

ARTICLE VII. SPECIAL PROVISIONS

SECTION A. PERFORMANCE REQUIREMENTS

1. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat or cold, dampness; electrical or other disturbance; flare; liquid or solid refuse or wastes or other substance, condition or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining premises.
2. The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerance.

SECTION B. ACCESSORY BUILDING

1. An accessory building, not exceeding twenty-four (24) feet in height may occupy property space not to exceed thirty (30) percent of the property.
2. No accessory building shall be closer than ten (10) feet to the main building nor closer than ten (10) feet to any lot line if it exceeds 120 square feet of floor space. If less than 120 square feet of floor space it may not be closer than five (5) feet to any lot line.
3. The ordinary projections of sills, belt courses, cornices, and ornamental features may extend to a distance not to exceed eighteen (18) inches in a required yard.
4. Open or lattice enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard may be permitted by the Township Zoning Inspector for a distance not to exceed five (5) feet when these are so placed as not to obstruct light and ventilation.
5. No accessory building shall be built forward of the projected line of the main building unless it is 120 square feet or less.

SECTION C. SATELLITE DISHES

1. Definition of Satellite Dish Antenna: A device (normally a dish or disk shape) used as an antenna for reception of signals via satellites. For determining the location on property, the dishes shall be considered as an accessory use.
2. Satellite Dishes are permitted in all Districts as an accessory use. Satellite dishes shall be within the required rear yard or side yard setbacks. Dishes are prohibited from placement in the front yard. Plans for any installations shall be submitted to the Zoning Inspector before a permit is issued.

SECTION D. FENCES AND HEDGES

1. Fences or hedges may not exceed three and one-half (3½) feet in height in the required front yard.
2. Fences may not exceed four (4) feet in height in the required side yard adjacent to the main building and projected to the required front yard.
3. Fences may not exceed seven (7) feet in height in any other location on a lot.
4. In any District, no fence, structure or planting shall be built or maintained in such a manner that the visibility is obstructed from intersecting streets within eighty (80) feet in each direction from the intersection of the street centerline.
5. A fence may be located on the property line. If the fence has a "good side", the "good side" must face away from the property of the owner. An agreement between all affected property owners must be signed and a copy of the agreement shall be filed with the permit application. *SEE ORC 971*

SECTION E. SIGNS AND OUTDOOR ADVERTISING STRUCTURES

1. Permits and Permission:

- a. No sign shall be permitted in any district except as hereinafter provided.
- b. No person shall erect, construct or maintain any sign upon any property or building without the permission of the owner or person entitled to possession of the property or building, or their authorized representative.

2. General Provisions:

- a. Signs not exceeding twelve (12) square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property.
- b. Announcement or professional signs for home occupations and professional activities where permitted shall not exceed four (4) square feet in area in an "R" District nor more than five (5) square feet in other districts.
- c. Bulletin boards and signs for a church, school, community or other public or semi-public institutional building and permitted conditional uses shall be permitted, provided the area of such bulletin board or sign shall not exceed thirty-two (32) square feet in area.
- d. Wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twenty (20) square feet.
- e. No building wall shall be used for display of advertising, except that pertaining to the use carried on within such building, and as described in #3 of this section.

SECTION E. SIGNS AND OUTDOOR ADVERTISING STRUCTURES (CONT'D):

2. General Provisions (cont'd):

- f. Temporary signs not exceeding in the aggregate of fifty (50) square feet, announcing the erection of a building, or special events, the architect, the builders, contractors, etc., may be erected for the period of one (1) year, but not including the construction period, after which the sign shall be removed from the premises.
- g. Signs identifying apartment complexes shall not exceed fifty (50) square feet in size.

3. Commercial or Industrial District Signs:

- a. In a commercial or industrial district each business shall be permitted one (1) flat or wall sign. Projections of wall signs shall not exceed two (2) feet measured from the face of the main wall of the building.
- b. The area of all permanent advertising signs for any single business enterprise shall be limited according to the width of the building or part of building occupied by such enterprise. For the purposes of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign.
- c. The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half (1½) square feet of sign area for each lineal foot of width of a building, or part of a building occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet. All faces on which advertising is displayed are considered sign area.
- d. Permit one free standing identification sign of thirty (30) feet maximum height, at thirty (30) square feet area each side, having not more than two (2) sides total, provided a minimum ten (10) feet setback from the right-of-way is maintained, or permit one (1) free standing identification sign fifty (50) maximum feet in height with a total area of one hundred fifty (150) maximum square feet area each side, having not more than two (2) sides total, set back from the right-of-way a distance of seventy (70) feet.
- e. The required setback in all "B" and "M" districts fronting on service roads shall be fifty (50) feet as applies to signs measuring a maximum of fifty (50) feet high and with a total area not to exceed one hundred fifty (150) square feet of sign face area.
- f. On-premise information signs are permitted in "B" and "M" districts which read, for example: entrance, exit, this way, one way, or service department. Maximum size of these signs shall not exceed five (5) square feet.
- g. Temporary sandwich, trailer type, and banner signs or portable trailer type signs are permissible for a grand opening of a new business. These permitted temporary signs will be allowed to be used for a ten (10) day limit. These signs may not have any blinking, rotating, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color. Banners must be located completely within the subject property.

SECTION E. SIGNS AND OUTDOOR ADVERTISING STRUCTURES (CONT'D):**3. Commercial or Industrial District Signs (cont'd):**

- h. Service stations offering petroleum fuel products are permitted to place a price per unit of measure sign on their entrance sign, said price shall not exceed twenty (20) inches in width and thirty (30) inches in height.

4. Setback Requirements: Except as provided above, signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the following modifications:

- a. For every square foot by which such sign or outdoor advertising structure exceeds eighty (80) square feet, such setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.
- b. At the intersection of any state or federal highway with a major or secondary street, the setback of any sign or outdoor advertising structure shall not be less than one hundred (100) feet from the established right-of-way of each highway or street.
- c. Real estate signs and bulletin boards for a church, school or any other public or semi-public, religious or educational institution may be erected within ten (10) feet of any established right-of-way line or any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.
- d. In all "B" and "M" districts, for properties fronting on service roads the required setback line of buildings and signs may be reduced from seventy (70) feet to fifty (50) feet. This adjusted setback also applies to signs with height of fifty (50) feet and one hundred fifty (150) square feet in area.

5. Special Yard Provisions: The following special provisions shall be observed in the erection or placement of signs and outdoor advertising structures:

- a. No such sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any "R" District within one hundred (100) feet of such lot line, or which faces any public parkway, public square or entrances to any public park, public or parochial school, library, church, or similar institution, within three hundred (300) feet thereof.
- b. Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or placed closer than within fifty (50) feet to a side or rear lot line in any "R" district.

SECTION E. SIGNS AND OUTDOOR ADVERTISING STRUCTURES (CONT'D):

- 6. Illumination:** The following provisions shall be observed in the illumination of signs and advertising structures:
- a. All signs and advertising structures except as hereinafter modified may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights.
 - b. No illumination involving movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted which may cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
- 7. Subdivision Signs:** Upon application to the Zoning Inspector, a permit may be issued as a special exception to the terms of this resolution allowing a land-sales sign, provided that:
- a. The sign shall not be illuminated.
 - b. The sign shall advertise the sale or development of a recorded lot subdivision.
 - c. The sign shall be erected only upon the property for sale or being developed.
 - d. The sign shall not be in excess of forty (40) square feet.
 - e. Not more than one such sign shall be placed along single road frontage of any property in single and separate ownership, provided that not more than two (2) such signs may be permitted in any single development.
 - f. A permit for the erection, construction, or maintenance of said sign shall expire within one (1) year.
- 8. Permits:**
- a. A separate permit shall be required for the erection of signs regulated by this Resolution, except that no permit shall be required for temporary real estate signs with an area of twelve (12) square feet for the sale or lease of property and for small announcement signs with an area of less than two (2) square feet. Announcement signs shall be removed by the person or persons responsible for posting same within thirty (30) days after erection.
 - b. Each application for a sign permit shall be accompanied by a drawing showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination, the exact location of the sign in relation to the building and property, and details and specifications for construction. The fees set may be adjusted from time to time by Resolution adopted by the Board of Trustees.
 - c. Every sign shall be maintained in a safe, presentable and structurally sound condition at all times, including the repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign.

SECTION E. SIGNS AND OUTDOOR ADVERTISING STRUCTURES (CONT'D):

8. Permits (cont'd):

- d. The Zoning Inspector shall require compliance with all standards of the Township Zoning Resolution. If the sign is not made to comply with adequate safety and maintenance standards, within a period of thirty (30) days, from written notification of violation, the Zoning inspector shall require its removal, with the owner bearing the cost.

9. Advertising Vehicles Prohibited:

- a. No person shall operate or park any vehicle or trailer as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of advertisement of products or directing people to a business or activity located on the same or nearby property or any other business.
- b. This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle unless the primary purpose of such vehicle is for such advertising.

10. Identification for Sign Installation and Maintenance:

As a condition to the issuance of a business sign permit, all persons engaged in installing or maintaining signs in whole or in part, the erection, alteration, relocation or maintenance of which is in or encroaches upon the public right-of-way or on public property shall agree to hold harmless and indemnify the township, its officers, agents and employees from any and all claims or negligence resulting from the erection, alteration, relocation and maintenance of said sign(s).

11. Unclassified Signs:

- a. Signs which bear or contain statements, words or pictures of an obscene, pornographic, or immoral character or which contain advertising matter which is untruthful are prohibited.
- b. Graffiti signs of any nature visible to public right of way is prohibited.

12. Unlawful Signs:

No person shall erect or allow to be erected any sign which contravenes this code or which the inspector may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a non-conforming sign for which a permit was not obtained.

SECTION E. SIGNS AND OUTDOOR ADVERTISING STRUCTURES (CONT'D):

13. Abandoned Signs Prohibited:

Any sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. Any off premise sign which no longer, and for a period of three consecutive months, advertises goods, products, services or facilities available to the public or which directs persons to a different location where such goods, products, services or facilities are not for a period of three months available, shall be deemed to have been abandoned.

14. Exemptions:

Public notices, traffic control signs and other official signs and notices are exempt from the provisions of this section.

SECTION F. COMMUNITY DEVELOPMENT PROJECTS

1. An authorized agency of the County, State or Federal Government or the owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the Township Trustees a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the Township Zoning Commission for study and report and public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Article XIII for hearings on changes and amendments. If the Commission approves the plans, these shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that proposed community development project meets with the following conditions:
 - a. The property adjacent to the area included in the plan will not be adversely affected.
 - b. The plan is consistent with the intent and purposes of this Resolution to promote public health, safety, morals, and general welfare.
 - c. That the buildings shall be used only for single-family dwellings, two-family dwellings, or multiple family dwellings, and the usual accessory uses such as private or storage garages, storage space, and for community activities, including churches.
 - d. That the average lot area per family contained in the site exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.
2. If the Board of Trustees approves the plans, a zoning certificate may be issued, even though the use of land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

SECTION G. PRIVATE SWIMMING POOLS, PONDS, LAKES, BARROW PITS

1. A private swimming pool shall be any pool or open tank, where swimming is normally permitted, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet. No such swimming pool shall be allowed in any "A", "S", or "R" District unless it complies with the following conditions and requirements:
 - a. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - b. No part of the water area, exposed equipment, or structure housing equipment shall be closer than ten (10) feet from any property line. Paved walks adjoining a pool may not be closer than five (5) feet from a property line.
 - c. A permit shall be required.
2. A private pond, lake, or barrow pit shall be allowed in any district with the following conditions required:
 - a. The property shall contain at least two (2) acres.
 - b. The pond, lake or barrow pit where the elevation is changed above or below the original or normal grade, shall not be located within twenty-five (25) feet of any property line.
 - c. Adequate provisions for drainage and design shall be made subject to approval of the County Engineer.
 - d. Fill dirt may be hauled off site. Any fill dirt retained on site shall not be mounded so as to obstruct a view from an adjoining neighbor's residence.
 - e. After completion, a pond shall be properly maintained and supervised by the property owner so that it will not become a danger or nuisance to area residents.
3. **Permits Required:** No person, firm, or corporation shall construct or install a swimming pool, pond, lake, or barrow pit or make any alterations without having first submitted an application and plans to the Wood County Planning Commission for approval, and then the County Engineer, and then the Township Zoning Inspector.

SECTION H. TEMPORARY BUILDINGS

Temporary buildings used for temporary living quarters or storage of material or equipment in conjunction with construction work may be permitted in any district only during the period that the construction is in progress. Such permitted use shall require approval by the Zoning Board of Appeals. Permits for such use shall be for one year only and expire automatically upon the completion of the construction work. Other permits may be necessary and may be obtained from the appropriate Wood County or State of Ohio agency office.

SECTION I. CONSTRUCTION EXCAVATION / FILLING

The placement of fill material, i.e. rock, topsoil, demolition debris, etc., for the purpose, whether current or in the future, of constructing a permanent structure is permitted. A site grading plan with a completion date must be filed with the Lake Township Zoning Inspector detailing at a minimum, current grade of property surrounding property, finished grade of the site and volume of materials to be used, along with plans for the diversion of all surface water. The building site, parcel or area, upon completion of the filling activity, shall be leveled and a suitable topsoil shall be placed over the entire site to promote growth of vegetation. Diverting surface water to adjacent property is prohibited. All plans must be approved by the Wood County Engineer and the Environmental Protection Agency (E.P.A.).

SECTION J. DEVELOPMENT IN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA (SFHA)

- a. Before beginning any development in an identified SFHA, a "Special Flood Hazard Area Development Permit" must be obtained from the local Floodplain Administrator, i.e., the Wood County Planning Commission. Applications for such permits may be obtained from the Planning Commission or from the Lake Township Zoning Inspector. Maps delineating the identified SFHAs are available from the local Floodplain Administrator or may be viewed in the office of the Township Zoning Inspector.
- b. As per the *Wood County Flood Damage Prevention Regulations*, and for the purposes of this section, the term "development" includes, but is not limited to:
 - (1) the construction or alteration of a building or structure, or a substantial improvement to a building or structure;
 - (2) the installation or placement of a manufactured home;
 - (3) the excavation, mining, filling, grading, paving, or drilling of the land;
 - (4) the dredging of, or alteration of the course of, a waterway; or
 - (5) the storage of equipment or materials in buildings or structures, or in the open.
- c. The "Special Flood Hazard Area Development Permit" issued by the local Floodplain Administrator must be presented to the Zoning Inspector when application for a zoning certificate is submitted for any development within an identified SFHA.

SECTION K. STORM WATER MANAGEMENT

Prior to the issuance of any zoning certificate for commercial or industrial uses, including new uses and changes of uses encompassing a lot of area greater than one (1) acre the applicant shall prepare and the Wood County Engineer shall review and approve storm water management plans. Said plans shall be prepared by a licensed professional engineer and be designed using commonly accepted principles and practices. The Wood County Engineer shall promulgate rules governing storm water retention/detention based upon agricultural run-off rates and other measures as appropriate.

SECTION L. SITE PLAN REVIEW

A site plan shall be available at the time of a Zoning Commission hearing. Site plans shall be presented when a zoning certificate is sought for a permitted use or for a conditional use in order to ensure that the development meets setback lines, height of building(s), landscaping, or other requirements set forth in the zoning resolution of the township.

In instances where an established permitted use is converted or expanded to another permitted use in B-1, B-2, B-3, M-1, or M-2 Districts, all information required of this section shall be submitted for review and approval of the Zoning Inspector.

1. General Requirements:

- a. A formal letter of submittal shall accompany the site plan. The letter shall provide the name, address and phone number of any parties who should be informed of progress on the request, e.g. land owner, attorney, architect, engineer, etc.
- b. All site plans shall have a title indicating the type of request being made, e.g. request for more than one main building on a parcel, zoning amendment, etc.
- c. The site plan shall be accompanied by a complete legal description of the subject property and a location sketch referenced from section lines and/or major streets.
- d. The site plan shall indicate the scale of the drawing and shall use an engineer's scale.
- e. The site plan shall have the north arrow pointing either toward the top of the drawing or to the right side of the drawing, preferably toward the top, and should be located with the scale.
- f. The following submissions are required:
 - (i) Nine prints of the site plan; and
 - (ii) A velox of PMT reduction made from the original tracing shall be submitted at a size ranging from 8½" x 11" to 11" x 17".
 - (iii) Two (2) additional copies shall be made available for distribution to the local police and fire department of jurisdiction.

2. Specific Requirements:

- a. The site plan shall show the zoning certificate of the subject property and all abutting property uses (residential, commercial, etc.) and approximate location of abutting property, buildings, and/or structures.
- b. The site plan shall indicate the distance of existing and proposed structure(s) from right-of-way line of all adjacent thoroughfares and show front, side and rear yard distances to the structure(s).
- c. The site plan shall indicate the exact dimensions of the property in question, and show existing structure(s) with dimensions and proposed structure(s) with dimensions. The site plan shall indicate building removals and other alterations, if any, of existing property.

SECTION L. SITE PLAN REVIEW (CONT'D):

2. Specific Requirements (cont'd):

- d. The site plan shall indicate, by name, all adjacent thoroughfares. The site plan shall show both right-of-way and pavement widths measured from the centerline.
- e. The site plan shall indicate the locations, size (height), and material of all existing and proposed lighting on the subject property.
- f. The site plans shall indicate the locations, dimensions and illuminating power of all existing and proposed lighting on the subject property.
- g. The site plan shall show the location, dimensions and illuminating characteristics (both internal and/or external) of existing or proposed signs on the property.
- h. The site plan shall indicate the widths of existing or proposed landscaping, screening, and sidewalks.
- i. Site plans shall show any ditches, creeks, or other natural features that may affect development of the property in question. Where appropriate, the two-foot (2') contours and the 100 year high water elevation should be shown on the site plan. Information on this requirement may be obtained from the Wood County Plan Commission.
- j. The site plan shall show existing and proposed drainage with dimensions.
- k. The site plan shall show existing and proposed sanitary and storm sewers, water mains, and location of hydrants and valves.
- l. The site plan shall show existing and proposed pavements and roadways with dimensions.
- m. The site plan shall indicate existing or proposed off-street parking, driveways, and recreational areas with complete dimensions. Curb cuts shall be measured at the curb and throat width shall be indicated. The drawing shall include the number and size of proposed parking stalls along the internal circulation pattern of the off-street parking. If the off-street parking is physically joined with abutting property, then circulation between the properties shall be shown.
- n. The site plan for a proposed drive-up establishment shall indicate where vehicles can stack and how many vehicles can stack at one time.

3. Application Procedure:

- a. Site plans shall be filed with the Zoning Inspector.
- b. The Zoning Inspector shall transmit the site plan to the Zoning Commission for review and recommendation.
- c. The date the Zoning Commission accepts the site plan shall constitute the official filing date.
- d. No permit shall be issued for any use or change in use prior to the review and recommendation of the site/development plan by the Zoning Commission. Conditions or modifications may be attached to these plans.

SECTION L. SITE PLAN REVIEW (CONT'D):**3. Application Procedure: (cont'd):**

- e. The review time for site plans, generally shall be in keeping with the time requirements established for zoning changes.
- f. Any change in the site plan once approved shall require a review by the Zoning Commission.
- g. All subsequent owners, heirs, or beneficiaries of a property zoned for B-1, B-2, B-3, M-1, or M-2 must resubmit site plans to the Zoning Commission for review and approval unless the proposed use of the property remains unchanged from a previously approved site plan.
- h. The Zoning Commission may seek information and recommendations from the Wood County Planning Commission or other appropriate agencies to aid in their review of the site plan.

SECTION M. ENVIRONMENTAL STANDARDS

No land or building shall be used or occupied for commercial, industrial or nonresidential purposes which produce any dangerous, injurious, noxious or otherwise objectionable element or condition which could adversely affect the adjacent land or pose a threat to the public health, welfare and safety of persons at the site or external to it. Such uses permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous objectionable elements to acceptable limits as established by the following standards:

1. **Environmental Standards** - Environmental standards will be maintained for air quality and solid waste disposal as required by the Ohio Environmental Protection Agency and the Ohio Department of Health.
2. **Glare and Heat** - No direct glare or reflected lights which are visible from other properties outside the industrial or commercial district shall be permitted.
3. **Vibration and Noise** - Noises and vibration shall not be permitted if determined by an outside independent testing organization that the levels exceed those standards established by the state or federal government.
4. **Smoke, Dust, Particulates and Odors** - The emission of smoke, dust, particulates or odors which are objectionable or pose a threat to the health and safety of the surrounding area shall not be permitted. Compliance shall be in accordance to Air Quality standards of the State of Ohio as administered by the Ohio EPA or other cognizant organization.
5. **Internal Roadways** - All roadways internal to the site will be paved or maintained to minimize dust.
6. **Radiation or Electromagnetic Disturbance** - No evidence of material which generates hazardous radiation or causes electromagnetic disturbances to nearby areas shall be permitted.
7. **Electrical and Telecommunication Facilities** - All electrical and telecommunication facilities should be hidden from view of adjoining property and roadways and where feasible will be placed underground.
8. **OUTDOOR LIGHTING** - All permanent outdoor light such as that used for area lighting or building floodlighting shall be steady, stationary, shielded sources directed so as to avoid glare for motorists, pedestrians or neighboring premises. The marginal increase of light, as measured at any property line other than a street line, shall not exceed one footcandle.

SECTION N. MOTOR VEHICLE SALVAGE YARDS AND JUNK YARDS

See also: Article VI, Section C; and *Ohio Revised Code* 505.173, et seq, Storage of Junk Motor Vehicles [Eff. 11-19-96]

1. General:

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

2. Storage:

- a. When adding storage facilities, the applicant shall reduce the number of vehicles or junk in the storage yard.
- b. Motor vehicle wrecking yards shall maintain a list of vehicles in stock and submit this list to the township upon request.

3. Licensing:

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

4. Fencing and Screening:

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

5. Off-Street Parking and Loading:

Off-street parking and loading shall be provided as set forth under Article VI, Section B (2), Section B (3), and Article VI, Section C.

6. Yard Requirements:

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

SECTION N. MOTOR VEHICLE SALVAGE YARDS AND JUNK YARDS (CONT'D):

6. Yard Requirements: (cont'd):

- c. **Rear yard** - There shall be a rear yard setback of not less than fifty (50) feet, but where such a yard is abutting an "A" Agricultural or "R" Residential district, it shall be a minimum of one hundred (100) feet.

7. Pavement:

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

SECTION O. BED AND BREAKFAST INN

The following conditions shall be met for all Bed and Breakfast Inns in addition to those identified in the definition in Article II.

1. The Inn must be owner-occupied; it must be the principal residence of the owner, and must be occupied by the owner.
2. One (1) individual not residing in the Inn may be employed in the operation of the Inn.
3. No more than four (4) rooms shall be offered for rent. The Board of Zoning Appeals may permit more rooms in Residential Zoning Districts which permit multi-family dwellings and in Agricultural Districts.
4. Each room rented shall contain a minimum of one hundred (100) square feet. No rented room shall have independent outside entrance (but emergency fire exits are permitted).
5. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure.
6. No cooking facilities of any type shall be permitted in the rented rooms.
7. A minimum of one (1) on site paved or dustless surface parking space per room offered for rent and two (2) spaces for the owner shall be required.
8. No change to the outside appearance of the dwelling shall occur behind front yard setback as required.
9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a "Bed and Breakfast Inn".
10. Any other condition or safeguard deemed appropriate by the Board of Zoning Appeals.

SECTION P. ACCESSORY ELDERLY DWELLING UNIT

An owner-occupied single-family dwelling unit may be converted to allow the incorporation of one additional dwelling unit for the exclusive occupancy of an elderly household, a member of which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.

Accessory elderly dwelling units shall have a conditional use in all districts which permit single-family dwelling and shall require review and approval of the Zoning Board of Appeals.

SECTION Q. ADULT ENTERTAINMENT BUSINESSES

The following regulations shall apply to adult entertainment businesses as herein defined:

1. Purpose

The purpose of divisions 1 through 4, inclusive, of this section promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these sections to regulate entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to residentially and agriculturally zoned areas, schools, churches, parks and playgrounds within Lake Township.

2. Definitions

The following definitions shall apply in the interpretation of this Resolution:

- a. "Adult Entertainment Business" means an adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult-only entertainment establishment as defined.
- b. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) (this may include video rental stores) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices, or both; books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section.
- c. "Adult Motion Picture Theater" means an enclosed motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this section.
- d. "Adult Motion Picture Drive-in Theater" means an open air drive-in theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this section.

SECTION Q. ADULT ENTERTAINMENT BUSINESSES (CONT'D):

2. Definitions: (cont'd):

- e. "Adult Only Entertainment Establishment" means an establishment at which the patron directly or indirectly is charged a fee for which features entertainment or services which constitute adult material as defined in this section, or which features exhibits, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material and also private viewing booths.
- f. "Adult Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and
 - (i) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
 - (ii) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
- g. "Bottomless" means less than complete opaque covering of male or female genitals, pubic area or buttocks.
- h. "Massage parlor" means an establishment or place primarily in the business of providing massage services operated by anyone **not** a duly licensed medical doctor, osteopath, chiropractor, nurse, or physical therapist treating patients recommended by a licensed physician under a duly licensed physician's direction, or person practicing the art of massage on the face and hands in a duly licensed beauty parlor or barber shop.
- i. "Nude or Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area or buttocks, with less than complete, opaque covering of any portion thereof, or female breasts with less than a complete, opaque covering or any portion thereof below the top of the nipple, or of covered male genitals in a discernible turgid state.
- j. "Sexual Activity" means sexual conduct or sexual contact, or both.
- k. "Sexual Contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.
- l. "Sexual Excitement" means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
- m. "Topless" means the showing of a female breast with less than a complete opaque covering of any portion hereof below the top of the nipple.

SECTION Q. ADULT ENTERTAINMENT BUSINESSES (CONT'D):

3. Conditional Use Permit Required

No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by issuance of a conditional use permit in accordance with the provisions; an adult business shall comply with the following conditional use criteria:

- a. Adult entertainment businesses shall comply with the regulations applicable to all properties in any district in which they are located;
- b. No adult entertainment business shall be permitted in a location which is within 1,500 feet of another adult entertainment business;
- c. No adult entertainment business shall be permitted in a location which is within 1,000 feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center;
- d. No adult entertainment business shall be permitted in a location which is within 500 feet of any residence or boundary of any residential district.

4. Zoning of Adult Entertainment Businesses

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

CONDITIONALLY PERMITTED USE	DISTRICTS WHEREIN PERMITTED
Adult Book Store	B-3
Adult Motion Picture Drive-In Theater	B-3
Adult Motion Picture Theater	B-3
Adults Only Entertainment Establishment	B-3
Massage Parlor	B-3

SECTION R. UNDERGROUND FUEL TANKS / PUMPS

The installation of underground fuel tanks and/or pumps shall be subject to the following conditions:

Plans shall be submitted to the Zoning Inspector prior to installation along with the necessary permit from the state fire marshal.

SECTION S. BUFFER YARDS

1. Purpose:

The buffer yard is that portion of a lot together with the planting/fencing required thereon. Buffer yards shall be required to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor or danger from fires or explosions.

2. Applicability:

Non-residential buildings or uses shall not be located or conducted closer than fifty (50) feet to any lot line of a residential district or residence, except where minimum yard requirements, specified in Article V, require greater distances.

3. Location:

Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of any existing or dedicated public or private street or right-of-way. In any district or instances where a buffer yard is required it shall be maintained in such a manner that the visibility is unobstructed from intersecting streets within eighty (80) feet in each direction from the intersection of the street centerline.

4. Buffer Yard Requirements:

a. Buffer yards shall be required in any district where non-residential buildings or uses, except those uses or buildings exempted under *O.R.C.* 519.21 and 519.211, impact upon residential districts or individual residences.

b. The following options are available in meeting the Township's buffer yard requirements:

- (i) A **50-foot buffer yard** shall be located along the outer perimeter of the lot or parcel of the non-residential building or use. Said buffer yard shall be maintained in a yard-like appearance and free of weeds, litter, etc. No part of the buffer yards shall be used for storage of materials, parking, etc.

The minimum buffer yard dimensions may be reduced by fifty percent (50%) of the requirement stated in item 1, above, if acceptable obscuring wall or landscaping/ mounding plans approved by the Zoning Inspector are provided.

- (ii) **Obscuring Wall Option:** Said obscuring wall shall be either a solid masonry or solid wooden fence between four (4) and seven (7) feet in height, maintained in good condition and free of all advertising or other signs.

- (a) Obscuring wall defined as: any structure as noted throughout this Resolution which is intended to obscure vision through or over the area along which the wall is to be placed.

SECTION S. BUFFER YARDS (CONT'D)

4. Buffer Yard Requirements (cont'd):

(ii) Obscuring Wall Option (cont'd):

- (b) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Resolution requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the site plan, the Zoning Inspector may approve an alternate location for the wall or may waive immediate installation for a period not to exceed six (6) months, if in specific cases it would not serve the purposes of screening the use effectively.
- (c) Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Resolution and except such openings as may be approved by the Zoning Inspector. All walls herein required shall be durable, weather resistant, rustproof, and easily maintained.
- (d) Masonry walls may be constructed with openings which do not in any square section (height or width) exceed twenty percent (20%) of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Inspector.

(iii) **Landscaping / Mounding Option:** The landscaping/mounding option in lieu of obscuring wall shall consist of a strip of land not less than twenty-five (25) feet in width, maintain earthen mound(s) not less than four (4) feet in height and planted with materials, spacing and maintenance as set forth below. In the event that the landscaping/mounding provision is utilized, the following criteria shall be used by the Zoning Inspector to insure uniformity throughout the Township.

(a) **Plant Materials -** Whenever in this Resolution a planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent, live plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

(b) **Plant Material Spacing -**

- (1) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- (2) Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
- (3) Evergreen trees shall be planted not more than twelve (12) feet on centers, and shall be not more than three (3) feet in height.
- (4) Narrow evergreens shall be planted not more than six (6) feet on centers, and shall be not less than three (3) feet in height.

SECTION S. BUFFER YARDS (CONT'D)

4. Buffer Yard Requirements (cont'd):

(iii) Landscaping / Mounding Option (cont'd):

- (b) (5) Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall not be less than four (4) feet in height.
- (6) Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than six (6) feet in height.
- (7) Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall not be less than eight (8) feet in height.

(c) Trees not permitted:

- (1) Box Elder
- (2) Soft Maples (red or silver)
- (3) Elms
- (4) Poplars
- (5) Willows
- (6) Horse of Chestnut (nut bearing)
- (7) Tree of Heaven
- (8) Catalpa
- (9) Ginkgo (female)

- (d) **Maintenance** - Plant material shall be maintained in a healthy and growing condition and withered or dead plant materials shall be replaced within a reasonable time but no longer than one growing season.

- (iv) **Exceptions** - Other provisions within this Resolution such as screening and landscaping or parking areas and Article VII, Section A - Performance Requirements, may be waived should buffer yard provision be utilized and accepted by the Zoning Inspector.

The Zoning Board of Appeals may waive or modify the foregoing requirements where the future use of adjoining property may change.

In consideration of such request to waive all requirements between non- residential and residential districts, the Board shall refer the request to the Zoning Commission for a determination as to whether or not the residential district is considered to be an area of change and will become nonresidential in the future.

In such cases as the Zoning Commission determines the residential area is in transition, the Board may temporarily waive all requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Zoning Commission shall make a determination as hereinbefore described for each subsequent waiver prior to the granting of such waiver.

SECTION T. EXOTIC ANIMALS

Any person owning, keeping, or harboring a wild or exotic animal shall provide housing and containment that is adequate to prevent such wild or exotic animal from escaping or injuring the public.

SECTION U. TRANSPORTATION-FOR-HIRE BUSINESS

- A. Transportation-for-hire business with not more than one commercial vehicle or trailer may be located in an "A" or "R" district so long as the business is operated from a parcel with an owner/operator single family dwelling. Any transportation-for-hire business with three or fewer vehicles and/or trailer may be permitted as a conditional use in an "A" district provided: the site, lot or parcel is located along a major roadway as designated in the Wood County Major Street and Highway Plan, access to the site does not require travel on a designated township road, and the business is operated from a minimum 2 acre parcel with an owner/operator single-family dwelling.
- B. Any transportation-for-hire business wherever located in the township must meet the following requirements:
 - 1. Parts, tires and other vehicle supplies shall be stored in an enclosed building.
 - 2. The drive and parking surface area shall be graveled or paved and shall be within the established setbacks. The parking area shall have 10'X25' for each vehicle and 10'X60' for each trailer.
 - 3. No more than one building or structure associated with the transportation for hire business shall be located on the property. The maximum floor area of such building or structure shall not exceed one thousand square feet or one-third the living area of the single family dwelling on the premises whichever is less.
- C. This provision does not apply to the following:
 - 1. Vehicles and trailers licensed as agricultural vehicles or trailers which are an integral part of an on-site agricultural business;
 - 2. Buildings or structures of, or the use of land by, a persona engaged in the transportation of farm supplies to the farm or farm products from farm to market or to a food fabricating plants;
 - 3. Infrequent short term parking of a commercial vehicle or trailer for the delivery of goods to a premises for use on the premises; and
 - 4. The delivery or moving of goods to or from a dwelling unit.

SECTION V. COMMERCIAL VEHICLES

COMMERCIAL VEHICLES - Any vehicle or trailer licensed and registered as a commercial vehicle or trailer with a gross weight of over 10,000 pounds and used for a business or commercial purpose but not for transportation-for-hire.

- A. One commercial vehicle (e.g. one panel truck, one tractor or one trailer) not operated as transportation for hire may be stored or parked in an "A" or "R" District on a parcel with a single family dwelling.

SECTION V. COMMERCIAL VEHICLES (CONT'D)

- B. Parts, tires, and other vehicle supplies shall be stored in an enclosed building. No more than one building or structure associated with the transportation for hire business shall be located on the property. The maximum floor area of such building or structure shall not exceed one thousand square feet or one-third the living are of the single family dwelling on the premises whichever is less.
- C. No trailer may be used for storage of personal or business materials in an "A" or "R" district.
- D. The drive and parking surface area shall be graveled or paved and shall be within the established setbacks for driveways of an "A" or "R" District and shall be accessory to owner-occupied dwelling, the parking area shall have a 10'X25' space for each vehicle and a 10'X60' space for each trailer.
- E. The parking or storage of more than one commercial vehicle must be located in a commercial district.