Township.

Section 20.3. Zoning Forms

All Zoning Forms will be made available on the Peru Township website (PeruTownshipOhio.org).

ARTICLE XXI – DEVELOPMENT PLAN AND SITE PLAN

The developer is strongly encouraged to engage in informal consultation with the Zoning Commission prior to submitting a Development Plan or Site Plan. It is suggested that the developer submit to the Zoning Commission a preliminary Development Plan or Site Plan to be used in the informal consultation. It shall be understood that no statement made during the informal consultation is or will be binding on the Township. It is also recommended that the developer begin the application process detailed in the Morrow County Subdivision Regulations.

Section 21.1 Copies of Development Plan or Site Plan

When a Development Plan or Site Plan is required pursuant to this Resolution, the person shall submit six (6) copies of the Development Plan or Site Plan to the Zoning Inspector.

Section 21.2 Contents of Development Plan

A Development Plan shall include, in both text and map form, the following:

- A. A legible map that indicates the location of the lot. The map shall include a North arrow indicator, use a scale where one (1) inch equals fifty (50) feet, and define the total area proposed to be developed.
- B. Contours at two (2) foot intervals including watercourses, woodlands, wetlands, and one hundred (100) year floodplains.
- C. Existing land use and zoning of the lot involved and all adjacent lots.
- D. Gross and net density of residential development and the total number of dwelling units and acres devoted to each type of residential, agricultural, special, commercial, and/or industrial uses.
- E. Area and dimensions of each lot and the delineation of front, side, and rear yard setback lines.
- F. For commercial and industrial uses, a table that specifies a tabulation in square feet of gross floor areas of all buildings and/or structures.
- G. Total impervious surface area of the site expressed in square feet and percent of the total site area.
- H. The proposed use, height and location of all principal buildings and structures used for commercial and/or industrial purposes.
- I. Location and width of existing roads bordering the property and proposed roads serving each proposed block and lot.

DRAFT

- J. Location and width of all utility easements (i.e. water, sewer, sanitary sewer, storm sewer, gas, electric, telephone, etc.); location and number of acres devoted to the well head zone designation, where appropriate; and the proposed storm water management plan for the site.
- K. The size, orientation and number of off-road parking spaces along with appropriate calculations on the number of spaces required.
- L. The location and percentage of land to be devoted to common open space areas, and the manner of and who is responsible for maintenance of such open space areas and the landscape plan showing the location.
- M. Location and description of any signs.
- N. The general development character of the lot including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.
- O. The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- P. The proposed traffic patterns showing public and private roads and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
- Q. The relationship of the proposed development to existing and probable uses of surrounding areas.
- R. Location of parks and other public facility sites, if any.
- S. Description of how it will conform with each standard detailed in Section 16.5.
- T. The proposed time schedule for development of the site, including roads, buildings, structures, utilities and other facilities, when the development is planned in phases or for a period longer than twelve (12) months.
- U. If the proposed time schedule for development includes developing the land in phases, the first phase shall encompass five (5) acres or the entire lot, whichever is smaller. Subsequent phases shall be fully described in textual form in a manner calculated to give the Zoning Inspector definitive guidelines for approval of the subsequent phases.
- V. The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
- W. Specific statement of any divergence from the Standards described in Article XVI and the justification for the divergence. Unless a divergence from the Standards is specifically approved, the Standards shall be complied with. Since the Final Development Plan is a representation of

DRAFT

what is intended to be built, all standards for landscaping, parking and setbacks are per the Development Plan.

- X. Evidence of the applicant's ability to post a bond or provide an irrevocable letter of credit equivalent to the cost of completing public improvements if the Development Plan is approved.
- Y. The substance of protective covenants, grants of easements or other restrictions to be imposed upon the use of land, buildings, and structures, including proposed easements for public utilities.
- Z. The Development Plan shall also note any waivers needed to implement the Development Plan.
- AA. A signature block that contains the following statement:

"Upon the finalization of the Zoning Map or the issuance of a Conditional Use Permit or Zoning Certificate, this Development Plan shall be binding upon the applicant and the applicant's successors and assigns. Withdrawal or Amendment of this Development Plan may be permitted only in accordance with this Resolution. This document represents the entire understanding between the applicant and Peru Township with regard to development rights."

A Development Plan may be rejected when the Zoning Inspector, Zoning Commission, or Appeals Board determines that it is inaccurate, illegible, or not in compliance with the requirements of this Article.

Section 21.3 Contents of a Site Plan

A Site Plan for a Telecommunications Tower shall include, in both text and a map that displays information at a scale of one (1) inch to one hundred (100) feet, the following:

- A. Property boundaries on which the Telecommunications Tower will be developed;
- B. The design concept of the location, shape, floor areas, and elevations of existing and proposed dwellings, buildings, and/or structures;
- C. Location and description of adjacent dwellings, buildings, and structures within two hundred (200) feet of the boundary of the lot;
- D. The existing and proposed landscape;
- E. The intended ingress and egress of traffic;
- F. The width of driveways and aisles and the location of any barriers;
- G. The design of parking lots, pedestrian paths, and adjacent rights-of-way;

DRAFT

- H. The location, amount, and status of open space;
- I. Location of all exterior light fixtures, controllers, and transformers, including information that indicates lamp wattage, minimum light level of point five (.5) footcandles at grade in all vehicular use areas and connecting pedestrian pathways;
- J. Cut sheets for all proposed exterior light fixtures and poles;
- K. Placement and size of any litter containers;
- L. The plan to prevent or reduce sound from being discernible beyond the bounds of the property;
- M. The size, dimensions, number, type and location of all signs on the premises;
- N. The name, address, and telephone number of the property owner(s);
- O. The name, address, and telephone number of the office and of the chairman, manager, or operator of any temporary user;
- P. The address of the lot;
- Q. Such other material data as may be requested to evaluate the health, safety, and welfare of the public and determine compliance with this Resolution;
- R. The location of all the applicant's existing facilities both within the Township and within one mile of the proposed site.
- S. The general location of planned future facilities, if known.
- T. For each location shown on the plan, there shall be listed:
 - a. The type and size of tower at each location;
 - b. The type of equipment located or proposed on each tower;
 - c. The space available on the tower for additional equipment; and
 - d. A site plan showing the lot on which any existing or proposed tower, antenna or equipment is located.
- U. A scaled and dimensioned site plan for the facility that contains:
 - a. The location, type and size of existing and proposed towers, antennas and equipment located or to be located at the site;
 - b. The location of existing and proposed buildings and structures, access drives, circulation and parking areas;
 - c. Detailed drawings of the screening plan and related design standards;
 - d. On-site land uses and adjacent land uses;
 - e. Setbacks from lot lines and dwellings within six hundred (600) feet of the tower;

DRAFT

- f. Legal description of the lot on which the tower is to be sited; and
 - g. Any other information necessary to assess compliance with this Section.
- V. Written certification from a qualified engineer certifying the following:
- a. That the tower's design is structurally sound and in compliance with all applicable federal, state and local building laws including, without limitation, the Ohio Basic building Code and the National Electric Code;
 - b. That the equipment placed on the tower and at the site complies with all current FCC regulations for nonionizing electromagnetic radiation; and
 - c. That the tower will, to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.
- W. A signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible until said tower has reached full antenna capacity.
- X. The Zoning Inspector, Zoning Commission, or Appeals Board may impose additional conditions on the Site Plan.

A Site Plan may be rejected when the Zoning Inspector, Zoning Commission, or Appeals Board determines that it is inaccurate, illegible, or not in compliance with the requirements of this Article.

Section 21.4 Review of Development Plan

Within thirty (30) business days of the date a Development Plan was received, the Zoning Commission shall:

- A. Complete a review of the Development Plan to ensure all information and documents described in Sections 21.2 have been submitted and are in order.
- 1. When the Zoning Commission determines that any required information or documentation has not been submitted, the Zoning Commission shall immediately notify the developer which information or documentation is missing and that the missing information or documentation must be submitted to the Zoning Commission within ten (10) business days of the notification. The notification may be made either in person or by phone, email, text, or a written notice.
 - 2. The developer may request an extension of the ten (10) business days to submit the required information of documentation. The Zoning Commission shall grant only one (1) extension unless the failure to submit the information or documentation is outside the control of the developer.

DRAFT

B. Approve a Development Plan when:

1. The Development Plan is for a Planned Residential District and the Zoning Map has been amended to permit a Planned Residential District.
2. The Zoning Commission determines that the Development Plan:
 - a. Is consistent in all respects with the purpose, intent, and general standards of this Resolution and advances the general welfare of the Township and the immediate vicinity;
 - b. Does not overburden or damage the roads; and
 - c. Does not create noise, odor, air, water, or chemical pollution;

C. Deny a Development Plan and issue a notice by first class mail to the developer of the reason the Development Plan was denied when:

1. The developer fails to submit the required information and documentation within ten (10) business days of the notification or the extension described in Section 21.5(A).
2. The Development Plan fails to comply with any of the requirements of this Resolution.
3. The Development Plan will overburden or damage the roads.
4. The Development Plan will create noise, odor, air, water, or chemical pollution.
5. The Development Plan does not advance the general welfare of the Township and the immediate vicinity.

Section 21.5. Amendments to a Development Plan

A. Before a Development Plan has been approved by the Zoning Commission, the developer may propose:

1. Minor changes to dwellings, buildings, structures, parking areas, entrances, heights, or yards. Minor changes include changes to:
 - a. The size and location of dwellings, buildings, structures, swimming pools as long as they do not:
 - i. Increase the number of dwellings in the original Development Plan;
 - ii. Encroach materially into the established set-back areas;
 - iii. Encroach materially into the designated parking areas to the extent that would necessitate an alteration in the layout of the access drives or provisions for additional parking spaces; or
 - iv. Create a large building mass either through an increase in the building's height or length that would magnify their effect on the adjoining areas.
 - b. The proposed drives and/or parking areas, as long as they do not encroach materially into building areas or specified recreation areas.
 - c. The size and location of development identification signs.
2. Major changes to the Planned Residential development. Major changes include:
 - a. Any that do not meet the criteria of a minor change described in Section 21.5(A);
 - b. Would constitute a significant alteration in the basic plan design;

DRAFT

- c. Changes in road access points, the size and use of open space, a reduction of the overall acreage of the development, etc.; and/or
 - d. Result in a use different from those originally intended.
- B. For a proposed minor change, the developer shall amend the Development Plan and submit the amended Development Plan to the Zoning Commission.
- C. For a proposed major change, the developer shall provide a copy of the recommendation by the Regional Planning Commission to the Zoning Commission. The Zoning Commission shall schedule a Public Hearing as described in Section XXVII.

Section 21.6 Review of Site Plan

Within thirty (30) business days of the date a Site Plan was received, the Zoning Commission shall:

- A. Complete a review of the Site Plan to ensure all information and documents described in Sections 21.3 and 21.4, as applicable, have been submitted and are in order.
 - 1. When the Zoning Commission determines that any required information or documentation has not been submitted, the Zoning Commission shall immediately notify the developer which information or documentation is missing and that the missing information or documentation must be submitted to the Zoning Commission within ten (10) business days of the notification. The notification may be made either in person or by phone, email, text, or a written notice.
 - 2. The applicant may request an extension of the ten (10) business days to submit the required information or documentation. The Zoning Commission shall grant only one (1) extension unless the failure to submit the information or documentation is outside the control of the applicant.
- B. Approve a Site Plan when:
 - 1. The Site Plan is for a Telecommunications Tower in an A/R, Special Use, Commercial, or Light Industrial District.
 - 2. The Zoning Commission determines that the Site Plan:
 - a. Is consistent in all respects with the purpose, intent, and general standards of this Resolution and advances the general welfare of the Township and the immediate vicinity;
 - b. Considers the recommendations of the Township's Comprehensive Land Use Plan;
 - c. Does not overburden or damage the roads; and
 - d. Does not create noise, odor, air, water, or chemical pollution;
- C. Deny a Development Plan and issue a notice by first class mail to the developer of the reason the Site Plan was denied when:

DRAFT

1. The developer fails to submit the required information and documentation within ten (10) business days of the notification or the extension described in Section 21.5(A).
2. The Development Plan fails to comply with any of the requirements of this Resolution.
3. The Development Plan will overburden or damage the roads.
4. The Development Plan will create noise, odor, air, water, or chemical pollution.
5. The Development Plan does not advance the general welfare of the Township and the immediate vicinity.

Section 21.7 Development Plan Approval Period

- A. The Approval Period of a Development Plan shall be thirty-six (36) months, unless stated otherwise in an approved Development Plan.
- B. An Amendment to this Resolution that is passed during the Approval Period shall not affect the terms under which approval of the Development Plan was granted.
- C. No person shall not make any changes to Development Plan until the entity that originally approved the Development Plan agrees to such changes. The person may submit an Application to Amend the Development Plan and the amended Development Plan to the entity that had originally approved the Development Plan.
 1. When the proposed amendment to the Development Plan is minor, the entity shall schedule a meeting to review and approve, approve with additional conditions, or deny the amended Development Plan. The entity shall send the person a written notice of the date, time, and place of the meeting by first class mail. The person may appear in person or by his or her attorney or other representative or may submit a written statement that justifies the amendment.
 2. When the proposed amendment to the Development Plant is major, the entity shall schedule a Public Hearing as described in Article XXVII. A major amendment includes:
 - a. A change in the use of the lot;
 - b. An increase in lot coverage and parking;
 - c. An increase in the density;
 - d. An increase in traffic impact;
 - e. An increase in public utilities usage;
 - f. A reduction in approved open space;
 - g. A reduction of the off-road parking and loading space;
 - h. A reduction in pavement widths;
 - i. A reduction in the acreage of the planned development; and

DRAFT

- j. Any other departure from the approved Development Plan which is deemed substantial by the entity that approved the original Development Plan.
- D. The person may submit an Application to Extend the Development Plan Approval Period to the entity that approved the Site Plan, if development has not been completed prior to the expiration of the Approval Period. When an Application to Extend the Development Plan is submitted, the entity shall schedule a meeting to review and approve or deny the extended Approval Period of the Development Plan. The entity shall send the person a written notice of the date, time, and place of the meeting by first class mail. The person may appear in person or by his or her attorney or other representative or may submit a written statement that justifies the extension.
- E. When the Approval Period has expired and an Application to Extend the Development Plan Approval Period has not been submitted or has been denied, all development shall cease. To continue development, the person shall submit to the entity that approved the Development Plan an Application to Continue Development, an updated Development Plan, and the Application to Continue Development fee payable to Peru Township. The updated Development Plan shall comply with the Resolution that is in effect at the time of filing the Application to Continue Development.

Section 21.8 Appeal

An applicant who believes she/he has been adversely affected by a decision of the Zoning Commission or another administrative official regarding the interpretation of this Resolution may Appeal the decision by filing an Application to Appeal with the Zoning Inspector within thirty (30) days of the date the decision being appealed was mailed. The Application to Appeal can be obtained from the Zoning Inspector.

ARTICLE XXII - ZONING CERTIFICATE

Section 22.1 Zoning Certificate

When a Zoning Certificate is required by this Resolution, it is unlawful to use or occupy or allow to be used or occupied the Premises until a Zoning Certificate has been issued by the Zoning Inspector. A Zoning Certificate Application shall not be considered unless the Application is fully completed and accompanied by all required information, maps, drawings, documents, and fee.

Section 22.2 Zoning Certificate Application

- A. A Zoning Certificate Application may be obtained from and submitted to the Zoning Inspector. The Zoning Certificate Application must state that there are no outstanding or pending fees or fines owed the Township.
- B. The person who opens or receives a Zoning Certificate Application shall write on the Application the date the Application was received and sign his/her name beneath the receipt date. When the Trustees receive the Zoning Certificate Application, they should submit the Zoning Certificate Application and any documents to the Zoning Inspector within three (3) business days of receipt.
- C. The owner or lessee shall submit with the Zoning Certificate Application all of the following:
 - 1. A Sewer System Design approved by the Morrow County Health Department.
 - 2. A plot plan of the lot on which the new use, dwelling, building, or structure or the expanded building or structure will be developed. The plot plan shall show the type of proposed use; structural dimensions at the ground; lot dimensions; side, front, and rear yard setbacks; and compliance with all applicable Standards.
 - 3. A signed statement that the applicant will conform with this Resolution and development will not begin until a Zoning Certificate is received from the Zoning Inspector.
 - 4. The house number provided by the Morrow County House Numbering Office.
 - 5. Payment in full of the applicable Zoning Certificate fee, made payable to Peru Township.
 - 6. When a dwelling is to be constructed on a state highway, the Zoning Certificate Application shall contain a copy of the application for an Access Permit from the Ohio Department of Transportation.
- D. When a Development Plan or Site Plan is required, the Zoning Certificate Application shall include a Development Plan or Site Plan and comply with Article XXI.

Section 22.3 Review of Zoning Certificate Application

Within ten (10) business days of the date a Zoning Certificate Application was received, the Zoning Inspector shall:

- A. Complete a review of the Zoning Certificate Application to ensure all applicable documents described in Section 22.2 have been submitted and are in order.
 1. When the Zoning Inspector determines that any required documentation has not been submitted, the Zoning Inspector shall immediately notify the applicant which documentation is missing and that the missing documentation must be submitted to the Zoning Inspector within ten (10) business days of the notification. The notification may be made either in person or by phone, email, text or a written notice.
 2. The applicant may request an extension of ten (10) business days to submit the required documentation. The Zoning Inspector shall only grant one (1) extension unless the failure to submit the documentation is outside the control of the applicant.
- B. Approve a Zoning Certificate Application when:
 1. The Zoning Certificate Application is for a dwelling in an A/R, Special Use, Planned Residential District, or Commercial District that complies with all requirements of this Resolution.
 2. The Zoning Certificate Application is to develop a new building or structure that is for non-residential or non-agricultural use in a Special Use, Planned Residential, Commercial, or Light Industrial District that complies with all requirements of this Resolution and the Zoning Inspector determines that the proposed development:
 - a. Is consistent in all respects with the purpose, intent, and general standards of this Resolution;
 - b. Advances the general welfare of the Township and the immediate vicinity;
 - c. Does not overburden or damage the roads; and
 - d. Does not create noise, odor, air, water, or chemical pollution.
 3. The Zoning Certificate Application is to enlarge an existing building or structure that is for non-residential or non-agricultural use in a Commercial, Planned Residential, Light Industrial, or Special Use District and complies with all requirements of this Resolution and the Zoning Inspector determines that:
 - a. The proposed development is consistent in all respects with the purpose, intent, and general standards of this Resolution; and
 - b. The proposed development advances the general welfare of the Township and the immediate vicinity.

DRAFT

4. The Zoning Certificate Application is to reconstruct or substitute an existing Adult Entertainment business building or structure and complies with all requirements of this Resolution and the Zoning Inspector determines that:
 - a. The proposed development is consistent in all respects with the purpose, intent, and general standards of this Resolution; and
 - b. The proposed development advances the general welfare of the Township and the immediate vicinity.
- C. Deny a Zoning Certificate Application and issue a notice by first class mail to the applicant of the reason the Zoning Certificate Application was denied when:
 1. The applicant fails to submit the required documentation within ten (10) business days of the notification or the extension described in Section 22.4.
 2. The Zoning Certificate Application is for development that fails to comply with any of the requirements of this Resolution.
 3. The Zoning Certificate Application is to develop a lot or a new or enlarge an existing building or structure in a Commercial, Light Industrial, or Special Use District and it fails to comply with any of the requirements of this Resolution or the Zoning Inspector determines that:
 - a. The proposed development is not consistent in all respects with the purpose, intent, and general standards of this Resolution; or
 - b. The proposed development does not advance the general welfare of the Township and the immediate vicinity.

Section 22.4 Approved Zoning Certificate Effective Period and Extension

- A. When the Zoning Inspector approves a Zoning Certificate Application, the Zoning Inspector shall provide the Zoning Certificate to the applicant in person or by first class mail and submit a copy to the Auditor.
- B. The Zoning Certificate effective period is eighteen (18) months, unless an approved Development Plan or Site Plan contains a time schedule that exceeds the Zoning Certificate effective period.
- C. A Zoning Certificate may be extended for an additional eighteen (18) month effective period if a Zoning Certificate Extension Request is filed with and approved by the Zoning Inspector.
- D. All development shall cease at the end of the effective period of the Zoning Certificate or, if applicable, the Zoning Certificate Extension.
- E. The Zoning Inspector may impose such requirements and conditions to the Zoning Certificate as she/he may deem necessary for the protection of adjacent properties and the public interest.

Section 22.5 Appeal

DRAFT

An applicant who believes she/he has been adversely affected by a decision of the Zoning Inspector or another administrative official regarding the interpretation of this Resolution may Appeal the decision by filing an Application to Appeal with the Zoning Inspector within thirty (30) days of the date the decision being appealed was mailed. The Application to Appeal can be obtained from the Zoning Inspector.

PROPOSAL

ARTICLE XXIII - AMENDMENT OF RESOLUTION AND/OR ZONING MAP

Section 23.1 Amendment of Resolution and/or Zoning Map

This Article is intended to be a restatement of ORC Section 519.12 and is adopted in this Resolution for the convenience of the residents of Peru Township. Any Amendments to ORC Section 519.12 adopted by the Ohio Legislature shall be considered as having also amended this Article correspondingly.

Section 23.2 Initiation of Amendment

- A. An Amendment to this Resolution and/or Zoning Map may be initiated by:
 - 1. A motion by the Zoning Commission.
 - 2. The passage of a resolution by the Trustees. The resolution shall be sufficiently detailed to clearly communicate to the Zoning Commission the specific change requested by the Trustees. The Trustees shall certify the resolution to the Zoning Commission.
 - 3. The filing of an Application to Amend by one or more of the owners or lessees of a lot within the area proposed to be changed or affected by a proposed Amendment.
- B. An owner or lessee who files an Application to Amend shall include ten (10) copies of:
 - 1. The Application to Amend;
 - 2. All required information listed on the Application to Amend; and
 - 3. The Development Plan or Site Plan.
- C. An Application to Amend shall not be considered unless it is fully completed and accompanied by all required information listed on the Application to Amend.
- D. An owner or lessee filing an Application to Amend shall submit an Application to Amend fee payable to Peru Township.

Section 23.3 Submission to Morrow County Regional Planning Commission

- A. Within five (5) business days after the initiation of an Amendment, the Zoning Commission shall transmit to the Morrow County Regional Planning Commission:
 - 1. A copy of the motion, resolution, or Application to Amend, as applicable; and

DRAFT

2. The text and map pertaining to the proposed Amendment.
- B. The Morrow County Regional Planning Commission will submit its recommendation for approval, denial, or modification of the proposed Amendment to the Zoning Commission. The Zoning Commission shall consider the recommendation of the Morrow County Regional Planning Commission at a Public Hearing.

Section 23.4 Public Hearing by Zoning Commission

Within five (5) business days of a receipt of the initiation of an Amendment, the Zoning Commission shall schedule a Public Hearing as described in Article XXVII.

PROPOSAL

ARTICLE XXIV - VARIANCE

Section 24.1 Variance

An owner or lessee may request a variance from the regulations of this Resolution when the owner or lessee contends that, due to special circumstances, the literal enforcement of this Resolution would result in an unnecessary hardship. A variance may be requested when the Zoning Inspector rejects a Zoning Certificate Application or when this Resolution prohibits the development of a dwelling, building, structure, sign, or use.

The Appeals Board shall not grant a variance for a use that is not normally permitted in a District; that authority belongs to the Zoning Commission. However, the Appeals Board may, in very special circumstances, grant a variance when it would not be contrary to the public interest and:

- A. It would be inappropriate to rezone the lot in question, the lot in question has no viable economic use due to existing conditions on surrounding lots, and the literal enforcement of the Resolution will result in an unnecessary hardship on the owner or lessee.
- B. The physical conditions of the lot in question are such that strict application of the Resolution would result in practical difficulties that would deprive the owner or lessee of the beneficial use of the lot.

The burden of proof for proving that a variance is necessary shall rest with the applicant.

Section 24.2 Variance Application

- A. A person who desires a variance from this Resolution shall submit to the Zoning Inspector:
 1. A variance Application that includes the following:
 - a. The name and signature of the applicant;
 - b. The date the variance Application was signed by the applicant;
 - c. The complete mailing address of the applicant;
 - d. The name and complete mailing address of the owner, if not the applicant; and
 - e. The address of the lot for which the variance is requested.
 2. A narrative statement that details:
 - a. The special circumstances that require a variance from this Resolution;
 - b. How the special circumstances are outside of the applicant's control and not a result of any action by the applicant;
 - c. The specific regulation of this Resolution for which the variance is requested;
 - d. How the literal interpretation of the provisions of this Resolution would result in an unnecessary hardship on the applicant or deprive the applicant of the beneficial use of the lot in question; and

DRAFT

- e. That granting the variance will not confer on the applicant any special privilege that is denied by this Resolution to other lots in the same district.
 3. A list of the owners of lots that are within two hundred (200) feet of the exterior boundaries of the lot for which the Variance Application was submitted.
 4. When the applicant is not the owner, the applicant shall provide proof that the owner has authorized the Variance Application. Such proof may be in the form of:
 - a. A letter.
 - b. An e-mail.
 - c. A copy of a legal agreement or contract between the applicant and the owner that establishes that the applicant has an equitable interest in said property.
 5. The Variance Application fee payable to Peru Township.
- B. A Variance Application can be obtained from the Zoning Inspector.

Section 24.3 Public Hearing

Within a reasonable time following receipt of a Variance Application, the Appeals Board shall schedule a Public Hearing as described in Article XXVII.

Section 24.4 Approved Variance and Extension

- A. When a variance has been approved, the applicant shall submit to the Zoning Inspector:
1. A completed Zoning Certificate Application to develop a dwelling or, for non-agricultural or non-residential use, a building or structure; and
 2. The Zoning Certificate Application fee payable to Peru Township.
- B. When the applicant does not submit a completed Zoning Certificate application or written extension request for an extension within the permitted time, the variance approval shall be null and void as though it had never been approved.

Section 24.5 Conditions of Approved Variance

The Appeals Board may establish conditions and safeguards in conformity with this Resolution when it approves a variance. Violation of such conditions and safeguards shall be deemed a violation of this Resolution and be subject to enforcement described in Article XXIX.

Section 24.6 Revocation of Approved Variance

DRAFT

- A. The Appeals Board may revoke a variance if any condition of the approved variance is violated. The Appeals Board shall send a written notice by certified mail to the holder. When the Appeals Board has record of an internet identifier of record associated with the holder, the Appeals Board may also send a written notice to the holder's internet identifier. The written notice shall include:
1. The Appeals Board intends to revoke the variance;
 2. The condition of the variance that was violated;
 3. The holder has the right to request a hearing before the Appeals Board within thirty (30) days of the mailing of the notice; and
 4. The authority to revoke a variance is in addition to any other means of enforcement provided by law.
- B. If within thirty (30) days of the mailing of the notice the Appeals Board:
1. Does not receive a hearing request, the variance is deemed to be revoked and all activity by the holder shall cease.
 2. Receives a hearing request, the Appeals Board shall:
 - a. Schedule the hearing;
 - b. Send a written notice to the holder that includes the following:
 - i. The date, time, and place for the hearing;
 - ii. That the holder may appear in person or by his or her attorney or other representative or the holder may present his or her position in writing;
 - iii. The holder may present evidence and examine witnesses appearing for or against the holder; and
 - iv. The authority to revoke a variance is in addition to any other means of enforcement provided by law.
 - c. Notify the Zoning Inspector and Zoning Commission of the date, time, and place of the hearing.
- C. When a hearing is requested, the Appeals Board may reverse or affirm, wholly or partly, or modify any requirement, decision, or determination pertaining to the variance.

ARTICLE XXV - CONDITIONAL USE PERMIT

Section 25.1 Conditional Use Permit

When a Conditional use Permit Application is required by this Resolution, it is unlawful to use or occupy the Premises until a Conditional Use Permit has been issued by the Appeals Board.

Section 25.2 Conditional Use Permit Application

- A. When a Conditional Use Permit is required by this Resolution, the person shall submit to the Zoning Inspector a Conditional Use Permit Application that includes all required information, maps, drawings, documents, and fee.
- B. A Conditional Use Permit Application can be obtained from the Zoning Inspector.
- C. The person who opens or receives a Conditional Use Permit Application shall write on the Application the date the Application was received and sign his/her name beneath the receipt date. When the Application is received by the Zoning Inspector, the Application and all documents shall be submitted to the Appeals Board within two (2) days of receipt.

Section 25.3 Public Hearing

Within a reasonable time following the receipt of a Conditional Use Permit Application and all required information, maps, drawings, documents, and fee, the Appeals Board shall schedule a Public Hearing as described in Article XXVII.

ARTICLE XXVI - APPEAL

Section 26.1 Appeal

An Appeal may be initiated by a person aggrieved by or any officer of the Township affected by a decision or action of the Zoning Inspector.

Section 26.2 Application to Appeal

- A. An Application to Appeal shall be submitted to the Zoning Inspector within twenty (20) days of the date the decision or action being appealed took place.
- B. An Application to Appeal can be obtained from the Zoning Inspector.
- C. The person who opens or receives an Application to Appeal shall write on the Application the date the Application was received and sign his/her name beneath the receipt date. When the Application to Appeal is received by the Zoning Inspector, the Application to Appeal and all documents pertaining to the action or decision being appealed shall be submitted to the Appeals Board within two (2) days of receipt.

Section 26.3 Public Hearing

Within five (5) days of receipt of an Application to Appeal, the Appeals Board shall schedule a Public Hearing as described in Article XXVII.

ARTICLE XXVII - PUBLIC HEARING

Section 27.1 Public Hearing

A Public Hearing is required when:

- A. A proposed Amendment to this Resolution or the Zoning Map is initiated in accordance with Article XXIII. Within five (5) days of receipt of the initiation of a proposed Amendment, the Zoning Commission shall:
 1. Schedule a Public Hearing on a date that is not less than twenty (20) or more than forty (40) days from the date the Amendment was initiated;
 2. Notify the Zoning Inspector and the Trustees of the Public Hearing;
 3. Make the motion, resolution, or application to amend the Resolution available for examination, upon request, for a period of at least ten (10) days prior to the Public Hearing; and
 4. Issue a Public Hearing Notice.
- B. The Trustees receive the recommendations of the Zoning Commission to a proposed Amendment to this Resolution or the Zoning Map. Within five (5) days of receipt of the recommendations, the Trustees shall:
 1. Schedule a Public Hearing on a date that is not more than thirty (30) days from the date of the receipt of the recommendation; and
 2. Notify the Zoning Inspector and the Trustees of the Public Hearing;
 3. Issue a Public Hearing Notice.
- C. The Appeals Board receives an Application to Appeal, a Variance Application, or a Conditional Use Permit Application. Within five (5) days of receipt of the Application, the Appeals Board shall:
 1. Schedule a Public Hearing on a date that is not less than thirty (30) days or more than sixty (60) days from the date the Application was received;
 2. Notify the Zoning Inspector and the Trustees of the Public Hearing; and
 3. Issue a Public Hearing Notice.

Section 27.2 Public Hearing Notice

A. Published Public Hearing Notice

At least ten (10) days prior to the Public Hearing, a Public Hearing Notice shall be published in at least one (1) newspaper of general circulation in the Township. In addition to the published Public Hearing notice, social media and/or the Township's website may be used to publicize the time, date, and location of the Public Hearing.

B. Written Public Hearing Notice

1. When the Public Hearing is for an Amendment of this Resolution or the Zoning Map and the Amendment intends to rezone ten (10) or fewer lots, as listed on the Auditor's current tax list, a written Public Hearing Notice shall be sent by first class mail to all owners of lots that are within and contiguous to and directly across the road from the area proposed to be rezoned. The owner's address used shall be obtained from the Auditor's current tax list. If the owner's address on the current tax list appears to be the address of a mortgagee or real estate tax payment service, the notice to the owner shall go to the actual postal address of the owner unless such address is not ascertainable.
2. When the Public Hearing is for a Variance Application or Conditional Use Permit Application, a written Public Hearing Notice shall be sent by first class mail to the applicant and the owners of lots that are within two hundred (200) feet of the exterior boundaries of the lot or area for which the Application was submitted.

C. The published and, when required, written Public Hearing Notice shall include the following:

1. The date, time, and place of the Public Hearing.
2. The name of the entity that will be conducting the Public Hearing
3. A statement explaining the purpose of the Public Hearing.
4. The time and place where any text and/or maps will be available for examination, upon request, for a period of at least ten (10) days prior to the Public Hearing.
5. The name of the person responsible for issuing the Public Hearing Notice.
6. The following statement, as applicable to the purpose of the Public Hearing:
 - a. At the conclusion of the Public Hearing, the Zoning Commission shall submit their recommendations to the Trustees for their action.
 - b. At the conclusion of the Public Hearing, the Appeals Board will make a decision on the matter.

7. Any other information required by the Zoning Commission, Trustees, or Appeals Board, as applicable.
 8. When the Public Hearing is for an Amendment to rezone ten (10) or fewer lots as listed on the Auditor's current tax list, the published and written Public Hearing notices shall also contain:
 - a. A list of the addresses of all lots to be rezoned or redistricted by the proposed Amendment and the names of the owners of this lots as they appear on the auditor's current tax list; and
 - b. The present zoning classification of all lots named in the proposed Amendment and the proposed zoning classification of that lots.
- D. The failure of delivery of a written Public Hearing Notice shall not invalidate an Amendment, variance, or Conditional Use Permit.

Section 27.3 Public Hearing Procedure

- A. Any party may appear in person or by his or her attorney or other representative.
- B. The person who initiated the Amendment or filed the Application or objection to a revocation shall present a statement and adequate supporting documentation in such form as the Zoning Commission or Appeals Board, as applicable, may require.

Section 27.4 Considerations

- A. When considering a proposed Amendment, the Zoning Commission shall:
 1. Determine whether an approval of the proposed Amendment would be contrary to the public interest; is acceptable to the health, safety, and general welfare of the public; and does not create a nuisance in terms of noise, odor, smoke, traffic, and the like to neighbors.
 2. Under no circumstances approve a proposed Amendment that would allow a District not permissible under the terms of this Resolution.
 3. Under no circumstances allow more than one (1) Adult Entertainment business.
 4. Ensure that the Township's rural character does not significantly alter and that its residents enjoy as much freedom from regulations as possible.
- B. When considering whether to approve, disapprove, or approve with supplementary conditions the Application to Appeal or Conditional Use Permit Application, the Appeals Board shall:

DRAFT

1. Determine whether an approval would be contrary to the public interest; is acceptable to the health, safety and general welfare of the public; and does not create a nuisance in terms of noise, odor, smoke, traffic and the like to neighbors.
 2. Under no circumstance permit a use not permitted under the terms of this Resolution in the District involved or any use expressly or by implication prohibited by the terms of this Resolution in said District.
- C. When considering whether to approve, disapprove, or approve with supplementary conditions a Variance Application, the Appeals Board shall weigh the competing interests of the applicant and the community and consider whether:
1. Owing to special conditions, a literal enforcement of this Zoning Resolution would, when the Variance Application is based on Section 24.1(A), result in unnecessary hardship on the applicant or, when the Variance Application is based on Section 24.1(B), a practical difficulty for the applicant;
 2. The approval of a Variance Application is consistent with the spirit of this Resolution and would result in substantial justice;
 3. Special conditions and circumstances exist that are peculiar to the lot, dwelling, structure, or building involved and are not applicable to other lots, dwellings, structures, or buildings in the same District;
 4. A literal interpretation of this Resolution would deprive the applicant of rights commonly enjoyed by other lots in the same District under the terms of this Resolution;
 5. The lot would yield a reasonable return or be of beneficial use without the variance.
 6. The special conditions and circumstances are a result of the actions of the applicant;
 7. An Amendment of the Zoning Map would result in the same effect as a variance and so should be pursued instead of a variance;
 8. The requested variance would conform to the Comprehensive Land Use Plan;
 9. The requested variance from this Resolution is the minimum necessary to eliminate the unnecessary hardship that resulted from the special circumstances;
 10. The requested variance would:
 - a. Adversely affect the health or safety of the people who reside or work in or near the lot in question;
 - b. Be materially detrimental to persons or property in the vicinity;
 - c. Be injurious to private property or public improvements in the vicinity;

DRAFT

- d. Interfere with the delivery of governmental services in the vicinity.
- 11. The owner purchased the lot with knowledge of the Zoning regulations; and
- 12. The owner's predicament can be resolved through some method other than a variance.
- D. The Appeals Board may deny a Variance Application when it is brought:
 - 1. Only on the grounds of convenience or profit; or
 - 2. On the grounds that a non-conforming use, lot, dwelling, building, or structure exists in the District for which the variance is sought or in any other District.
- E. The Appeals Board may impose such conditions, safeguards and restrictions as deemed necessary to carry out the general purpose and intent of this Resolution.
- F. When considering the revocation of an issued variance or Conditional Use Permit, the Appeals Board shall determine whether the holder failed to comply with the conditions, safeguards, or restrictions that were imposed on the variance or Conditional Use Permit.

Section 27.5 Public Hearing Decision

- A. When the Public Hearing was before the Zoning Commission for a proposed Amendment to this Resolution or the Zoning Map, the Zoning Commission shall recommend the approval, denial, or modification of the proposed Amendment within thirty (30) days of the Public Hearing and submit to the Trustees:
 - 1. The proposed Amendment;
 - 2. Its recommendation to approve or deny the proposed Amendment;
 - 3. The document initiating the Amendment;
 - 4. The text and map pertaining thereto; and
 - 5. The recommendation of the Morrow County Regional Planning Commission.
- B. When the Public Hearing was before the Trustees, the Trustees shall, by majority vote, either adopt the recommendations, adopt some modification of the recommendations, or deny the recommendations within twenty (20) days of the Public Hearing.
 - 1. When the Trustees adopt the Zoning Commission's recommendations or some modification of the recommendation, the proposed Resolution shall become effective thirty (30) days after

DRAFT

the date of its adoption unless, within those thirty (30) days, a Petition for Referendum, as described in Section 27.7, is filed with the Trustees.

2. Within five (5) business days after an Amendment's effective date, the Trustees shall file the amended Resolution, including text and maps, with the Morrow County Recorder and the Morrow County Regional Planning Commission. The failure to file an Amendment, text, or maps or duplicates of any of these documents does not invalidate the Amendment and is not grounds for an Appeal of any decision of the Zoning Board.
- C. When the Public Hearing was before the Appeals Board, the Appeals Board shall either approve, approve with supplementary conditions, or deny the Application within thirty (30) days of the Public Hearing.
1. The decision shall include:
 - a. A finding of facts that are based on the evidence presented during the Public Hearing; and
 - b. The approval, approval with supplementary conditions, or denial of the Application.
 2. A certified copy of the decision of the Appeals Board shall be sent to the applicant by first class mail and submitted to the Zoning Inspector.
 3. The Zoning Inspector shall issue any certificate and incorporate any supplementary conditions authorized by the Appeals Board.

Section 27.6 Transcript of Public Hearing

- A. The Trustees may employ a stenographer to appear at an Appeals Board Public Hearing to provide an official Public Hearing transcript. If the Trustees do not employ a stenographer and the person who filed the application desires to have a stenographer present, then the stenographer's fee shall be paid by the person and a copy of the transcript shall be provided to the Appeals Board by the person at no cost. If no stenographer is present, the notes of the Zoning Secretary or Fiscal Officer shall serve as the official Public Hearing transcript.
- B. A copy of the official Public Hearing transcript may be obtained from the Zoning Inspector by the person who filed the Application or any other interested party. Payment for a copy of the transcript shall be in accordance with the fee schedule described in Article XX.

Section 27.7 Petition for Referendum in Opposition to Amendment

- A. Within thirty (30) days of the date of adoption of an Amendment, a Petition for Referendum may be filed with the Trustees requesting the Amendment be submitted to the Township electors for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety (90) days after the petition is filed. The petition shall be signed by a number of registered electors residing in the unincorporated area of the Township or

DRAFT

part of the unincorporated area included in the zoning plan. The number of Township electors required to sign the petition is an amount equal to but not less than eight (8) percent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected.

- B. The Petition for Referendum shall be accompanied by an appropriate map of the area affected by the zoning proposal.
- C. Within two (2) weeks of receiving a Petition for Referendum, the Trustees shall certify the Petition for Referendum to the Morrow County Board of Elections.
- D. No Amendment for which a Petition for Referendum has been received by the Trustees 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 Morrow County Board of Elections that the Amendment has been approved by the voters, it shall take immediate effect.

Section 27.8 Judicial Review

A person may take action to obtain a judicial review of the decision of the Appeals Board pursuant to ORC Chapter 2506.

Section 27.9 Statute of Limitations

No action alleging procedural error in the actions of the Appeals Board in the granting of a variance or Conditional Use Permit shall be brought more than two years after the variance or Conditional Use Permit was granted.

ARTICLE XXVIII - ENFORCEMENT

Section 28.1 Violation of Resolution

- A. No use, lot, dwelling, building or structure shall be used, located, erected, constructed, reconstructed, enlarged, changed, or maintained in violation of this Resolution.
- B. Each day's continuation of a violation of this Resolution shall be deemed a separate offense regardless of whether or not a separate Notice of Violation, as described in Section 29.2(A), is issued for each day the offense continues.

Section 28.2 Administrative Action

When a violation of this Resolution is alleged to exist, the Zoning Inspector shall investigate whether a violation does exist. When it appears that a violation does exist, the Zoning Inspector shall take and maintain photographs and prepare a written report of his/her findings.

- A. Within thirty (30) days of determining that a violation does exist, the Zoning Inspector shall:
 - 1. Send a written Notice of Violation by certified mail to the last known address of the owner of the lot who is believed to have violated this Resolution. When the violation is regarding a sign, the Notice shall also be sent to the owner of the sign, if known and if different than the owner of the lot, by certified mail. The Notice shall state:
 - a. The owner has failed to comply with this Resolution;
 - b. The exact Article and Section with which the owner has failed to comply;
 - c. That the owner must take action to comply with this Resolution within a time-frame set by the Zoning Inspector; and
 - d. That the owner may Appeal such decision to the Appeals Board as described in Article XXVI.
 - 2. Send a second Notice by first class mail to the last known address of the owner, if the owner does not comply within the period required pursuant to Section 29.2(A)(1)(c).
 - 3. Maintain a copy of each Notice that was sent and proof that certified mail was used with the first Notice.
- B. If the owner files an Appeal, attend the Public Hearing and present the photographs and written report of the investigation.
- C. The failure of delivery of a Notice required by this Section shall not invalidate any action taken by or at the direction of Peru Township in response to a failure to comply with this Resolution.

Section 28.3 Administrative Penalty

DRAFT

- A. A person who fails to obtain an approved Zoning Certificate or Conditional use Permit prior to beginning development shall be assessed a Compliance Fine equal to the maximum amount provided by law or five hundred (500) dollars for each offense, whichever is greater. The payment of a Compliance Fine does not eliminate the need to obtain a Zoning Certificate or Conditional use Permit before development can continue or replace the cost of any applicable Application fee.
- B. When the Violation is regarding a sign pursuant to Article XV or Section 15.2 and the sign is not brought into compliance or removed within the time required and an Appeal has not been filed or an Appeal has been filed but was not approved by the Appeals Board, the Zoning Inspector shall consider pursuing additional remedies in accordance with Section 29.4.

Section 28.4 Additional Remedies and Penalty

- A. If a clear and present danger exists regarding a violation, the requirement to send a written notice is waived and the Zoning Inspector shall refer the matter directly to the Morrow County Prosecutor or Township legal counsel for appropriate action.
- B. When a use, lot, dwelling, building or structure has been located, erected, constructed, reconstructed, enlarged, changed, maintained, or used in violation of this Resolution, the Trustees, Morrow County Prosecutor, or Township legal counsel, the Zoning Inspector may, in addition to other remedies provided by law, institute an injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Trustees may employ special counsel to represent the Township in any proceeding or to prosecute any actions brought under this Section.
- C. When the owner does not comply with the Resolution within thirty (30) days of the issuance of the notice and an Appeal has not been filed or an Appeal has been filed but was not approved by the Appeals Board, the Zoning Inspector shall turn the matter over to the Morrow County Prosecutor for any and all legal recourse.
- D. Whoever violates the provisions of this Resolution or ORC Chapter 519 shall be fined not more than five hundred (500) dollars for each offense or the maximum fine as provided by law, whichever is greater.

ARTICLE XXIX – SEVERABILITY AND REPEAL

Section 29.1 Severability

If for any reason any one or more Articles, Sections, sentences, clauses or parts of this Resolution are held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution but shall be confined in its operation to the specific Article, Section, sentence, clause or part of this Resolution held invalid and the invalidity of any Article, Section, sentence, clause, or part of this Resolution in any one or more instances shall not attest or prejudice in any way the validity of this Resolution in any other instance.

Section 29.2 Statute of Limitations

An action challenging the validity of this Resolution or of any Amendment thereto because of a procedural error in the adoption of the Resolution or Amendment shall be brought no more than two (2) years after the adoption of the Resolution or Amendment.

Section 29.3 Repeal

This Resolution may be repealed only by complying with the requirements of ORC Chapter 519 as amended.

Section 29.4 Repeal of Conflicting Resolution

To the extent there were other zoning laws in effect in any part of this Township before the adoption of this Resolution, they are considered repealed as of the date this Resolution became effective. Any suits at law or in equity concerning the application or interpretation of this Resolution and/or all prosecutions resulting from violation of this Resolution pending in any of the courts of the State of Ohio or of the United States, pending at the time of adoption of any Amendment hereto, shall not be deemed abated or abandoned by reason of the adoption of any such Amendment to this Resolution but shall be prosecuted to their finality the same as if such Amendment to this Resolution had not been adopted. Any and all violations of the existing Resolution, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted. Nothing in this Section or Resolution shall be intended to limit the power of the Trustees to settle litigation under ORC Section 505.07 or the binding effect of a consent decree or court approved settlement agreement that has been approved by a court.

APPENDIX

TERMINOLOGY AND DEFINITIONS

Section 1 Terminology

- A. 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 ORC or, if not defined in this Resolution or the ORC, the current Webster's Dictionary. The words shall be liberally construed to achieve the salutary effect or objectives of this Resolution.
- B. Throughout this Resolution, the following applies:
1. The term "shall" is to be interpreted as mandatory and not optional; the term "may" is permissive and is optional.
 2. 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 content clearly indicates the contrary.
 3. Unless the context clearly indicates the contrary, when two or more items, conditions, provisions, or events are connected by the conjunction "and," "or," "either ... or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "And/or" and "either ... or" indicate that the connected items, conditions, provisions or events may apply singly or in combination.
 4. Unless specified otherwise, the term "day" shall mean a calendar day, "month" shall mean a calendar month, and "year" shall mean a calendar year.
 5. When capitalized, the term:
 - a. "Appeals Board" shall mean the Board of Zoning Appeals of Peru Township.
 - b. "Article" shall mean an Article of the Peru Township Zoning Resolution.
 - c. "Auditor" shall mean the Morrow County Auditor.
 - d. "District" shall mean a Peru Township Zoning District.
 - e. "Fiscal Officer" shall mean the Peru Township Fiscal Officer.
 - f. "ORC" shall mean the Ohio Revised Code.
 - g. "Permit" shall mean any permit issued by the Peru Township Zoning Inspector.
 - h. "Resolution" shall mean the Peru Township Zoning Resolution and, unless the content clearly indicates the contrary, any Amendments thereto.

DRAFT

- i. "Section" shall mean a Section of the Peru Township Zoning Resolution or, when the content indicates otherwise, a Section of the Ohio Revised Code.
 - j. "Township" shall mean Peru Township in Morrow County, Ohio.
 - k. "Trustees" shall mean the Board of Township Trustees of Peru Township.
 - l. "Variance" shall mean a variance approved by the Peru Township Zoning Resolution.
 - m. "Zoning" shall mean Peru Township Zoning.
 - n. "Zoning Certificate" shall mean a Peru Township Zoning Certificate.
 - o. "Zoning Commission" shall mean the Zoning Commission of Peru Township.
 - p. "Zoning Inspector" shall mean the Peru Township Zoning Inspector.
 - q. "Zoning Map" shall mean the Peru Township Zoning Map and, unless the content clearly indicates the contrary, any Amendments thereto.
6. The use of the terms "accessory building", "building", "campground", "dwelling", "main building", "manufactured home", "mobile home", "premises", "sign", "structure", "temporary structure", "telecommunications tower", "use", "vehicle", and "yard" shall be understood to include any part thereof.

Section 2 Definitions

- A. Accessory building: a subordinate building detached from but located on the same lot as the main building, the use of which is customarily incidental to that of the main building or use.
- B. Adult Entertainment Business: a business or enterprise that presents material or performances whose dominant tendency is to arouse lust or to appeal to the prurient or scatological interest by displaying or representing sexual activity, masturbation, sexual excitement, nudity or human body functions of elimination; and that, when taken as a whole, lack serious literary, artistic, political, or scientific value.
- C. Agriculture: includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- D. Bed & breakfast, boarding and/or rooming house, and tourist home: defined as a dwelling or dwelling unit offering short- or long-term overnight accommodations for guest.
- E. Building: a structure permanently affixed to the land that has one or more floors and a roof, is bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animals, and/or property. A building includes but is not limited to accessory buildings and sheds. For the purposes of this Resolution, building does not include a dwelling.

DRAFT

- F. Business sign: a sign that directs attention to a business, commodity, service or profession conducted, sold, or offered upon the same lot.
- G. Campground: any lot upon which self-contained recreational Vehicles or portable camping units are placed for non-permanent, recreational, and vacation habitation, including any roadway, building, structure, Vehicle, or enclosure used or intended for use as part of the campground facilities.
- H. Chassis: a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public roads or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks or other foundation, connection to utilities and the like.
- I. Develop, developed, or development: to conceive, plan for, erect, construct, reconstruct, enlarge, or change a use or a dwelling, building, or structure. For example, when an owner or lessee intends to build a Telecommunications Tower on a lot, the initial planning stage is the first step of development; or when an owner intends to build a dwelling, the preparation of the ground for the foundation is when the dwelling is being developed.
- J. Development Plan: a presentation of a proposed Planned Residential District of a specified parcel of land that, once approved, becomes part of the zoning for a property. The Development Plan depicts site characteristics and development information and provides guidance for site plans.
- K. Dwelling: a building designed or occupied for residential use that provides areas for living, meal preparation, sleeping, storage, bathing, and toilet facilities for a family or small group of people. dwelling includes:
 - 1. A house that is assembled on the lot and is intended as a residence for a single family or a small group of people (hereafter referred to as a single-family dwelling) or that incorporates two dwelling units for two, separate families or two small groups of people (hereafter referred to as a duplex);
 - 2. A modular house where the main structural sections were manufactured in an off-site facility, transported to a lot, and then assembled on a foundation;
 - 3. A Manufactured Home that is manufactured in an off-site facility and brought onto the site as either a complete unit or, sometimes, in multiple pieces, and then assembled on a foundation; and
 - 4. A Mobile Home.

DRAFT

A dwelling does not include a travel trailer, house vehicle, motor home, truck camper, fifth-wheel trailer, or park trailer.

- L. Dwelling unit: a space within a duplex that provides areas for living, meal preparation, sleeping, storage, bathing, and toilet facilities for a family or small group of people.
- M. Family: a group consisting of a parent or parents and children living together in a dwelling; the family can be nuclear or extended (grandparents, grandchildren, aunts, uncles, nephews, nieces, etc.).
- N. Floodway: an area in the Township that is considered a special flood hazard by the Federal Emergency Management Agency.
- O. Front Yard: the yard from the front lot line to the front of the principal building and extending between the side lot lines across the front of the lot.
- P. 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 a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufacture or Mobile Home.
- Q. Lessee: a person who rents or leases Premises from the owner.
- R. Lot: a contiguous quantity of land in the possession of, owned by, or recorded with the Recorder as the property of the same person. Unless the context indicates the contrary, the term lot includes a single lot of record, a portion of a lot of record, a combination of complete lots of record, a combination of complete lots of record and portions of lots of record, or a combination of portions of lots of record.
- S. Lot area: the total horizontal area within the lot boundary lines of a lot.
- T. Lot depth: the mean horizontal distance of a lot measured between the front and rear lot lines along the side lot lines of a lot.
- U. Lot width: the mean horizontal distance of a lot measured between straight lines connecting each side lot line with the front and rear lot lines. When the road line is curved, the measurement shall be made on the arc, or a parallel to the curve of the road line.
- V. Main building: the building occupied for the chief use or activity on the Premises, all parts of which are connected in a substantial manner by common walls or a continuous roof.

DRAFT

- W. **Manufactured Home:** a structure that is transported on a permanent chassis or by a truck in one or more sections of eight (8) feet or more in width and forty (40) feet or more in length and, when erected, is five hundred (500) or more square feet. A Manufactured Home may be placed on a permanent foundation and is designed to be used as a dwelling when connected to the required utilities, and contains the plumbing, heating, air conditioning, and electrical systems in the structure. "Manufactured Home" includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under Title 42 of the United States Code.
- X. **Material:** for the purposes of Article XIII, material means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record or tape, or other tangible thing capable of arousing interest through sight, sound, or touch.
- Y. **Mobile Home:** a non-self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis that is eight (8) feet or more in width and more than thirty-five feet in length, which when erected on site is three hundred twenty (320) or more square feet, that is transportable in one or more sections and which does not qualify as a Manufactured Home or industrialized unit.
- Z. **Non-conforming use:** a legal use of a building and/or lot that predates the adoption of and does not conform to this Resolution.
- AA. **Nudity:** the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion below the top of the nipple, or of covered human male genitals in a discernibly turgid state.
- BB. **Outdoor advertising sign, including a billboard:** a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered in a place other than the lot upon which it is located.
- CC. **Owner:** the lot owner as recorded with the Morrow County Recorder.
- DD. **Performance:** any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.
- EE. **Person:** includes an individual, a corporation, a partnership, association, or any other similar entity.
- FF. **Premises:** includes the lot and any dwelling, building, or structure on it.

DRAFT

- GG. Presents: creates, produces, directs, publishes, advertises, sells, rents, disseminates, distributes, or displays.
- HH. Private sewage system: a septic tank tile field that serves one lot
- II. Public sewage system: a sanitary sewer system, other than an individual septic tank tile field, that is operated by a governmental agency or a public or private utility for the collection, treatment, and disposal of wastes.
- JJ. Public utilities: as defined in ORC Section 4905.02.
- KK. Real estate sign: a for-sale, for-lease, or for-rent sign relating to and located on the lot.
- LL. Rear Yard: the Yard extending across the full width of the lot and from the rear lot line to the rear wall of the building closest to the rear lot line.
- MM. Resident: a person who legally resides in a dwelling.
- NN. Right-of-way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates curbs, lawn strips, sidewalks, lighting, and drainage facilities and may include special features that are required by the topography or treatment such as grade separation, landscaped areas, viaducts, and bridges.
- OO. Road: an existing public way shown upon a plat heretofore approved by official action and duly filed and recorded and affording the principal means of access to any abutting lot.
- PP. Sexual activity: sexual contact or sexual conduct or both.
- QQ. Sexual conduct: vaginal intercourse between a male and female and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
- RR. Sexual contact: any touching of an erogenous zone of another person, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- SS. Sexual excitement: the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- TT. Side Yard: the Yard extending between a side lot line and the nearest wall of the nearest building and from the front Yard to the rear Yard. For a lot abutting two (2) roads at their intersections, the side Yard extends from the front Yard to the rear lot on the side road.

DRAFT

- UU. Signs: Sign is a structure or device attached to a structure or painted or represented on a structure that displays or includes any letter, word, banner, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement. A billboard meets the definition of a sign in accordance with Section 15.2, paragraph J.
- VV. Site Plan: a presentation of a proposed development of a Telecommunications Tower. The plan depicts site characteristics and development information and provides guidance for site plans.
- WW. Structure: anything which is constructed or erected on a lot but is not permanently affixed to the land. Structure includes but is not limited to swimming pool, deck, above-ground heating fuel container, and children's play set.
- XX. Telecommunications Tower: any free-standing structure or any structure attached to a building or structure that meets the criteria described in Section 12.2.
- YY. Temporary Structure: Manufactured Home, Mobile Home, office or other temporary building or structure used incident to construction work on the Premises or, when such temporary structure meets the requirements of the Morrow County Health District, for living purposes during the construction of the permanent structure. A temporary structure does not include a tent.
- ZZ. use: any purpose for which dwellings, buildings, structures, or land may be arranged, designed, intended, maintained, or occupied or any occupation, business, activity, or operation carried on in a building, structure, or on land. A use includes the principal purpose or activity of a building, structure, or lot and a use that is customarily considered incidental to the principal use. Incidental use includes:
1. Residential accommodations for servants or caretakers.
 2. Private swimming pools for use by residents and their guests.
 3. Domestic storage in a tool shed, barn or similar accessory building or other structure.
 4. Gazebo or garden structures.
 5. Storage or merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded from the applicable provisions of this Resolution.
 6. Off-road parking spaces, subject to the off-road parking regulations for the District in which the lot is located.
 7. Off-road loading, subject to the off-road loading regulations for the District in which the lot is located.

DRAFT

AAA. Variance: An exception to this Resolution that is approved by the Appeals Board in certain instances where a literal application of these provisions would result in undue hardship to the owner or lessee.

BBB. Vehicle: everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, low-speed micromobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions. A Vehicle includes a motor vehicle which is any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does not include utility vehicles as defined in division (VV) of this section, under-speed vehicles as defined in division (XX) of this section, mini-trucks as defined in division (BBB) of this section, motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

CCC. Wildlife Corridor: A conservation strategy that helps mitigate the effect of wildlife fragmentation by maintaining or reconnecting isolated wildlife habitats.

DDD. Yard: that portion of the open area on a lot extending between a building and the nearest lot line that is open, unpaved, and unobstructed from the ground upward. Accessories, ornaments, and furniture are permitted in any Yard but are subject to height installations and requirements limiting obstruction of visibility.

DRAFT

PROPOSAL