

AMENDMENTS TO CESSNA TOWNSHIP ZONING REGULATIONS

HARDIN COUNTY, OHIO

ADOPTED BY CESSNA TOWNSHIP BOARD OF TRUSTEES OCTOBER 12, 1992

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CESSNA TOWNSHIP ZONING REGULATIONS

HARDIN COUNTY, OHIO

Passed by the voters  
November 5, 1974

Certified by Board  
of elections  
November 14, 1974

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CHAPTER I- General Regulations

Section A

Title and Preamble

WHEREAS, it is determined by the Board of Township Trustees of Cessna Township that it is in the interest of the public health, public safety and general welfare of the Township to regulate the location and use of buildings, structures and land for business and industry, for residential development and housing, or other purposes, to divide Cessna Township into such zoning districts as are deemed best suited for said purposes; to provide method of administration and enforcement; and to prescribe penalties for violation of the provisions thereof.

Statement of Intent

It is the purpose, intent and goal of these regulations to encourage the optimum use of ever-decreasing agricultural and natural resources of the township and to promote development in an orderly and consistent manner

The Hardin County Land Use Plan, as adopted on September 14, 1992 by Cessna Township Trustees, shall serve as a guide for all matters to come before the Zoning Commission.

Now, therefore, be it resolved by the Board of Township Trustees of Cessna Township, that a Zoning Resolution be adopted containing the following provisions:

Section B

Area of Jurisdiction

1. The provisions of this Resolution shall apply to the entire unincorporated land area of Cessna Township, Hardin County, Ohio
2. Nothing in this Resolution shall impose restrictions with respect to land used for legitimate agricultural purposes, or with respect to the erection, maintenance repair, alteration, remodeling, or extension of agricultural buildings or structures except that such agricultural buildings or structures shall conform to required setback lines; nor shall this Resolution be deemed to specify or regulate the type or location of any materials or distributing equipment of a public utility.

Section C

Required Conformance, Dwelling Size and Pre-Existing Use

Except as hereinafter specifically provided;

1. No land shall be used except for a use permitted in the District in which it is located or for a use conditionally permitted, subject to the issuance of a Conditional Use Permit by the Zoning Enforcement Officer as approved by the Board of Zoning Appeals.
2. No building shall be erected, converted, enlarged, reconstructed, nor shall any building be moved onto the zoning lot or within the same zoning lot, unless this is a use permitted in the District in which such building is located, except as provided for in CHAPTER IV Section F-3. No parcel of land described by metes and bounds nor any lot shall hereafter be created which does not conform to, and meet the requirements of this resolution.
3. No dwelling unit in an "A" or "R" District shall have a floor area less than the following:

Zoning District	Minimum Floor Area Per Dwelling Unit (Square Feet)
A-1	800-Single Family Dwellings 600- Mobile Home Dwellings
R-1	800-Single Family Dwellings 600-Mobile Home Dwellings
R-2	800-Single Family Dwellings and Two Family 650-Multiple-Family Dwellings
R-MHP	600-Mobile Home Dwellings

4. Except as hereinafter specified, any preexisting use building or structure that is existing at the time of the enactment of this resolution, may be continued even though such use, building or structure may not conform with the provisions of the District in which it is located.
5. No more than one dwelling to be located on any individual zoning lot.

Section D

Interpretation and Purposes

In interpreting and applying the provisions of this Resolution they shall be held to be to be the minimum requirements adopted for the promotion of the public health, public safety and general welfare.

Section E

Establishment of Zoning Districts

That, for the purpose as stated in Section A, title and Preamble provision is hereby made for the establishment of eight Zoning Districts within Cessna Township, Hardin County, Ohio.

- A-1 Agricultural District
- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-MPH Mobile Home Park District
- C-1 General Commercial District
- I-1 General Industrial District
- FP Flood Plain District
- ME Resources and Mineral Extraction District

-All as shown on the original Zoning District Map which accompanies, and is an internal part of this Resolution. The Districts designated on the Official Zoning Map and described in this text are hereby established, and no buildings or structures shall be erected or altered, nor any land used except in conformity with the regulations herein prescribed for the Districts in which such buildings or premises are located.

Section F- Minimum Size Requirement for New Zoning Districts

Districts established after adoption of this Resolution shall meet the following minimum size:

<u>Districts</u>	<u>Required Minimum Size</u>
A-1 Agricultural District	No Minimum
R-1 Low Density Residential District	30 Acres
R-2 Medium Density Residential District	20 Acres
R-MPH Mobile Home Park District	10 Acres

C-1	General Commercial District	22,500 sq. ft.
I-1	General Industrial District	5 Acres
FP	Flood Plain District	No Minimum
ME	Resources and Mineral Extraction District	15 Acres

Section G- Miscellaneous Provisions

1. Frontage Required: All lots created after the adoption of this Resolution shall have frontage on a State Highway, County Road or Township road.
2. No more than one business shall be established in each Commercial District.
3. Districts and their respective uses and requirements shall not be considered in any way cumulative. Only those uses specified in Chapter II for any particular district shall be permitted in that district.

EXAMPLE:

Uses permitted in an R-1 District shall not be permitted in C-1; I-1 or ME District.



CHAPTER II  
DISTRICT REGULATIONS

ZONING DISTRICT-----A-1 AGRICULTURAL-----PURPOSE AND INTENT

The A-1 Agricultural District is hereby created in order that there be areas within Cessna Township, Hardin County, Ohio exclusively reserved for agricultural cultivation, very low density residential development and other essentially non-urban activities so that the basically rural character of these areas may be preserved and maintained and the dominant agricultural activity protected from encroachment by urban development.

PERMITTED USES: 1) Agricultural- Any customary use, building or structure, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and green houses. 2) RESIDENTIAL- Farm houses and Rural, non-farm homes. Mobile homes on individual parcels in accordance with the conditions for approval outlined in Chapter 3, Section G. 3) INSTITUTIONAL AND EDUCATIONAL- Churches and other similar places of worship and schools, but not including funeral and mortuary chapels. 4) RECREATIONAL- Parks and recreation sites. 5) PUBLIC FACILITIES AND UTILITIES- Where a location in an A-1 District is necessary.

CONDITIONALLY PERMITTED USES: 1) Automobile wrecking yards- Provided the conditions for approval specified in Chapter 3, Section E are met. 2) Junk yards- Provided the conditions for approval specified in Chapter 3, Section F are met. 3) Dwellings for hired hands. 4) Mobile homes are permitted adjacent to homes for care of hardship within immediate families for duration of hardship, provided conditions for approval as specified in Chapter 3, Section O are met. Mobile homes must be moved within 6 months after the hardship case ends.

MINIMUM LOT SIZE: Three (3) acres.

MINIMUM FRONTAGE: 435.6 feet

**MINIMUM** HEIGHT: Two and one-half stories (2 ½) or 35 feet in height

MINIMUM YARD REQUIREMENTS: Front-- 80 feet. Side-- 80 feet for non-farm homes and mobile homes on individual lots. Rear—40 feet for non-farm homes and mobile homes on individual lots

ZONING DISTRICT  
R-1 LOW DENSITY RESIDENTIAL

Purpose and Intent. The R-1 Low Density Residential District is hereby created in order that

there be areas within Cessna Township, Hardin County, Ohio exclusively reserved for single family residential development at relatively low density on land which is vacant or in agricultural cultivation at the time of the adoption of this Resolution. When developed according to the regulations so stated, these areas will constitute areas of sound residential development and will remain semi-rural in character.

PERMITTED USES- 1) Agriculture and farms 2) Residential- Single family detached dwellings, including modular housing units. 3) Institutional and Educational- Churches and other similar places of worship and schools, but not including funeral chapels or mortuary chapels. 4) Recreational- Public Parks, playgrounds, recreational and community buildings and grounds of a non-commercial nature. 5) Public Facilities and Utilities- where a location in an R-1 District is necessary.

CONDITIONALLY PERMITTED USES: 1) Mobile Homes- On individual parcels provided the conditions for approval specified in Chapter 3, Section G are met. 2) Recreation- Private non-commercial recreation areas and facilities such as swimming pools, recreation clubs, summer camps, golf courses and country clubs provided the conditions for approval specified in Chapter 3, Section I are met.

MINIMUM LOT SIZE: 30,000 sq. ft.; These lots may be serviced with onsite sewage disposal provided these sewers fully meet the standards of the Hardin County Health Dept. and the Ohio Dept. of Health.

MINIMUM FRONTAGE: 150 feet

MAXIMUM HEIGHT: Two and one half stories or 35 feet in height

MINIMUM YARD REQUIREMENTS: Front 80 ft.; Side 25 ft.; Rear 40 ft.

#### R-2 MEDIUM DENSITY RESIDENTIAL

PURPOSE AND INTENT: The R-2 Medium Density Residential District is hereby created in order that certain areas of Cessna Township accommodate single-family residential development at a medium density level which requires and justifies provision of central or group sewers. It is the intent of this Resolution that certain areas be reserved for single-family residential development which is basically urban in character.

PERMITTED USES- 1) Agriculture and farms. 2) Residential- Single family detached dwellings, including modular housing units and two-family dwellings, where central or group sewers are provided, single-family detached dwellings shall be the only permitted uses. 3) Institutional and

Educational- Churches and other similar places of worship and schools, but not including funeral chapels or mortuary chapels. 4) Recreational- Public parks and recreation. 5) Public Facilities and Utilities—where a location in an R-2 District is necessary

CONDITIONALLY PERMITTED USES: 1) Recreation- Private non-commercial recreation areas and facilities such as swimming pools, recreation clubs, summer camps, golf courses and country clubs provided the conditions for approval specified in Chapter 3, Section I are met. 2) Multiple-family Residential- Provided the conditions for approval specified in Chapter 3, Section I are met.

MINIMUM LOT SIZE: 10,000 sq. ft. for single-family detached and 5,000 sq. ft. per dwelling unit for semi-detached two-dwellings where central or group sewers are provided; and 30,000 sq. ft. where central or group sewers are not provided.

MINIMUM FRONTAGE: 70 ft. where central or group sewers are provided and 150 ft. where central or group sewers are not provided.

MAXIMUM HEIGHT: Two and one-half stories or 35 ft. in height

MINIMUM YARD REQUIREMENTS: Front-25 ft. where central or group sewers are provided and 80 ft. where central or group sewers are not provided. Side- 10 ft. where central or group sewers are provided and 25 ft. where central or group sewers are not provided. Rear- 25 ft. where central or group sewers are provided and 40 ft. where central or group sewers are not provided.

#### R-MHP MOBILE HOME PARK

PURPOSE AND INTENT: The purpose of this district is to specify the conditions under which mobile home parks may be permitted within Cessna Township.

PERMITTED USES: 1) Agriculture and Farms 2) Public Parkland and Recreational Sites

CONDITIONALLY PERMITTED USES: Mobile homes located in Mobile Home Parks; related management offices and facilities, laundry and drying facilities provided the conditions for approval specified in Chapter 3; Section H are met.

MINIMUM LOT SIZE: 4,000 sq. ft. per mobile home.

MINIMUM FRONTAGE: 40 ft.

MINIMUM HEIGHT: 15 ft.

MINIMUM YARD REQUIREMENTS: Front 15 ft.; Side 15 ft.; Rear 20 ft.

#### C-1 GENERAL COMMERCIAL

PURPOSE AND INTENT: The C-1 General Commercial District is hereby created in order that there be areas within Cessna Township where commercial may be located. It is the intent that these businesses which are oriented mainly to the surrounding resident population and to a certain extent, to highway-oriented trade, be located in relatively compact districts along State, County or Township road frontage within Cessna Township.

PERMITTED USES: 1) Agriculture and Farms 2) Retail and Services- supermarkets, barber shops, beauty shops, dry cleaning and laundries, drug stores, garden supply stores and the like, florists, furniture stores, grocery stores, hardware stores, paint stores, shoe stores and sporting good stores. 3) Business and Professional Offices- Doctors and Dentists offices; finance, insurance and real estate offices. 4) Motels and Restaurants 5) Automotive Services- gasoline filling stations, automotive and related repair shops, body shops, automotive parts, agricultural implement sales and storage, marina equipment sales, mobile home/travel trailer sales. 6) Building and Related Trades- carpenter shops, electrical, plumbing, air conditioning and heating shops, furniture upholstery and similar establishments. 7) Commercial Recreation- baseball fields, golf driving ranges, amusement parks and similar open air facilities. 8) Funeral Homes and Mortuaries. 9) Animal Hospitals- animal hospitals, kennels, pet shops, housing or boarding or caring for animals. 10) Travel Trailer Transient Parks/Campgrounds

CONDITIONALLY PERMITTED USES: 1) Any other retail or service establishment which the Board of Appeals determines to be of the same convenience commercial or highway commercial character and nature of those specifically allowed.

MINIMUM LOT SIZE: 22,500 ft.

MINIMUM FRONTAGE: 150 ft.

MINIMUM YARD REQUIREMENTS: Front 80 ft.; Side 40 ft.; Rear 40 ft.

## I-1 GENERAL INDUSTRIAL

**PURPOSE AND INTENT:** The I-1 General Industrial District is hereby created in order that there be areas within Cessna Township which are exclusively for industry, manufacturing, processing and related operations and which are incompatible with the residential and commercial areas of the Township. It is the intent of this resolution that these areas be reserved exclusively for industry and related purposes to provide suitable sites for such activity.

**PERMITTED USES:** 1) Agriculture and Farms. 2) Industry and Manufacturing- any industrial or manufacturing or processing establishment provided that the establishments meet the minimum performance standards for nuisance values as specified in Chapter 3; Section M. 3) Wholesaling and Warehousing- any wholesale business, storage, warehousing, including beverage bottling and distributing plants. 4) Building Materials Sales Yards. 5) Public Facilities and Utilities- where a location in an I-1 District is necessary.

**CONDITIONALLY PERMITTED USES:** 1) Automobile Wrecking Yards- provided the conditions for approval specified in Chapter 3; Section E are met. 2) Junkyards- provided the conditions for approval specified in Chapter 3; Section F are met. 3) Solid Waste Disposal Facilities- provided the conditions specified in Chapter 3; Section L are met.

**MINIMUM LOT SIZE:** 10,000 sq. ft. where central or group sewers are provided and 20,000 sq. ft. where central or group sewers are not provided.

**MINIMUM FRONTAGE:** 100 ft.

**MAXIMUM HEIGHT:** Three stories or 45 ft. in height.

**MINIMUM YARD REQUIREMENTS:** Front 35 ft.; Side 25 ft. except 40 ft. when adjacent to an "R" District; Rear 10ft. except 40 ft. when adjacent to an "R" District

## ME- RESOURCE AND MINERAL EXTRACTION

**PURPOSE AND INTENT:** The ME-Resource and Mineral Extraction District is hereby created in order that there be areas within Cessna Township exclusively reserved for the mining and extraction of mineral resources from the ground so that these activities do not adversely affect the surrounding properties and that the land is restored to a useful condition once the minerals have been extracted from the sub-surface.

**PERMITTED USES:** Agriculture and Farm

CONDITIONALLY PERMITTED USES: 1) Quarries- provided the conditions specified in Chapter 3; Section K are met. 2) Sand and Gravel Pits- provided the conditions for approval specified in Chapter 3; Section K are met. 3) Extraction of Oil and/or Natural Gas from Sub-surface Strata- provided the conditions for approval specified in Chapter 3; Section K are met.

There are NO LIMITS specified for any of the other categories.

#### FP- FLOOD PLAIN AND DRAINAGEWAY

PURPOSE AND INTENT: The FP- Flood Plain and Drainageway District is designed to meet the need of storm water channels to carry abnormal flows of water in time of high water and flooding to prevent encroachments into the districts which will unduly increase flood heights and property in the area of greatest flood hazard.

PERMITTED USES: 1) Agriculture and Farms. 2) Public and Private Parklands, Recreation Sites and Open Space. 3) Open Storage of Floatable Materials- logs, tree stumps and branches, lumber, lumber products and other floatable material may be placed, displayed or stored in the open on flood plain land, where permitted by State statutes, provided the area so used is enclosed by an open wire fence properly anchored to restrain such material from floating downstream during times of high water.

THERE ARE NO CONDITIONAL USES, SIZES, FRONTAGE OR MINIMUM YARD REQUIREMENTS ON FLOOD PLAIN OR DRAINAGEWAY DISTRICTS.

CHAPTER 3-SUPPLEMENTARY REGULATIONS

A. SPECIFIC OFF STREET PARKING REQUIREMENTS- Off-street parking shall be provided in accordance with the schedule outlined below. Off-street parking and loading requirements for any use not specified in this Resolution shall be the same as that specified for a similar permitted use in the same zoning district.

- |   |   |
|---|---|
| 1. Animal hospitals; automobile sales and service garages, business and professional offices, furniture and appliance stores, household equipment, furniture repair shops and retail and service businesses | -100% of floor area   |
| 2. Assembly halls, restaurants, taverns and night clubs   | -200% of floor area   |
| 3. Bowling alleys   | -2.5 spaces per bowling alley   |
| 4. Churches and other similar places of worship and schools   | -1 space for every 8 seats in a main auditorium or 1 space for every 17 classroom seats, whichever is greater |
| 5. Dwellings- Elderly housing   | -1.5 spaces per dwelling unit or .5 spaces for elder housing  |
| 6. Funeral homes, mortuary  | -4 spaces for each parlor or 1 space for every 50 sq. ft. of floor area, whichever is greater                 |
| 7. Hospitals  | -1 space for every 2 beds   |
| 8. Hotels, motels   | -1 space for each bedroom   |
| 9. Theaters, assembly halls with fixed seats  | -1 place for every 4 seats  |
| 10. Wholesale establishments or warehouses  | -1 space for every 2 employees or 10% of floor area, whichever is greater                                     |

B. Specific Off-Street Loading Requirements- There shall be provided off-street loading spaces or berths in connection with every building or part thereof hereafter erected, except dwellings, on the same lot with such buildings, for uses which customarily receive or distribute material or merchandise by vehicle, in accordance with the following requirements.

- |   |  |
|---|--|
| 1. Retail/service/office establishments | -1 space for the first 10,000 sq. ft. of floor area; 1 space for the next 30,000 sq. ft and 1 space for each additional 20,000 sq. ft. |
|---|--|

B-2. Truck terminal/warehouse/wholesale

-1 space for every 7,500 sq. ft. of floor area

3. Industrial plants

-1 space for the first 10,000 sq. ft. of floor area and 1 space for each additional 20,000 sq. ft. of area

C. Permitted Business Signs and Maximum Size:

The following signs shall be permitted in the A-1, R-1 and R-2 Districts

1. 1 bulletin board not exceeding 20 square feet in area for any church, school or other public or semi-public institution.
2. 1 temporary unlighted real estate sign advertising the sale or rental of the premises on which it is maintained, not exceeding a total area of 9 sq. ft. and located at least 12 feet from all street right-of-way lines or flat against the building.
3. 1 temporary unlighted sign not exceeding 50 sq. ft. in area in a real estate development containing 5 lots or more. Such sign shall be set back from every street line or any other lot in any "R" District at least a distance equal in feet to the front yard requirement of that District. Such sign shall be removed within 3 years from the date of its construction.
4. Home occupation signs denoting only the name and profession of an occupant in a dwelling, and not exceeding 4 sq. ft. in area.

In the C-1 General Commercial District, business signs shall be permitted provided that the maximum surface area per sign does not exceed 40 sq. ft. and provided that signs mounted on poles do not exceed 25 feet in overall height. In I-1 General Industrial District, business signs shall be permitted provided that the maximum surface area of the sign does not exceed one hundred 150 sq. ft. In the C-1 and I-1 Districts, all business signs erected must have a direct relationship to the commercial or industrial activity being conducted.

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees or other persons responsible for the posting on public property of campaign material shall remove such material within 2 weeks following Election Day.

D. Billboard Minimum Requirements

1. Location

- a. Billboards shall be permitted only in the A-1, C-1 and I-1 Zoning Districts.
- b. Billboards shall be so located as not to project into the public right of way.



- c. No billboard shall be located within 250 feet of an exit or entrance to a limited or controlled access highway
  - d. No billboards shall be located within 100 feet of any State Highway right-of-way, within 50 feet of any County Road right-of-way or within 25 feet of any Township Road right-of-way.
  - e. No billboard shall be located within 200 feet of any "R" District.
  - f. Billboards shall be set back a minimum of 25 feet from an intersection of property lines at the corner of a block measured along each property line.
2. Maximum Size- No billboard shall contain more than 1,600 sq. ft. of surface area above the average grade nor be elevated to a height less than 6 feet from the ground.
  3. Construction- All free standing billboards shall be constructed on steel or wood supports.
  4. Non-conforming Business Signs and Billboards- Business signs and billboards existing at the time of the enactment of this Resolution and not conforming to its provisions shall be regarded as pre-existing signs which may be continued for an indefinite period of time if properly repaired and maintained as provided in sub-section S. All new business signs and billboards which are erected after the date on which this Resolution is enacted shall satisfy all the provisions of this section.
  5. Maintenance and Repair- No person owning or controlling a business sign or billboard shall fail to keep such sign in a state of good repair at all times with all braces, bolts, clips and supporting frame free from deterioration, termite infestation, rot, rust, loosening and such condition that at all times it will withstand the wind pressure specified in this section.
  6. Illumination- All business signs and billboard illumination shall be subject to the following illuminations:
    - a. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding property.
    - b. No colored lights shall be used at any location or in any manner so as to be confused or construct as traffic control devices. Neither the direct or reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public highways, roads or street.
    - c. All wiring, fittings and materials used in the construction, connection or operation of electrically illuminated business signs or billboards shall be in accordance with the provisions of the National Electric Code or the local electric code in effect.
    - d. All billboards shall have constant illumination if they are lighted at night.
- E. Automotive Wrecking Yards- Automotive wrecking yards are conditionally permitted in the A-1 Agricultural District and the I-1 General Industrial District provided that they meet the conditions outlined below.

1. The site shall contain no less than ten (10) acres.
2. The site shall have adequate access onto a hard surface State, County or Township Road that is regularly maintained.
3. The site shall be a minimum distance of:
  - a. 100 feet from any State, County or Township Road frontage.
  - b. 1,000 feet from any residence in an A-1 District.
  - c. 2,000 feet from any "R" District.
4. The site shall be entirely surrounded by a solid fence or wall, as specified by State Law.

F. Junkyards- Junkyards are conditionally permitted in the A-1 Agriculture District and the I-1 General Industrial District provided that they meet the conditions outlined below.

1. The site shall contain no less than 10 acres.
2. The site shall have adequate access onto a hard surfaced State, County or Township road that is regularly maintained.
3. The site shall be a minimum distance of:
  - a. 100 feet from any State, County or Township Road frontage.
  - b. 1,000 feet from any residence in an A-1 District.
  - c. 2,000 feet from any "R" District.
4. The site shall be entirely surrounded by a solid fence or wall, as specified by State Law.

G. Mobile Homes- Mobile homes on individual parcels are conditionally permitted in the A-1 Agriculture District and the R-1 Low Density Residential District provided that they meet the conditions outlined below.

1. The minimum lot size shall be as follows:
  - a. 3 acres in an A-1 Agricultural District.
  - b. 30,000 sq. ft. in an R-1 Low Density Residential District.
2. Each mobile home shall be permanently attached to a concrete foundation rim of no less than 12 feet by 60 feet by 12 inches wide by means of a minimum of four anchors and tie-downs; or  
Each mobile home shall be permanently attached to concrete pillars 12 inches by 12 inches by 12 inches deep, such pillars being located at the four corners of the mobile home and at the mid-points of the two longest sides by means of a minimum of 6 anchors and tie-downs.
3. Each mobile home shall be skirted, entirely enclosing the bottom section within sixty (60) days after it is placed on the site.

H. Mobile Home Park- Mobile home parks are permitted in the R-MPH Mobile Home Park District provided that they meet the conditions outlined below.

1. General Provisions- No one may apply for a Conditional Use Permit for a mobile home park without first obtaining an approval of plans from the Ohio Department of Health. Any mobile home in a mobile home park must be permanently affixed to the ground. It shall be unlawful to occupy or sleep in any mobile home unless they meet the requirements of this section. The site development plan shall contain the following text and map information:

- a. Proposed location, site, size, and total number of mobile home sites.
- b. Proposed vehicular and pedestrian circulation and parking areas showing evidence or reasonableness.
- c. Proposed size, location and use of non-residential portions of the tract, including parklands and usable open spaces.
- d. Proposed provisions for fire protection, water supply, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- e. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land.

2. Specific Minimum Design Standards

a. Minimum **Sit** Size

- (1) Every mobile home park shall be placed on no less than 10 acres of land; and
- (2) Minimum Initial Improvement- before a mobile home park may be occupied, it shall be a condition that at least 40 percent of the mobile home park lots be completed and ready for occupancy, which completion shall include installation of roadway, sidewalks, lighting, public utilities and service and management buildings.

b. Minimum Lot Size and Maximum Lot Coverage

- (1) Every mobile home shall be on a lot having an area of no less than 4,000 sq. ft.; and every mobile home trailer park shall contain a density of no more than 8 mobile homes per “gross” acre.
- (2) Each mobile home dwelling, including accessory buildings, garage and porches, shall not cover more than 50 percent of each mobile home park lot.

c. Dwelling Standard- Every mobile home dwelling shall have a total ground floor area of no less than 600 sq. ft. measured from the inside of exterior walls, including utility rooms but excluding open porches, breezeways and garages.

d. Concrete Stand, Anchors and Skirts- Each mobile home shall be permanently attached to a concrete foundation no less than 12 feet wide by 60 feet long by a minimum of 6 anchors and tie-downs.

e. Each mobile home shall be skirted with rigid material that entirely encloses the bottom section within 60 days after it is placed on the site.

f. Streets, Sidewalks and Parking- Every mobile home park shall provide a main entrance driveway no less than 36 feet in width. All interior streets shall have a minimum right-of-way width of no less than 20 feet. All drivers shall be protected at the edges by curb and gutter, or other suitable edging where necessary for the stabilization of the pavement and for adequate drainage. All mobile homes shall abut upon a paved interior street which shall not be a public right-of-way. All streets within a mobile home park shall be lighted at night.

Within the boundary of each mobile home site there shall be 2 suitable paved parking spaces no closer than 3 feet to the mobile home, nor closer than 10 feet from an adjoining mobile home.

g. Communal Facilities- In all mobile home parks, the following facilities shall be provided and available to residents.

(1) Management and maintenance offices including storage facilities for grounds keeping equipment.

(2) A safe usable recreation area conveniently located in each mobile home park and shall not be less in area or areas than 10 percent of the gross area of the mobile home park or 1/2 acre, whichever is greater.

h. Required Utilities

(1) Drinking Water- Water system inspected and approved by the Ohio Department of Health, providing adequate pressure with appropriate water connections for domestic usage.

(2) Fire Protection- Fire extinguishers shall be provided as specified in the regulations of the Ohio Department of Health.

(3) Sanitary Sewer- Disposal system, inspected and approved by Ohio Department of health, with appropriate sewage connections for mobile home usage. Connection between storm water drainage systems and sewage disposal systems shall not be permitted.

(4) Storm Drainage- Adequate for each lot connected to the main storm water drainage system.

(5) Garbage and Refuse Storage- The storage and collection of garbage and refuse within each mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding area, fire hazards or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers. These containers shall be located no more than 200 feet of each lot as approved by the Hardin County Health Department.

(6) Liquefied Petroleum Gas or Fuel- When liquefied petroleum gas is used, the containers for such gas shall be the liquefied petroleum gas containers approved by the Interstate Commerce Commission for its intended purpose and shall be integrally attached to the mobile home in a manner as approved by the Liquefied Petroleum Gas Association or other appropriate authority including the Ohio Department of Health and the Hardin County Health Department.

(7) Fuel Oil Supply- Fuel oil supply systems shall be installed and maintained in accordance with the applicable state and local codes and regulations. All fuel oil storage containers, barrels, tanks or cylinders and piping to the mobile homes shall be securely fastened in place and protected against physical damage.

(8) Electricity- At least 1 electrical connection shall be provided for each mobile home dwelling.

(9) Natural Gas System- Natural gas piping systems shall be installed underground in accordance with applicable codes and regulations and public utility standards. Each mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

(10) Underground Utilities- With each mobile home park, all utility lines, including those for electricity and telephone service shall be underground.

i. Peripheral Buffer- All mobile home park sites shall provide a 20 foot wide planting strip, planted with trees and shrubs that will mature within a five year time period, to provide a dense screen at all times, which extends the length of the common lot line with adjacent properties.

4. Conditions of Approval- The basis for approving a Planned Mobile Home Park District application shall be:

- a. That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this zoning resolution.
- b. That the proposed development meets all the minimum requirements specified in sub-subject 3 of this section.
- c. That the proposed development is in conformity with and meets the goals, objectives and standards of the Hardin County Land Use Plan.
- d. The proposed development advances the general welfare of Cessna Township.
- e. That the design character and improved site arrangement justify the location and size proposed in the development.
- f. That the utilities to serve the proposed development have received Ohio Dept. of Health approval.

The approval shall be for a period of 1 year to allow construction to be substantially started in accordance with the site development plan with evidence that construction will be completed within a reasonable length of time. Unless construction as described is initiated within the 1 year time limit the approval shall be voided and the land shall revert to the last previous Zoning District, except if an application for a time extension is submitted and approved by the Township Zoning Commission.

The Township Zoning Commission upon making an affirmative finding, with regard to the above criteria, may authorize the Zoning Officer to issue a Zoning Certificate to the applicant. The Zoning Officer must subsequently determine that all the required improvements have been installed prior to permitting the mobile home park to be occupied.

I. Multiple Family Residential- Multiple family residential developments are conditionally permitted in the R-2 Medium Density Residential District provided they meet the conditions outlined below.

- 1. The site shall contain no less than 2 acres.
- 2. The minimum yard requirements shall be as follows:
  - a. Front yard- 25 feet
  - b. Side yard- 10 feet

c. Rear yard- 25 feet

3. No multiple family dwelling shall exceed 3 stories, or 40 feet.
4. There shall not be less than 3,000 sq. ft. per dwelling unit.
5. The site shall have adequate access onto a hard surfaced State, County or Township Road that is regularly maintained and adequate to handle the additional traffic generated by the use. No multiple family dwelling shall be less than 80 feet from any highway or road, shall have a side yard of less than 25 feet or shall have a rear yard of less than 40 feet.
6. The site shall be served by central or group sewers and public water, approved by the Ohio Dept. of Health, adequate to handle the proposed development.
7. A development plan shall be submitted with the application.
8. Off-street parking shall be provided in accordance with the requirements specified in Chapter 3, Section A

J. Recreation- Private non-commercial recreation areas and facilities such as swimming pools, recreation clubs, summer camps, golf courses and country clubs are conditionally permitted in the R-1 Low Density Residential District provided that they meet the conditions outlined below:

1. The site shall contain no less than 5 acres.
2. The minimum yard requirements shall be as follows:
  - a. Front yard- 50 ft. except when fronting on a state highway
  - b. Side yard- 40 ft.
  - c. Rear yard- 50 ft.
3. The site shall have adequate access onto a hard surface State, County or Township Road that is regularly maintained and adequate to handle the additional traffic generated by the use.
4. A development plan shall be submitted with the application.
5. A landscape plan, including quantities, sizes and varieties of landscaping, shall be submitted with the application.
6. Parking areas shall be a minimum distance of 50 feet from residential uses.
7. Outdoor artificial lighting shall be approved by the Board of Appeals.

K. Resource and Mineral Extraction- The purpose and intent of these regulations is to assure that mineral extraction activities do not adversely affect surrounding properties and that the land is restored to a useful condition once the minerals have been extracted from the subsurface. Mineral extraction is permitted only in the ME- Resource and Mineral Extraction District, in accordance with the conditions outlined below.

1. The applicant for a E- Resource and Mineral Extraction District must demonstrate that such operations will not be detrimental to the vicinity or surrounding properties.
2. All equipment used in these operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practical, noise, vibration or dust which would injure or annoy persons living in the vicinity.
3. No mining, quarrying or gravel or sand excavation shall be permitted nearer than 50 feet to the boundary of the property being utilized for such use.
4. In order to insure adequate lateral support, all sand and gravel excavations shall be located at least 100 feet and backfilled to at least 150 feet and all quarrying or blasting shall be located at least 50 feet from the right-of-way line of any existing or platted street, road, highway or railway, except that such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road or highway.
5. All excavations of gravel or sand shall either be made to a water-producing depth plus 5 feet or graded and/or backfilled with non-noxious and non-flammable solids to assure that:
  - a. That the excavated area will no collect and retain stagnant water and,
  - b. That the graded or backfilled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding areas.
6. The banks of all excavations not backfilled shall be sloped to the water line at a grade of no less than 2 feet horizontally to 1 foot vertically and such banks shall be sodded or surfaces with at least 6 inches of suitable soil and seeded with grass. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes or grasses where revegetation is possible. Where flood water exists, spoil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded and seeded as described herein.



7. Whenever the floor of a quarry is more than 5 feet below the average grade of the highway, street, road or land adjacent thereto, the property containing such quarry shall be completely enclosed by a barrier consisting of no less than a 6 foot mound of earth planted with suitable dense planting or other suitable material sufficient in either case to prevent persons from trespassing thereon or passing through. Such mound shall be located at least 25 feet from any street, road, highway or boundary of the quarry property.

8. All quarrying, blasting, drilling or mining shall be carried out in a manner and on such a scale as to minimize dust, noise and vibrations and to prevent adversely affecting the surrounding properties.

9. When any quarrying has been completed, such excavation area shall either be left as a permanent spring fed lake if such lake has an average depth of 20 feet or more or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion and said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover. The edge of such excavation shall be further protected by construction of a barrier consisting of no less than a 6 foot mound of earth planted with a double row of multiflora rose or other equally effective planting.

L. Solid Waste Disposal Facilities- Solid waste disposal facilities are conditionally permitted in the I-1 General Industrial Dist. provided that they meet the conditions outlined below:

1. Applicant must secure both a permit and an operating license from the Ohio Department of Health and any other controlling government authority.

2. The solid waste disposal facility shall have adequate access onto a hard-surfaced State, County or Township Road or Highway that is adequately maintained.

3. The solid waste disposal facility site shall be a minimum distance of:

- a. 1,000 feet from any state highway frontage
- b. 1,000 feet from any residence in an A-1 Dist.
- c. 1,500 feet from any "R" Dist.

M. Performance Standards for Nuisance Values- The following minimum standards shall apply to all uses in the I-1 General Industrial District:

1. Fire and Explosion Hazards- All activities, including storage, involving flammable or explosive material shall include the provision of adequate safety devices against the hazard of fire and explosion, such safety devices being standard in the industry. Burning of waste materials in open fire is prohibited at any point.

2. Fly ash, dust, fumes, vapors, gases and other forms of air pollution- No emission of air pollutants shall be permitted which violate the minimum requirements of the Montgomery County Combined General Health District. Dust and other airborne pollutants shall be minimized through the paving, oiling or landscaping of the lot area around any building.

3. Glare, Heat and Exterior Light- Any operation producing intense light or heat, such as high temperature processes like combustion, welding or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.

4. Liquid or Solid Wastes- No discharge at any point into any public sewer, private sewage disposal system or stream or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accord with standards approved by the Ohio Department of Health or such government agency as shall have jurisdiction of such activities.

5. Noxious Gases- Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere shall be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.

N. Fencing- No fences shall be constructed in excess of 6 feet in any "R", "C", or "I" District.

O. Hardship Conditional Use-

1. Hardship for this purpose is the need for close personal care with the primary care giver living in a separate dwelling.

2. The Board of Zoning Appeals shall determine the existence of Hardship based on the applicants explanation of the hardship as stated the "Application for Conditional Use Permit".

Application shall list: identity of hardship, name of person requiring personal care, name of primary care giver, name of property owner, signatures of the patient, care giver and the property owner.

3. The continued existence of the specific hardship for which the permit is granted must be verified by the applicant annually to the Zoning Officer in writing or on such form as the Zoning Officer may provide.

4. The separate dwelling must be located at least 30 feet from the existing dwelling.

P. Ponds

1. When constructing ponds, the natural topography of the land must be maintained for a minimum distance of 15 feet from any property line and 30 feet from any road right-of-way.

2. Written approval of the controlling authority must be obtained prior to construction.

## CHAPTER IV ADMINISTRATION AND ENFORCEMENT

Section A General Provisions- The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices of Cessna Township

1. Township Zoning Commission
2. Zoning Enforcement Officer
3. Board of Zoning Appeals
4. Board of Township Trustees

Section B Township Zoning Commission

1. Membership- The Zoning Commission shall be appointed by the Board of Township Trustees and shall consist of 5 members (none of whom shall be concurrently appointed as member of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.

2. Powers and Duties- The powers and duties of the Zoning Commission shall be the following:

- a. Prepare the Zoning Resolution recommended for the unincorporated area of Cessna Township.
- b. Hold required Public hearings, notice of which shall be given in accordance with Sections 519.06 and 519.09 of the Ohio Revised Code.
- c. Submit the proposed Zoning Resolution, including text and official Zoning District Map, and all proposed zone changes, to Hardin County Regional Planning Commission, and then certify the proposed zoning or rezoning along with their recommendation and the Regional Planning Commission's recommendation, to the Board of Township Trustees (Section 519.07 and 519.12 of the Ohio Revised Code).
- d. Initiate official zoning district map changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public in general.
- e. Function, in addition, as provided by all other applicable sections of the state law, Chapter 519 of the Ohio Revised Code.
- f. Review the Zoning Text and Map at least once each 5 years and submit recommendations to the Township Trustees.

Section C Zoning Enforcement Officer- The Board of Township Trustees shall appoint a Township Zoning Officer and affix his compensation if any. It shall be the duty of the Township Zoning Officer to:

1. Enforce the provisions of this Resolution.

2. Interpret the Resolution Text and Official Zoning District Map.
3. Issue Zoning Certificates in accordance with this Resolution and maintain a complete record of all Zoning Certificates issued.
4. Act upon all applications within 30 days of their date of filing. A Zoning Certificate or written notification and explanation of refusal shall be issued to the applicant within said 30 days. Failure to notify applicant of such refusal within this period shall entitle the applicant to submit their request to the Township Board of Zoning Appeals.
5. Determine whether various uses of land within the Township are in compliance with this Resolution. Where violations exist, the Enforcement Officer shall notify in writing the person(s) responsible, specifying the exact nature of the violation, directing the necessary corrective action.
6. Maintain and keep current the permanent records required by this Resolution, including but limited to the Official Zoning District Map, Zoning Certificates, Inspections and all official zoning actions of the Board of Township Trustees, Zoning Commission Board of Appeals and the public.
7. Prepare and submit an Annual Report concerning the administration and enforcement of this Resolution to the Board of Township Trustees.

#### Section D Board of Zoning Appeals

1. Membership- The Board of Zoning Appeals, herein after called the Board, shall be appointed by the Board of Township Trustees and shall consist of 5 members who are residents of the unincorporated area of the Township.
2. Jurisdiction- The Board shall have the following powers:
  - a. Administrative Appeals- To hear and decide appeals where it is alleged there is an error in any interpretation, judgement, decision or determination made by the Zoning Enforcement Officer in the administration and enforcement of the provisions of this Resolution.
  - b. Variances- To authorize upon appeal by reasons of exceptional narrowness, shallowness, shape, topographic conditions or other extraordinary situation or condition of a lot of variance from strict application of the provisions of this Resolution to relieve exceptional difficulties or undue hardship, provided said relief can be granted without substantial detriment to the public good and does not substantially impair the intent of

this Resolution. No variance shall be granted unless the Board finds that all the following conditions exist.

(1) The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property, and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.

(2) The granting of the application is necessary for the preservation and enjoyment of the substantial property right and not merely to serve as a convenience to the applicant.

(3) The proposed variance will not constitute a change, including a variation in use, on the Official Zoning District Map. In no case shall the Board of Appeals approve a variance for a use which is not permitted use in the zoning district in which the property, building or structure is located.

C. Conditional Uses- The Board of Zoning Appeals may hear and decide upon, in accordance with the provisions of this Resolution, applications for a Conditional Use Permit. The purpose of a Conditional Use Permit is to allow a proper integration into the Township of uses which may only be suitable in specific locations within certain zoning districts or only if such uses are designed or laid out in a particular manner on the site. A Conditional Use Permit shall be required for all uses listed as conditionally permitted uses in Chapter 2.

In considering an application for a Conditional Use Permit, the Board must make an affirmative finding that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, and that all conditions for approval of Conditional Uses have been met. The Board shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.

No public hearing need be held by the Board of Appeals in considering an application for a conditional use permit. A public hearing may be ordered and held by the Board of Appeals when it deems such public hearing to be necessary in the public interest; notice thereof shall be given no less than 10 days prior to the date of public hearing, both by posting notice on or near the parcel of land involved at places which will be conspicuous to the neighboring properties and to the public, and by publishing notice in a newspaper of general circulation print and published in Cessna Township. Notice may also be given by such other means as the granting authority deems appropriate. Failure of any person, other than the applicant, to receive notice of any public hearing shall in no way affect the validity of action taken.

Section E Board of Township Trustees- The powers and duties of the Board of Township Trustees are the following:

1. Appoint 5 members to a Township Zoning Commission whose function is to formulate a Zoning Resolution text and Official Zoning District Map and to initiate or review proposed text amendments or changes of zoning district on the Official Zoning District Map, as specified in Section B.
2. Appoint a Zoning Enforcement Officer to administer and enforce the provisions of this Zoning Resolution, in accordance with the functions enumerated in Section C.
3. Appoint a 5 member Board of zoning Appeals in accordance with the Ohio Revised Code, Section 519.13 to hear administrative appeals, requests for variances and Conditional Use Permits, as specified in Section D.
4. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map following recommendations of the Township Zoning Commission and review by the Hardin County Regional Planning Commission, which procedure is outlined in full in Section F-2.
5. Each written application for a Zoning Certificate, Zoning Amendment, Administrative Appeal, Conditional Use Permit or Variance shall be accompanied by filing fees which are to be determined by resolution of the Board of Township Trustees. These filing fees shall be forwarded to the Township, and shall be utilized to help cover the expenses of the Zoning Enforcement Officer, the Planning Commission and the Board of Appeals.

#### Section F- Administrative Procedures

##### 1. Zoning Certificates

- a. Requirements- No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any non-farm building or structure within Cessna Township without obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with all the provisions of this Resolution. The Zoning Enforcement Officer shall notify the Hardin County Health Department of each application for a Zoning Certificate.
- b. Provision of Utility Services- No public utility company or supplier of electrical service shall supply initial utility services (gas, electricity, water or sewer) to any building or mobile home located within the confines of Cessna Township until such time as a Zoning

Certificate is presented to such public utility or electrical service company which indicates that the building to be serviced has been officially approved by the Zoning Enforcement Officer.

c. Application- Application for a Zoning Certificate shall be made in writing to the Board of Township Trustees, or their authorized agent. Each written application shall include the following:

- (1) Two copies of a scale drawing showing the actual shape and dimensions of the lot to be built upon, or to be changed in its use, in whole or in part;
- (2) The location of the lot, existing zoning and land use, including the immediately surrounding area;
- (3) The location, size and height of any building or structure to be erected or altered;
- (4) The existing or intended use of each building, structure or use of land where no buildings are included; and
- (5) The number of families or dwelling units each building is designed to accommodate, if applicable.

d. Agriculture Buildings- Zoning certificates shall not be required for agricultural buildings, such as barns, silos and outbuildings.

e. Utility Buildings- Zoning certificates shall be required for all utility buildings accessory to a dwelling in any "R" District.

f. Time Limit- If a Zoning Certificate is issued for the purpose of constructing a new building or structure and such construction is not started within a 6 month period, then said Zoning Certificate shall be null and void.

2. Text Amendments and Changes of Zoning District- All amendments to the zoning Resolution or changes of zoning districts on the Official Zoning District Map shall be made in accordance with the provisions specified in the Ohio Revised Code. Sections 519.02 through 519.21, inclusive.

The Township Zoning Commission and Board of Township Trustees shall favorably consider an application for a text amendment, whether to the zoning resolution text or to the Official Zoning District Map, only if the request for the change of zoning meets the following conditions:

- a. Manifest error in the original Zoning Resolution text and/or designations on the Official Zoning District Map.



- b. Accordance with, or more appropriate conformance to, the Hardin County Official Land Use Plan.
- c. Substantial change in area conditions.
- d. Legitimate requirement for additional land area for the particular zoning district.

Where the Zoning District Map is amended, the Township Zoning Commission and the Township Board of Trustees shall not approve any petition which results in a total landholding (excluding the area in roads and highways) containing less acreage than the minimums specified for each zoning district in Chapter 1, Section F.

### 3. Non-Conformities: Buildings, Uses and Lots

a. Intent- Within the Zoning Districts established by this Resolution or Amendments that may later be adopted, there exists:

- (1) Buildings and structures
- (2) Uses of land and structure
- (3) Lots of record

Which were lawful before this Resolution was passed or amended but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendment. It is the intent of the Resolution to permit these non-conformities to continue until they are removed, but not encourage their survival. It is further the intent of this Resolution that non-conformities shall not be used as jurisdiction for adding other structures or uses prohibited elsewhere in the same districts.

b. Non-Conforming Building and Structures

- (1) A non-conforming use of a building or structure lawfully existing upon the effective date of this Resolution may be maintained and may be repaired or altered provided the new additions conform with the current zoning regulations.

c. Non-Conforming Lots of Record- In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record which was in existence prior to the effective date of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width or both, generally applicable in the district, provided that the yard requirements and provisions of the district shall apply. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

## Section G Enforcement Procedures

1. Enforcement- This Resolution shall be enforced by the Board of Township Trustees and such Zoning Enforcement Officer as may be designated by said Board.
2. Revocation of Zoning Certificate- Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the board of Township Trustees, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate upon the premises concerned, or in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.
3. Invalidity of a Part- if any article, section, subsection paragraph, sentence or phrase of this Zoning Resolution, and all additions and amendments shall for any reason be held to be invalid by Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Resolution.
4. Repeal of Existing Resolutions- All resolutions or part of resolutions inconsistent with or in conflict with this Zoning Resolution and all additions and amendments thereto are hereby repealed by the adoption of this Resolution.
5. Violation- In case any building is, or is proposed to be located, erected, reconstructed, enlarged, changed, maintained or used, or any land is, or proposed to be, used in violation of this Resolution the Board of Township Trustees, the County Prosecuting Attorney, the Zoning Enforcement Officer, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute 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.
6. Fine- Any person, firm or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined no more than 100 dollars each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

## CHAPTER V GLOSSARY OF DEFINITIONS

Unless otherwise specified, all distances shall be measured horizontally, in any direction. The following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meaning.

**Accessory Use of Structure-** A use or structure subordinate to the principle use of a building or use on the same lot and serving a purpose customarily incidental to the use of the principle building or use.

**Agriculture-** The use of land, buildings or structures for nurseries, greenhouses, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry. By definition of Agriculture, use is actively engaged in an agriculture operation with evidence of sufficient income derived from same to satisfy land tax classifications as prescribed by other local codes.

**Alterations, Structural-** Any change in the supporting members of a building, such as walls, floors, columns, beams or girders.

**Billboard-** Any structure or portion thereof on which lettered figured or pictorial matter is displayed for advertising purposes of goods or services not offered on the premises, and other than those signs specifically mentioned.

**Board of Appeals-** Board of Zoning Appeals of Cessna Township

**Board of Township Trustees-** Board of township Trustees of Cessna Township

**Building-** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property.

**Building Height-** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the ridge for gable, hip or gambrel roofs.

**Building Line-** The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of the building foundation and the front lot line. The front line of the foundations of enclosed porches or vestibules if nearer the front line than the main foundations

Business- An occupation, enterprise, undertaking or employment which engages in the purchase, sale, barter or exchange of goods, wares, merchandise or services, or where there is the maintenance or operation of an office or offices for the exhibition, sale or offering of merchandise or services.

Conditional Use- A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

Conditional Use permit- A permit issued by the Zoning Officer upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Condominium- Same as "Dwelling, Multiple Family" where each family owns its own dwelling unit but where the common areas of the building and site are owned and maintained jointly by the occupants.

Coverage- The percentage of the lot area which is covered by any building or part thereof.

Drainageway- A watercourse, gully, dry stream, creek or ditch which carries storm water runoff, which is subject to flooding or ponding which is fed by street or building gutters or by storm water sewers or which serves the purpose of draining water from the lands adjacent to such water course, gully, dry stream, creek or ditch.

Dwelling- Any building or portion thereof designed or used as the residence of one or more persons, but not including a tent, cabin, travel trailer, tree house or a room in a hotel or motel.

Dwelling, Single Family- A building designed for use as a residence for one family or housekeeping unit.

Dwelling, Two-Family- A building designed for or used by two families or housekeeping units.

Dwelling, Multiple-Family- A building or portion thereof designed for or used by three or more families or housekeeping units living independent of one another.

Dwelling, Detached- A building having no party wall in common with another building.

Dwelling, Attached- A building having one party wall in common with an adjacent building.

Dwelling, Row- One room or a suite or two or more rooms designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

Establishment- A building or structure used for commercial or industrial purposes, including stores, shops, plants, factories, warehouses, wholesale houses and the like.

Family- A person living alone or two or more people living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a boarding house, lodging house, dormitory, hotel or motel.

Farm- Acreage which is devoted to agricultural activities (see Agriculture) which usually contains a farmhouse dwelling and agricultural buildings.

Farm House- A dwelling located on acreage primarily devoted to agriculture and occupied by a farm family.

Farm Vacation Enterprise- (Profit or Non-Profit); Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery and nature areas, hunting preserves and watershed projects.

Filling Station- Any building used for the supply of gasoline oil or other fuel for motor vehicles propulsion, which can include space and facilities for washing, polishing, greasing and servicing motor vehicles.

Flood Plain- The areas adjoining any river, creek or stream whose surface elevation is lower than the high water elevation of the regional flood.

Floor Area of a Residential Building- The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building- (To be used in calculating off-street parking requirements) The floor area of the specified use including stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows and fitting rooms and similar areas.

Garage, Private- A detached accessory building or a portion of the principle building used only for the storage of vehicles and incidental personal property.

Garage, Public- A building or portion thereof, other than a private garage or filling station, used for equipping, servicing, repairing, hiring, selling or storing vehicles or similar equipment.

Garden Apartment- A multi-story, walkup apartment, usually grouped around a common open space with off-street parking provided on the periphery of the site.

Hardship- The need for close personal care. With medical endorsement.

Health Department- The Ohio Department of Health and the Hardin County Department of Health

Home Occupation- An occupation conducted in a dwelling unit, provided that: No persons other than members of the family residing on the premises shall be engaged in such occupation; The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and no more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation; There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than 1 sign, not exceeding 1 square foot in area, non-illuminated, and mounted flat against the wall of the principle building; no home occupation shall be conducted in any accessory buildings; No traffic shall be generated by such home occupation in greater volumes than would be normally expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met of the street and other than in a required front yard; No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

Hotel- A building occupied primarily as the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than 12 sleeping rooms or apartments.

Junk Yard- A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a complete enclosed building and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations. An automobile wreckingyard is any place where 2 or more motor vehicles unlicensed and/or not in running condition, or parts thereof, are stored in the open and are not restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts

thereof including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition and including trailers or parts thereof, stored in the open.

Land Use Plan- A plan or any portion thereof, adopted by the Hardin County Regional Planning Commission and the Hardin County Board of County Commissioners showing the general location and extent of present and proposed land use and transportation facilities including housing, industrial and commercial uses, highways and roads, parks, schools and other community facilities. This plan establishes the goals, objectives and policies of Hardin County.

Loading Space- A space within the same zoning lot with providing space for the standing, loading or unloading of trucks.

Lot- A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed thoroughfare rights-of-way shall be included.

Lot Area- The computed area contained within the lot lines.

Lot, Corner- A lot at the juncture of and fronting on 2 or more intersecting streets.

Lot Depth- The mean horizontal distance between the front and the rear lot lines.

Lot Lines- The property lines bounding the lot.

Lot Line, Front- The line separating the lot from the road right-of-way.

Lot Line, Rear- The lot line opposite and most distant from the front lot line.

Lot Line, Side- Any line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot Width- The width of the lot measured at the building set back line.

Mobile Home- Any vehicle or mobile structure more than 45 feet long, on wheels, skids, rollers or blocks, designed to be pulled, pushed or carried by a motor vehicle on a highway, and designed for living as a 1 family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations location on permanent foundations, connections to utilities, and the like.

Mobile Home Park- An area of land divided into 3 or more lots with foundations laid out to provide sites for trailers permanently affixed to the land for a period of time exceeding 60 days. The land area shall include any building or structure, fixture or equipment that is used or intended to be used in connection with providing that accommodation, including provision for sewer, water, electric and any other similar facilities required to permit occupancy of such mobile homes parked thereon.

Modular Housing- An assembly of materials or products comprising all or part of a total residential structure which when constructed, is self-sufficient or substantially self-sufficient and when installed constitutes a dwelling unit, except for necessary preparations for its placement.

Model or Tourist Court- A building or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities.

Nonconformities- A legally existing use, structure or land which fails to comply with the standards set forth in this Resolution applicable to the district in which it is located.

Parking Space- The area required for parking 1 automobile which in this Resolution is held to be an area not less than 8 feet wide by 18 feet long, either within a structure or in the open exclusive of driveways or access drives.

Person- A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

Personal Services- Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

Recreation, Camp- An area of land on which 2 or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building structure, or fixture of equipment that is used or intended to be used on connection with providing such accommodations.

Regional Planning Commission- The Hardin County Regional Planning Commission.

Resource and Mineral Extraction- Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.



Setback Line- The closest point at which a building may be constructed in relation to the lot line.

Sewers, Central or Group- An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

Sewers, On-Site- A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the Hardin County Health Department and the Ohio Department of Health.

Sign, Business- A sign which directs attention to a business, profession, commodity or entertainment conducted, sold or offered upon the same lot.

Story- That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a building used for human occupancy between the top most floor and the roof. A basement shall not be counted as a story unless more than ½ of the basement is above grade level at the front of the building.

Structure- Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Township- Cessna Township, Hardin County, Ohio.

Township Zoning Commission- Zoning Commission of Cessna Township.

Travel Trailer- Any vehicle or mobile structure designed for highway travel less than 45 feet long on wheels, skids, rollers or blocks designed to be pulled, pushed or carried by motor vehicles and any house car, camp car, "piggy-back" camper or self-propelled motor vehicle which is designed for sleeping or commercial purposes and which is complete and ready for occupancy as such except for minor and incidental unpacking and assembly operations, location on jacks, connection to utilities and the like.

Use- The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Variance- A variation from a strict interpretation of the terms of this Resolution, owing to peculiar conditions or circumstances which apply only to the property in question and no other. As used in this Resolution, a variance is authorized ONLY for height, area, yard or setback requirements.

Yard- A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except otherwise provided in this Resolution.

Yard, Front- A yard extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.

Yard, Rear- A yard extending the full width of the lot between the rear-most main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building. Where a lot abuts upon an alley,  $\frac{1}{4}$  of the alley width may be considered as part of the required rear yard.

Yard, Side- A yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally and perpendicularly from the nearest point of the side lot line toward the nearest part of the main building.

Zoning Certificate- The document issued by the Zoning Enforcement Officer authorizing buildings, structures or uses consistent with the terms of this Zoning Resolution and for the purposes of carrying out and enforcing its provisions.

Zoning District- A portion of the incorporated area of Cessna Township for which certain uniform regulations governing the use, area and intensity of use by buildings and land and open spaces about buildings are herein established.

Zoning Enforcement Officer- The Zoning Enforcement Officer who is appointed by the Board of Township Trustees to administer and enforce the Township Zoning Resolution and to issue Zoning Certificates.

Zoning Lot- A single tract of land which (at the time of the filing for a zoning Certificate) is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. Therefore, a "Zoning Lot" may or may not coincide with a lot of record. The Zoning Lot shall have adequate frontage on an improved dedicated roadway of adequate width.

Zoning Resolution- The term Zoning Resolution shall apply to any Zoning Resolution duly numbered and passed.