

ARTICLE III. DISTRICTS AND GENERAL PROVISIONS**SECTION A. DISTRICTS**

The unincorporated area of Lake Township, Wood County, Ohio is hereby divided into districts, of which there shall be ten (10) in number, known as:

- "A-1" Agricultural District
- "S-1" Special District
- "R-1" Suburban Residence District
- "R-2" Residence District
- "R-3" Multiple Dwelling; Mobile Home District
- "B-1" Neighborhood Business District
- "B-2" General Business District
- "B-3" Highway Business District
- "M-1" Light Industrial District
- "M-2" Heavy Industrial District

SECTION B. DISTRICT MAP

The boundaries of the district are shown upon the map which is made a part of the Resolution, which map is designated as the "District Map". The district map and all of the notations, references, and other information shown thereon are part of this Resolution and have the same force and effect as if the district map and all the notations, references, and other information shown thereon were all fully set forth or described herein; the original of which district map is properly attested and is on file with the Township Clerk.

No amendment to this Resolution which involves matter portrayed on the Official Map shall become effective until after such change and entry has been made on said map.

No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Resolution.

Regardless of the existence of purported copies of the Official District Map which may from time to time be made or published, the Official District Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of township land and water areas, buildings, and other structures.

In the event that the Official District Map becomes damaged, destroyed, or lost, the Township Trustees may by Resolution adopt a new Official District Map which shall supersede the prior Official District Map. The new Official District Map may correct drafting or other errors or omissions in the prior Official District Map, but no such corrections shall have the effect of amending the original resolution or subsequent amendments thereof.

SECTION C. DISTRICT BOUNDARIES

1. The district boundary lines on said map are intended to follow either streets or alleys or lot lines; and where the districts designated on the map are bounded approximately by such street, alley, or lot lines, the street or alley or lot shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary line shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.
2. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

SECTION C. DISTRICT BOUNDARIES (CONT'D)

3. Whenever any street, alley or other public way is vacated by official action of the Board of Trustees of Lake Township, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then henceforth be subject to all appropriate regulations of the extended districts.

SECTION D. COMPLIANCE WITH REGULATIONS

The regulations set by this Resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations wherein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a. to exceed the height;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, or open spaces than herein required; or in any other manner contrary to the provisions of this Resolution.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this resolution shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements established by this resolution.

SECTION E. USES EXEMPTED FROM PROVISIONS OF RESOLUTION

It is the intent of Lake Township to regulate the following:

1. Agricultural uses in residential areas:

The use of land for agricultural purposes or the construction or use of buildings or structures incident to the use of agricultural purposes of land on which buildings or structures are located shall be permitted in all districts established by this Resolution, except as provided below:

SECTION E. USES EXEMPTED FROM PROVISIONS OF RESOLUTION (CONT'D)

1. Agricultural uses in residential areas (cont'd):
 - a. A parcel with the following characteristics is subject to the agricultural use restrictions in sub-division (1)(b) of this section.
 - (1) The parcel is within a platted subdivision approved under Ohio Revised Code (O.R.C.) 711.05, 711.09, or 711.01 or in any area consisting of fifteen (15) or more lots approved under O.R.C. 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road; or
 - (2) The parcel is a lot of one (1) acre or less.
 - b. Agricultural uses and buildings incident thereto on parcels described in (1) above are permitted as follows:
 - (1) Dairying, pasturage, and animal husbandry of animals raised for their meats, skins, or other by-products are conditional uses subject to approval by the Board of Zoning Appeals. The Board shall consider:
 - (a) Size of lot or parcel;
 - (b) Type and number of animals;
 - (c) Size of area devoted to the above animal uses;
 - (d) Feed and waste management plan;
 - (e) Uses of adjacent properties;
 - (f) Location and type of animal housing
 - (2) With the exception of fruit trees, agriculture, farming, horticulture and viticulture are allowed to the extent that it is not extended beyond the forwardmost line of any residential, business, commercial, or accessory structure on said parcel and does not exceed more than 33 1/3 percent of such parcel.
 - (3) Buildings and structures accessory to the agricultural use of the property shall meet side and rear setbacks and shall be constructed in a design and of materials which harmonize with existing residential, commercial, or industrial structures on the property. Such buildings shall not exceed 24 feet in height, shall not exceed one-eighth of the parcel, and shall be placed behind the forwardmost point and line of any residential, industrial, or commercial structure thereon.
 - (4) For any such building or structure a zoning certificate shall be required but no fee shall be charged.
 - c. On parcels meeting the requirements of Division (1) (a) above, and larger than one acre, but not greater than five acres (*For reference see: Ohio Revised Code, §519.21 (B) (3)*), the following agricultural uses are permitted subject to application for and approval of a conditional use permit therefor by the Board of Zoning Appeals.
 - (1) Buildings and structures incident to the agricultural use of property are subject to the setback and construction and design requirements set forth in (b) (3) above.

SECTION E. USES EXEMPTED FROM PROVISIONS OF RESOLUTION (CONT'D)

1. Agricultural uses in residential areas (cont'd):

- (2) When at least thirty-five (35) percent of the lots of the subdivision are developed with at least one building structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under *O.R.C. 4503.06*, dairying, pasturage and animal husbandry of animals raised for their meats, skins, or other by-products are conditional uses subject to approval by the Board of Zoning Appeals.

The Board shall consider:

- (a) Size of the lot or parcel;
 - (b) Type and number of animals;
 - (c) Size of area devoted to the above animal uses;
 - (d) Feed and waste management plan;
 - (e) Uses of adjacent properties;
 - (f) Location and type of animal housing
- (3) After thirty five (35) percent of the lots are so developed, the pre-existing dairying and animal and poultry husbandry shall be considered a non-conforming use of land and buildings or structures, pursuant to *O.R.C. 519.19* and *O.R.C. 519.21*.
- c. The regulations in subsections (1)(b) and (1)(c) above do not apply to agriculture, buildings or structures and dairying and animal and poultry husbandry on lots greater than five acres.

2. Telecommunication Towers

a. Wireless Telecommunication Towers

- (1) Wireless telecommunication towers are regulated by this zoning resolution in accordance with ORC Section 519.211. When the Board of Township Trustees receives notice in accordance with ORC 519.211 from a property owner, or if a board member makes an objection then the proposed telecommunications tower shall be deemed to be a conditional use subject to approval by the Board of Zoning Appeals.
 - (2) As a conditional use, the Board of Zoning Appeals can require the following conditions:
 - a. Landscaping around the base of the tower.
 - b. Certified evidence of the structures stability
 - c. Evidence that the applicant has attempted to co-locate on existing wireless telecommunication towers in the area.
 - d. Evidence that adequate provisions are placed for the removal of the tower should it become obsolete.
3. Public utilities engaged in transporting persons or property, subject to the limitations of O.R.C. 519.211 or any subsequent amendment hereto. *See also: Article VII, Section U Transportation for Hire and Section V Commercial Vehicles*

SECTION E. USES EXEMPTED FROM PROVISIONS OF RESOLUTION (CONT'D)

4. The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services as herein defined shall be permitted in all districts established by this Resolution and no zoning certificates shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad.

SECTION F. NON-CONFORMING USES

1. Any lawful use of any dwelling, building, structure or land existing at the effective date of this Resolution may be continued even though such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Resolution or any amendment thereto. No non-conforming building or structure shall be moved, extended, enlarged or altered, except when authorized by the Board in accordance with the provisions of Article XI.
2. Whenever the use of a building or land shall become non-conforming through a change in the Zoning Resolution or any Amendment thereto or in the district boundaries, such use may be continued, and if no structural alterations are made, may be changed to another non-conforming use of the same or of a more restricted classification.
3. A non-conforming use of a building or land or portions thereof which are hereafter discontinued for a period of two (2) years shall not be again used except in conformity with the regulations of the district in which such building or land is located.
4. Any building arranged, intended to be designed for a non-conforming use, the construction of which has been started at the time of the passage of this Resolution or any amendment thereto, but not completed, may be completed and put into such non-conforming use, provided it is done within one (1) year after this Resolution or any amendment thereto takes effect.
5. A non-conforming building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty (60) percent of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty (60) percent of its reproduction value, a non-conforming building may be repaired or reconstructed and used as before the time of damage, provided such repairs or reconstruction are completed within one (1) year of the date of such damage.
6. Non-conforming trailers or mobile homes located on a lot in any district, other than an R-3 district, once removed shall not be replaced by any non-conforming trailer or mobile home.
7. Residential structures, which have become non-conforming due to past amendments to the Lake Township Zoning Resolution and District Map, shall be permitted to be enlarged, or rebuilt provided that the resulting structure meets the front, side, and rear set-back minimum standards set forth in Article V of the Resolution for an R-2, Residential District, regardless of the district classification that the structure is located in.

SECTION G. PENDING APPLICATION FOR BUILDING PERMIT

Nothing herein contained shall require any change in the over-all layout, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution and completion thereof carried on in a normal manner within the subsequent twelve (12)-month period and not discontinued until completion, except for reasons beyond the control of the builder.