

AMENDMENTS TO CESSNA TOWNSHIP ZONING REGULATIONS  
HARDIN COUNTY, OHIO

ADOPTED BY CESSNA TOWNSHIP BOARD OF TRUSTEES ON SEPTEMBER 24, 2025

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CESSNA TOWNSHIP ZONING REGULATIONS  
HARDIN COUNTY, OHIO

Original Resolution  
passed by the voters  
November 5, 1974

Original Resolution  
certified by Board  
of Elections on  
November 14, 1974

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TRUSTEES

Virden Ault

Dale Warmbrod

Donald Wilson

TRUSTEES, 1978-79

Stewart Kaylor

Thomas Kritzler

Gerald Potter

CLERK

Dennis J. Hensel

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PREPARED FOR: The Hardin County Regional  
Planning Commission  
Hardin County Court House  
Kenton, Ohio 43326

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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, and as amended thereafter, 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 on lots greater than five (5) acres, 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.
3. The provisions of this Resolution shall apply to Agriculture uses on lots of one (1) acre or less.
4. The provisions of this Resolution shall apply to buildings and structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres; including but not limited to: setback lines, building height, and building size. (O.R.C. 519.21)

Section C - Required Conformance, Dwelling Size and Pre-Existing Use

Except as hereinafter specifically provided;

1. No land shall be used except for 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.
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, unless said parcel or lot be created to enlarge or adjust the boundaries of an existing parcel of land already in compliance with this Resolution or to bring an existing parcel or lot into compliance with this Resolution.
4. 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

5. 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.
6. 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 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

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 continuous 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.

4. Remote Residential Flag Lots:  
The minimum road frontage shall extend the entire depth of the lot back to the building site.

## **CHAPTER II – ZONING DISTRICT REGULATIONS**

### **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) 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 ninety (90) days after the hardship ends.

**MINIMUM LOT SIZE:** Three (3) acres.

**MINIMUM FRONTAGE:** 435.6 feet

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

#### **MINIMUM YARD (SET BACK) REQUIREMENTS:**

- Front – eighty (80) feet from the road right-of-way
- Side – eighty (80) feet from the property line
- Rear – forty (40) feet from the property line

## 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 as 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 (2 ½) stories or 35 feet in height

### MINIMUM YARD (SET BACK) REQUIREMENTS:

- Front – eighty (80) feet from the road right-of-way.
- Side – twenty-five (25) feet from the property line.
- Rear – forty (40) feet from the property line.

## 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 (SET BACK) REQUIREMENTS:

**Front:** twenty-five (25) ft. where central or group sewers are provided, or eighty (80) ft. where central or group sewers are not provided, measured from the road right-of-way.

**Side:** ten (10) ft. where central or group sewers are provided, or twenty-five (25) ft. where central or group sewers are not provided, measured from the property line.

**Rear:** twenty-five (25) ft. where central or group sewers are provided, or forty (40) ft. where central or group sewers are not provided, measured from the property line.

## 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:

- 1) 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.

**MAXIMUM HEIGHT:** 15 ft.

### MINIMUM YARD (SET BACK) REQUIREMENTS:

- Front – fifteen (15) feet from the road right-of-way.
- Side – fifteen (15) feet from the property line.
- Rear – twenty (20) feet from the property line.

## 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 upholstering 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. 1
- 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 (SET BACK) REQUIREMENTS:

- Front – eighty (80) feet from the road right-of-way.
- Side – eighty (80) feet from the property line.
- Rear – forty (40) feet from the property line.

## 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 (SET BACK) REQUIREMENTS:

Front – thirty-five (35) ft from the road right-of-way.

Side – twenty-five (25) ft. except when adjacent to an “R” District, then forty (40) ft, measured from the property line.

Rear – ten (10) ft. except when adjacent to an “R” District, then forty (40) ft, measured from the property line.

## 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 CONDITIONAL USES, SIZES, FRONTAGE OR MINIMUM YARD REQUIREMENTS ON RESOURCE AND MINERAL EXTRACTION DISTRICTS.**

## 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 III - SUPPLEMENTARY REGULATIONS**

### **Section 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 nightclubs: 200% of floor area
3. Bowling alleys: 2.5 spaces per bowling lane
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: 1.5 spaces per dwelling unit
6. Elderly housing: 0.5 spaces per dwelling unit
7. Funeral homes, mortuary: 4 spaces for each parlor or 1 space for every 50 sq. ft. of floor area, whichever is greater
8. Hospitals: 1 space for every 2 beds
9. Hotels, motels, short-term rental: 1 space for each bedroom
10. Theaters, assembly halls with fixed seats: 1 place for every 4 seats
11. Wholesale establishments or warehouses: 1 space for every 2 employees or 10% of floor area, whichever is greater

### **Section 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:
  - a. 1 space for the first 10,000 sq. ft. of floor area; and
  - b. 1 space for the next 30,000 sq. ft; and
  - c. 1 space for each additional 20,000 sq. ft.
2. Truck terminal/warehouse/wholesale:
  - a. 1 space for every 7,500 sq. ft. of floor area.
3. Industrial plants:
  - a. 1 space for the first 10,000 sq. ft. of floor area; and
  - b. 1 space for each additional 20,000 sq. ft. of area.

## Section C. Permitted Signs and Maximum Size

1. The following signs shall be permitted in the A-1, R-1 and R-2 Districts:
  - a. One bulletin board not exceeding twenty (20) square feet in area for any church, school or other public or semi-public institution.
  - b. One temporary unlighted real estate sign advertising the sale or rental of the premises on which it is maintained, not exceeding a total area of nine (9) sq. ft. and located at least twelve (12) feet from all street right-of-way lines or flat against the building.
  - c. One temporary unlighted sign not exceeding fifty (50) sq. ft. in area in a real estate development containing five (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 three (3) years from the date of its construction.
  - d. Home occupation signs denoting only the name and profession of an occupant in a dwelling and not exceeding nine (9) sq. ft. in area.
2. C-1 General Commercial District: Business signs shall be permitted provided that the maximum surface area per sign does not exceed forty (40) sq. ft. and provided that signs mounted on poles do not exceed twenty-five (25) feet in overall height.
3. I-1 General Industrial District: Business signs shall be permitted provided that the maximum surface area of the sign does not exceed one hundred and fifty (150) sq. ft.
4. 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.
5. 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 two (2) weeks following Election Day.

## Section 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 five hundred (500) feet of an exit or entrance to a limited or controlled access highway
  - d. No billboards shall be located within one hundred (100) feet of any State Highway right-of-way, within fifty (50) feet of any County Road right-of-way or within twenty-five (25) feet of any Township Road right-of-way.
  - e. No billboard shall be located within five hundred (500) feet of any "R" District.

- f. No billboard shall be located within five hundred (500) feet of any visible and publicly owned, controlled or maintained safety rest area, parkland, garden, forest preserve, picnic ground, playground, swimming beach, elementary or secondary school, cemetery, or scenic area, that is visible from, or whose property boundaries front, the main traveled way
  - g. Billboards shall be set back a minimum of twenty-five (25) feet from an intersection of property lines at the corner of a block measured along each property line.
- 2. Maximum Size - The maximum area of a sign face shall be twelve hundred (1,200) square feet, excluding decorative bases and supports. The minimum area for any such sign face for which a permit is required shall be eight (8) square feet. Two sign faces may be permitted at a single location facing the same direction provided that they are immediately adjacent to each other. If there is a border or trim around a sign face, it shall be deemed to be a separate sign face, and the total combined area of both sign faces at a single location may not exceed twelve hundred (1,200) square feet.
- 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 5. 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 regulations:
  - 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 construed 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.
  - b. All of the 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.
  - c. Billboards shall not contain or be illuminated by any animation or video, nor illuminated with any flashing, fading, intermittent, or moving light or lights.

- d. Lighting shall not be used in any way in connection with any sign face unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of any public thoroughfare or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

7. Permit Required

- a. No person shall erect, construct, or cause or permit to be erected, or constructed, any billboard in the Township without first obtaining a Zoning Permit.
- b. Applications for permits shall be disapproved, and permits shall not be issued under any of the following conditions:
  - 1. The proposed location for an advertising device is not visible from the main traveled portion of the highway due to existing landscaping on the right-of-way of any highway.
  - 2. The advertising device can be erected or maintained only from the right-of-way of an interstate or primary highway system.
  - 3. The proposed location for the advertising device is on land that is used principally as a residence.
  - 4. The advertising device is erected or maintained on trees or painted or drawn upon rocks or other natural features.
  - 5. The advertising device would be a traffic hazard or a danger to the safety of the traveling public.
  - 6. The advertising device would prevent the driver of a motor vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
  - 7. The advertising device is illuminated so as to interfere with the effectiveness of an official sign, signal, or other traffic control device.
  - 8. The advertising device attempts, or appears to attempt, to direct the movement of traffic, or interferes with, imitates, or resembles an official sign, signal, or other traffic control device.
- c. Permit applicants must provide a copy of the State permit within thirty (30) days of its issuance and prior to the erection of the billboard. Failure to do so shall result in the termination of the Township Zoning Permit and may cause for the immediate removal of the billboard.

8. Abandoned, discontinued and damaged billboards

- a. When a billboard is damaged by more than seventy per cent (70%) of its replacement value immediately prior to the damaging incident, the device will be considered destroyed. This does not apply to billboards damaged by vandalism, other criminal or torturous acts or weather-related causes, upon satisfactory evidence submitted to the Township Zoning and Nuisance Officer.
- b. A billboard and its structure which has depreciation of more than seventy per cent (70%) of its replacement value due to lack of maintenance is considered to be abandoned or discontinued.

- c. A billboard which ceases to display advertising copy longer than one year is considered to be abandoned or discontinued.
- d. Billboards whose sign faces have ceased to display or have never displayed advertising copy, are subject to control and removal when advertising is added or affixed and becomes visible from the main traveled way.
- e. The re-erection of any billboard that is abandoned, discontinued or appropriated requires the submission and approval of a new permit for each sign face and must be erected in a conforming location.

Section 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. One hundred (100) feet from any State, County or Township Road frontage.
  - b. One Thousand (1,000) feet from any residence in an A-1 District.
  - c. Two thousand (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.

Section 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 ten (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. One hundred (100) feet from any State, County or Township Road frontage.
  - b. One thousand (1,000) feet from any residence in an A-1 District.
  - c. Two thousand (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.

Section 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. Three (3) acres in an A-1 Agricultural District.
- b. Thirty thousand (30,000) sq. ft. in an R-1 Low Density Residential District.
- 2. Every mobile home dwelling shall have a total ground floor area of no less than ~~600~~ nine hundred (900) sq. ft. measured from the inside of exterior walls, including utility rooms but excluding open porches, breezeways and garages.
- 3. Each mobile home shall be installed by a licensed installer certified by the Ohio Department of Commerce.
- 4. Each mobile home shall be permanently attached to the ground according to the standards set by the Ohio Department of Commerce's Mobile Homes Program.
- 5. Each mobile home shall comply with the standards set by the Ohio Department of Commerce's Mobile Homes Program including but not limited to inspections, installation requirements, and permits.
- 6. Each mobile home shall be skirted, entirely enclosing the bottom section within sixty (60) days after it is placed on the site.
- 7. Newly placed and replacement mobile homes shall conform to the following conditions:
  - f. The mobile home's tongue, wheels, and axle must be removed.
  - g. Title of the mobile home must be surrendered to the County Auditor's Office so as to change the taxing structure from trailer tax to real estate tax.
  - h. The replacement mobile home shall not be more than three (3) years old and must meet the minimum size requirement.
  - i. Replacement mobile homes must comply with all provisions of this section.

#### Section 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:
  - a. No one may apply for a Conditional Use Permit for a mobile home park without first obtaining approval of plans from the Ohio Department of Health.
  - b. 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.
- 2. 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 of 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.
3. Specific Minimum Design Standards
- a. Minimum Site Size
    - (1) Every mobile home park shall be placed on no less than ten (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 forty (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 four thousand (4,000) sq. ft.; and every mobile home trailer park shall contain a density of no more than eight (8) mobile homes per “gross” acre.
    - (2) Each mobile home dwelling, including accessory buildings, garage and porches, shall not cover more than fifty (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 six hundred (600) sq. ft. measured from the inside of exterior walls, including utility rooms but excluding open porches, breezeways and garages.
  - d. Each mobile home shall be installed by a licensed installer certified by the Ohio Department of Commerce.
  - e. Each mobile home shall be permanently attached to the ground according to the standards set by the Ohio Department of Commerce’s Mobile Homes Program.
  - f. Each mobile home shall comply with the standards set by the Ohio Department of Commerce’s Mobile Homes Program including but not limited to inspections, installation requirements, and permits.
  - g. Each mobile home shall be skirted with rigid material that entirely encloses the bottom section within sixty (60) days after it is placed on the site.
  - h. Streets, Sidewalks and Parking-
    - i. Every mobile home park shall provide a main entrance driveway no less than thirty-six (36) feet in width.
    - ii. All interior streets shall have a minimum right-of-way width of no less than twenty (20) feet.

- iii. 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.
  - iv. All mobile homes shall abut upon a paved interior street which shall not be a public right-of-way.
  - v. All streets within a mobile home park shall be lighted at night.
  - vi. Within the boundary of each mobile home site there shall be two (2) suitable paved parking spaces no closer than three (3) feet to the mobile home, nor closer than ten (10) feet from an adjoining mobile home.
- i. Communal Facilities- In all mobile home parks, the following facilities shall be provided and available to residents.
- i. Management and maintenance offices including storage facilities for grounds keeping equipment.
  - ii. A safe usable recreation area conveniently located in each mobile home park and shall not be less in area or areas than ten (10) percent of the gross area of the mobile home park or one-half (1/2) acre, whichever is greater.
- j. Required Utilities
- i. Drinking Water- Water system inspected and approved by the Ohio Department of Health, providing adequate pressure with appropriate water connections for domestic usage.
  - ii. Fire Protection- Fire extinguishers shall be provided as specified in the regulations of the Ohio Department of Health.
  - iii. 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.
  - iv. Storm Drainage- Adequate for each lot connected to the main storm water drainage system.
  - v. 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.
  - vi. 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.

- vii. 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.
  - viii. Electricity- At least one electrical connection shall be provided for each mobile home dwelling.
  - ix. 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.
  - x. Underground Utilities- With each mobile home park, all utility lines, including those for electricity and telephone service shall be underground.
- k. Peripheral Buffer- All mobile home park sites shall provide a twenty (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.
  - l. There shall be provided sufficient storage space to enclose lawn maintenance equipment and other items not typically accommodated for in mobile home units.
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.
  - g. The approval shall be for a period of one 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 one-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.

- h. 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.
- i. The Zoning Officer must subsequently determine that all the required improvements have been installed prior to permitting the mobile home park to be occupied.

Section 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 two (2) acres.
- 2. The minimum yard requirements shall be as follows, should a central or group sewer be provided:
  - a. Front yard – twenty-five (25) feet
  - b. Side yard – ten (10) feet
  - c. Rear yard – twenty-five (25) feet
- 3. The minimum yard requirements shall be as follows, should a central or group sewer *NOT* be provided:
  - d. Front yard – eighty (80) feet
  - e. Side yard – twenty-five (25) feet
  - f. Rear yard – forty (40) feet
- 4. No multiple family dwelling shall exceed three (3) stories, or forty (40) feet.
- 5. There shall not be less than three-thousand (3,000) sq. ft. per dwelling unit.
- 6. 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.
- 7. 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.
- 8. A development plan shall be submitted with the application.
- 9. Off-street parking shall be provided in accordance with the requirements specified in Chapter 3, Section A

Section J. Recreation Facilities

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 five (5) acres.
- 2. The minimum yard requirements shall be as follows:
  - a. Front yard – fifty (50) ft.  
     except when fronting on a state highway, then eighty (80) feet
  - b. Side yard – forty (40) ft.

- c. Rear yard – fifty (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 fifty (50) feet from residential uses.
7. Outdoor artificial lighting shall be approved by the Board of Appeals.

### Section K. Resource and Mineral Extraction

The purpose and intent of these regulations is to ensure 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 an ME- 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 people living in the vicinity.
3. No mining, quarrying or gravel or sand excavation shall be permitted nearer than fifty (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 one hundred (100) feet and backfilled to at least one hundred and fifty (150) feet and all quarrying or blasting shall be located at least fifty (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 five (5) feet or graded and/or backfilled with non-noxious and non-flammable solids to assure that:
  - a. That the excavated area will not 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 two (2) feet horizontally to one (1) foot vertically and such banks shall be sodded or surfaces with at least six (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 five (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 six (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 a mound shall be located at least twenty-five (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 twenty (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 six (6) foot mound of earth planted with a double row of multiflora rose or other equally effective planting.

Section 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. One thousand (1,000) feet from any state highway frontage.
  - b. One thousand (1,000) feet from any residence in an A-1 Dist.
  - c. One thousand, five hundred (1,500) feet from any "R" Dist.
4. The solid waste disposal facility site shall be properly screened for vector control so that refuse does not spill over onto adjacent property.
5. The site shall be entirely surrounded by a six (6) foot chain-linked fence and shall have security gates.

Section 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 violates the minimum requirements of the Kenton-Hardin County Health Department. 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.
  6. Vibrations – No uses shall be located, and no equipment shall be installed, in such a way to produce intense, earth-shaking vibrations, which are discernable without instruments at the property lines of the subject premises.

#### Section N. Fencing

1. No fences shall be constructed in excess of six (6) feet in height in any “R”, “C”, or “I” District.
2. Fences shall not be placed in a location that impedes the sight lines of traffic along any public throughfare or at any intersection thereof.
3. Fences shall not be placed in the right-of-way of any public throughfare.

#### Section 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 applicant’s explanation of the hardship as stated the “Application for Conditional Use Permit”.
3. 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.
4. 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.
5. The separate dwelling must be located at least thirty (30) feet from the existing dwelling.

6. The separate dwelling must be removed within ninety (90) days of the termination of the hardship.
7. Written approval from the Hardin County Board of Health must be obtained prior to construction.

#### Section P. Ponds and Pools

- i. When constructing ponds, the natural topography of the land must be maintained for a minimum distance of fifteen (15) feet from any property line and thirty (30) feet from any road right-of-way.
- ii. Written approval of the controlling authority must be obtained prior to construction.
- iii. Ponds and/or pools must be a minimum distance of forty (40) feet from any property line and eighty (80) feet from the road right-of-way.

#### Section Q. Home Occupation

1. Home occupations are permitted in A1, R1, and R2 districts and require a permit.
2. No more than three (3) persons, other than members of the family residing on the premises, shall be engaged in such occupation.
3. 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 twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
4. 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 what is permitted in this Chapter.
5. One (1) sign, not exceeding nine (9) square foot in area, non-illuminated, and mounted flat against the wall of the principal building is permitted.
6. Home Occupations are permitted in Accessory Buildings in A1 districts to accommodate agriculture-related repair shops and other home related shops.
7. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in a residential neighborhood
8. Any need for parking generated by the conduct of such home occupation shall be met off of the street and other than in a required front yard.
9. 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.
10. 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.

### Section R. Recreational Vehicles:

1. No person shall utilize any recreational vehicle as a residence on any lot of record for more than thirty (30) days in any district outside an approved recreational vehicle park without obtaining a conditional use permit.
2. The recreational vehicle shall not be placed on a lot of record for more than thirty (30) days and/or connected to any water and/or a septic system without obtaining a conditional use permit.
3. The conditional use permit shall be renewed annually.

### Section S. Telecommunication Towers

1. Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the Cessna Township Trustees being duly notified of a person's intent to construct a Telecommunication Tower, public utilities, or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:
  - a. The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation, and The Ohio Building Basic Code).
  - b. The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC Section 519.211.
  - c. The applicant must demonstrate at the time of application that no other existing towers are feasible for co-location, and that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why co-location is not possible, and why a tower at this proposed site is technically necessary.
  - d. Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing.
  - e. Setbacks. All new towers shall be setback from the closest property boundary line a distance of nine hundred (900) feet.
  - f. Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways, public and private, a distance of nine hundred (900) feet.
  - g. Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of nine hundred (900) feet.
  - h. Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery or other screening materials.

- i. The applicant shall notify the Zoning Inspector within thirty (30) Days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations.
- j. Lighting. Telecommunication towers shall not be artificially lit, unless required by the Federal Aviation Administration or other applicable regulatory authority. If lighting is required, the lighting design that would cause the least disturbance to the surrounding views shall be chosen. All telecommunication facilities shall be unlit except for security lighting, or when authorized personnel are present.
- k. No advertising or illumination other than that required by law may be located on the structure or on the required screening.
- l. An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the Zoning Office every five (5) years which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Cessna Township Zoning and Nuisance Inspector. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible for covering the cost of all inspections, repair, and/or removal.
- m. The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes.
- n. A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger - High Voltage." The operator must also post "NO Trespassing" signs.
- o. For each telecommunication tower, the owner or operator shall provide to the Township, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of this section are performed and complied with, including necessary repairs, including repairs to public highways and roads and the costs and expenses of removal in the event of abandonment.
- p. The Cessna Township Board of Trustees may draw upon the performance bond to recover any costs, damages, or expenses incurred by the Township, which arise out of the violations of this section or the abandonment or discontinuance of the use of a tower.

## 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 and Nuisance Enforcement Officer
3. Board of Zoning Appeals
4. Board of Township Trustees

### Section B - Township Zoning Commission

#### 1. Membership

- a. The Cessna Township Zoning Commission shall be appointed by the Board of Township Trustees and shall consist of five (5) members who are residents of the unincorporated area of the Township.
- b. The Board of Trustees may appoint two (2) alternate members who meet the same requirements of the full members of the Commission.
- c. The members of the Commission shall not be concurrently appointed as members of the Cessna Township Board of Zoning Appeals.
- d. The members of the Commission shall serve for a term of five (5) years and may be reappointed.

#### 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 state law, Chapter 519 of the Ohio Revised Code.
- f. Review the Zoning Text and Map at least once each five (5) years and submit recommendations to the Township Trustees.

### Section C - Zoning and Nuisance Enforcement Officer

1. The Board of Township Trustees shall appoint a Township Zoning and Nuisance Enforcement Officer and affix their compensation, if any.
2. It shall be the duty of the Township Zoning and Nuisance Enforcement Officer to:

- a. Enforce the provisions of this Resolution.
- b. Interpret the Resolution Text and Official Zoning District Map.
- c. Issue Zoning Certificates in accordance with this Resolution and maintain a complete record of all Zoning Certificates issued.
- d. Act upon all applications within thirty (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 thirty (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.
- e. 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.
- f. 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.
- g. Prepare and submit an Annual Report concerning the administration and enforcement of this Resolution to the Board of Township Trustees.
- h. Notify the Hardin County Health Department and the Hardin County Auditor of each application for a Zoning Certificate.

#### Section D - Board of Zoning Appeals

##### 1. Membership

- a. The Cessna Township Board of Zoning Appeals (hereinafter referred to as the “Board”) shall be appointed by the Board of Township Trustees and shall consist of five (5) members who are residents of the unincorporated area of the Township.
- b. The Board of Trustees may appoint two (2) alternate members who meet the same requirements of the full members of the Board.
- c. The members of the Board shall not be concurrently appointed as members of the Cessna Township Zoning Commission.
- d. The members of the Board shall serve for a term of five (5) years and may be reappointed.

##### 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 order, requirement, decision, or determination made by the Zoning and Nuisance 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.

c. 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.

### 3. Conditional Uses

- a. 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 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.
- b. A Conditional Use Permit shall be required for all uses listed as conditionally permitted uses in Chapter II.
- c. 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.
- d. No public hearing need to 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 is the public interest; notice thereof shall be given no less than ten (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.

- e. A Conditional Use Permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use ceases for more than ninety (90) days for any reason.

### Section E - Board of Township Trustees

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

1. Appoint five (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 and Nuisance Enforcement Officer to administer and enforce the provisions of this Zoning Resolution, in accordance with the functions enumerated in Section C.
3. Appoint five (5) members to a Township 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 and Nuisance Enforcement Officer, the Township Zoning Commission and the Township 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-agriculture building or structure which is one hundred and fifty (150) square feet or more of floor space 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. (O.R.C. 519.17)
- 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 immediate 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, however a permit application must be completed to ensure that the buildings comply with setback and size regulations.
- e. Utility Buildings- Zoning certificates shall be required for all utility buildings, accessory to a dwelling which are one hundred and fifty (150) square feet or more of floor space.
- 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 six (6) month period, or completed within a twelve (12) month period, then said Zoning Certificate shall be null and void.

## 2. Zoning Amendments and Changes of Zoning District

- a. 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.
- b. 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:
  - (1) Manifest error in the original Zoning Resolution text and/or designations on the Official Zoning District Map.
  - (2) Accordance with, or more appropriate conformance to, the Hardin County Official Land Use Plan.
  - (3) Substantial change in area conditions.
  - (4) Legitimate requirement for additional land area for the particular zoning district.
- c. 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. Furthermore, it is 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.

d. Should any non-conforming use be voluntarily discontinued for two years or more, any future use shall be in conformity with this Resolution. (O.R.C. 519.19)

### Section G - Enforcement Procedures

1. Enforcement- This Resolution shall be enforced by the Board of Township Trustees and such Zoning and Nuisance 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 or sections 519.01 to 519.25 of the Ohio Revised Code, the Board of Township Trustees, the County Prosecuting Attorney, the Zoning and Nuisance Enforcement Officer, or any adjacent or 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. (O.R.C. 519.24)
6. Penalty: Any person, firm, or corporation violating any provision of this Resolution or sections 519.01 to 519.25 of the Ohio Revised Code, shall be assessed a civil fine of not more than five hundred dollars (\$500.00) for each offense. The fine shall be collected by filing a civil action in the Hardin County Court of Common Pleas. Each day the violation continues from the date of judgment granting relief under this section shall constitute a separate offense.

## **CHAPTER V - RENEWABLE ENERGY SYSTEMS**

### **REGULATIONS FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL USE RENEWABLE ENERGY GENERATION FACILITIES.**

#### **SECTION A – PURPOSE**

1. The purpose of this article is to establish general guidelines for the locations of residential, commercial, and industrial renewable energy generation facilities to protect the public health, safety, comfort, and general welfare of the Township resident.

The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of renewable energy generation facilities within certain areas of the Township. Recognizing that such renewable energy generation energy facilities may have a negative health, safety, welfare and / or aesthetic impact upon adjoining and neighboring uses. Chapter 5 seeks to:

- Protect residential and agricultural areas from potential adverse impact from renewable energy generation facilities:
  - Permit renewable energy generation facilities in selected areas by on-site Residential, Agricultural, Commercial, or Industrial Zoned Districts, subject to the terms, conditions, and provisions hereof:
  - Ensure the public health, welfare, and safety of the Township’s residents in connection with renewable energy generation facilities and:
  - Avoid potential damage to real and personal property from renewable energy generation facilities or the failure of such facility structures and related operations.
  - Avoid the devaluation of property (of owner and/or surrounding properties).
2. Recognizing the importance of clean, sustainable, and renewable energy sources, the Township permits the use of residential, agricultural, commercial, and industrial solar energy systems under the following regulations to ensure the safety and welfare of all Cessna Township residents are met.
  3. No solar energy system shall hereafter be located, constructed, repaired, extended, enlarged, converted, or altered without full compliance with the terms of this Resolution. Said construction, alterations or modifications shall require a zoning permit.
  4. It is not the purpose of this regulation to regulate a major utility facility, or subsidiary use, as defined by the Ohio Power Siting Board (50 MW or greater). It is also not the purpose of this regulation to regulate public utilities that meet the definitions as stated in the O.R.C. 4905.02 or O.R.C. 4905.03 and the three criteria of O.R.C. 4905.65(8).

## SECTION B – DEFINITIONS

**ACCESS BUFFER:** The distance from adjacent landowners' properties to the nearest solar energy facility, building or collector.

**ACCESS ROADS:** Provide construction and service access to each solar collection area.

**ADJOINING PROPERTY LINE:** The property boundary lines between the real property for the proposed installation of a solar energy system, subject of the Application and real property owned by another person, persons, or entity.

**ADVERSE VISUAL IMPACT:** An unwelcome visual intrusion that diminishes the visual quality of an existing landscape and is separate from any building on the parcel of land on which the solar energy collector is located.

**BATTERY ENERGY STORAGE SYSTEM (BESS):** A system of batteries, connected to a renewable energy generation facility that enable energy from renewable energy generation facilities, like solar/wind, to be stored and then released when power is needed.

**CLEAR FALL ZONE:** An area surrounding a ground/pole mounted solar energy system into which the system and/or components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other conditioning causing the structure's failure that shall remain unobstructed and confined within the property lines of the primary lot where the system is located. The purpose of the zone being that if the system should fail or otherwise become damaged, the falling structure will be confined to the primary parcel and will not intrude onto a neighboring property.

**COMMERCIAL RENEWABLE ENERGY GENERATION FACILITY:** A utility-scale facility, with a noted design capacity of generating less than 50 MW of renewable energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar and/or wind farms.

**COMMUNITY SOLAR and/or WIND FACILITY:** A wind/solar project, or purchasing program, within a geographic area, in which the benefits of a solar project flow to multiple customers such as individuals, businesses, nonprofits, and other groups. (i.e. customers are those benefiting from the energy generated by the renewable energy generation facilities.)

**DB(A):** The sound pressure level in decibels. Refers to the "a" weighted scale defined by the American National Standards Institute (ANSI). A method for weighing the frequency spectrum to mimic the human ear.

**DECIBEL:** A logarithmic unit of measurement that expresses the magnitude of sound pressure and sound intensity.

**ELECTRICAL COLLECTION/DISTRIBUTION/TRANSMISSION SYSTEM:** Consists of underground and overhead cables that carry electricity from and within groups of energy

generating collectors and transmits it to a collection substation and point of interconnection switchyard, which transfers the electricity generated by the project to the regional power grid.

**ELECTROMAGNETIC FIELD (EMF):** A combination of invisible electric and magnetic fields of force. They can occur both naturally and due to human constructions.

**GROUND-MOUNTED SOLAR ENERGY COLLECTOR:** A solar collector system that is not attached to and is separate from any building on the parcel of land on which the solar collector system is located.

**KILOWATT HOUR (kWh):** A measure of electricity defined as a unit of work or energy, measured as 1 kilowatt (1,000 watts) of power expended for 1 hour.

**KILOWATT:** A measure of one thousand (1,000) watts of electrical power.

**MEGAWATT:** A unit used to measure power, equal to one million (1,000,000) watts.

**ON-SITE:** A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

**PRIVATE USE RENEWABLE ENERGY GENERATION FACILITY:** A private use facility, with a noted design capacity of generating no more than 125% of a three (3) year historical usage average, of renewable energy collectors with the primary purpose for use upon the property said facility is located on.

**PROFESSIONAL ENGINEER/SURVEYOR:** A State of Ohio registered professional engineer, or land surveyor, who meets the criteria as defined in ORC 4733.01 and ORC 4733.11.

**RENEWABLE ENERGY SYSTEM:** Renewable energy systems are technologies and methods that harness energy from renewable natural resources that are replenished at a rate that equals or exceeds its rate of use. This includes, but is not limited to, wind power, solar energy, and hydropower.

**RENEWABLE ENERGY CAPACITY:** The maximum generating capacity of renewable energy generation facilities.

**ROOF-MOUNTED SOLAR COLLECTOR/PANEL/MODULE:** A solar energy collector that is attached to a building's roof on the parcel of land including solar shingles.

**SENSITIVE ENVIRONMENTAL AREAS:** Any areas determined by the Ohio Department of Natural Resources that consist of unique or sensitive ecological, biological, or related ecosystems.

**SETBACKS:** The minimum required distance between the property line and an accessory, building, or structure, including any roof overhang. For the purposes of determining "Setback"

only, the definitions of “Accessory”, “Building”, and “Structure” shall not include uncovered walkways, patios, driveways, parking areas, walls, and fences.

**SOLAR COLLECTOR/PANEL/MODULE:** A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

**SOLAR ENERGY FACILITY:** A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and can collect, distribute, and store (if appropriate to the technology) the sun’s radiant energy for a beneficial use. This being either Residential, Agricultural, Commercial, or Industrial Zoned District use.

**SOLAR ENERGY:** Radiant energy (direct, diffuse, and reflected) received from the sun.

**TOWNSHIP FIRE DEPARTMENT:** Shall constitute any private or public fire department that has been contracted to provide fire protection services within the Township.

**TOWNSHIP EMS DEPARTMENT:** Shall constitute any private or public emergency medical service (EMS) department that has been contracted to provide emergency medical services within the Township.

**UTILITY SCALE RENEWABLE ENERGY GENERATION FACILITY:** A Utility Scale Energy Facility is defined as an energy generation facility or area of land principally used to convert solar and/or wind energy to electricity for resale at a profit This shall include all renewable energy facilities, constructed with a capacity of less than 50 Megawatts for use with the intent to resell all, and/or the majority, of energy generated from said facility.

**WETLANDS:** Lands on which water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season.

### SECTION C - PERMITTED USE

1. Roof and Ground Mounted Solar Collector Systems are permitted in all Residential, Agricultural, Commercial, and Industrial Zoning Districts.
2. Private Use Renewable Energy Generation Facility – **(max. 125% of use)** are permitted in all Residential, Agricultural, Commercial, and Industrial Zoning Districts.
3. Utility Scale Renewable Energy Generation Facility – **(under 50 megawatts)** Are not permitted in the Township in any District.
4. Community Solar and/or Wind Facility - **(under 50 megawatts)** Are not permitted in the Township in any District.

SECTION D – PROHIBITED USE

1. A solar energy system shall not be used for the generation of power for the sale or donation of energy to other users, although this provision shall not be interpreted to prohibit the sale or donation of excess power generated from time to time to the local utility company or the sale or donation of power as part of a net metering or similar arrangement. Net metering or similar arrangement are those where electricity produced by the accessory solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the lot where the accessory system is located. Net metering or similar arrangements shall be incidental and secondary to the production for on-site use.

SECTION E - GENERAL REQUIREMENTS

1. General Requirements of Roof and Ground Mounted Solar Collector System:
  - a. Solar collector systems are considered accessory uses, and subject to permitting requirements by the Township Zoning Inspector. Residential, Agricultural, Commercial, and Industrial Zoned Districts the solar energy systems and utility grid solar energy systems are subject to permitting by the Township Zoning Inspector, Township Fire Department, Township Zoning Commission, and the Township Board of Trustees.
  - b. Solar collector systems may be installed on any surface of an existing structure, provided such installation does not result in violation of the permitted height requirements.
  - c. Within all zoning districts, solar collector systems shall be repaired, replaced, or removed within 30 days of becoming non-functional.
  - d. All solar collector/panels/modules shall have tempered, non-reflective surfaces and shall comply with all Local, State, Federal regulations, and the most current edition of the National Electrical Code.
  - e. Solar collector/panels/modules (and building mount specifications), battery storage systems, and all equipment/devices ancillary to such energy generating/storage equipment shall be installed per manufacturer's specifications. This information shall be provided and kept on record by the Township Zoning Inspector and the Township Fire Department.
2. A Solar collector/panel/module ground mounted system may be installed as free-standing. Construction shall not be installed within a roadway right-of-way or any utility easements (of any kind, recorded or otherwise).
3. Solar Collector/Panels/Modules or Systems shall be installed so there is minimum glare,

optimally no glare, onto/into adjacent properties or towards the road right-of-way. Solar mounting systems and solar panel frames shall be black in color and maintained in a manner to prohibit view of metal (this does not include the mounting substructure for ground mounted installations).

4. Installation of any electrical power inverters, related to a renewable energy generation facility, and/or solar tracking mounting systems shall not increase the ambient noise level, as measured at the property line, of adjacent property owners.

## SECTION F - REGULATIONS FOR ROOF MOUNTED & GROUND MOUNTED SOLAR COLLECTOR SYSTEMS

Solar collector/panels/modules, either roof mounted, ground mounted, or building mounted, shall be permitted in all districts with zoning requirements met, related to visual appearance and appropriate safeguards.

### 1. Application and Site Plan Requirements:

In all districts, the applicant shall submit to the Township Zoning Inspector a zoning permit application with current permit application fees, and detailed site plan containing the following information:

- a. Property lines, and utility easements identified, of the applicant's property. The property lines shall be established by a State of Ohio registered land surveyor or State of Ohio County/State Judge.
- b. Location, dimensions, and types of all existing major structures on the property, or structures that may prohibit full/free passage in, on, and/or through the property by the Hardin County Sheriff Department, and the Township Fire Department staff or equipment. All ground-mounted solar collector/panel/module systems must be installed Forty-(40) feet away from any structure located on the property.
- c. Location of the proposed solar collector panel/module system, foundations, inverters, metering/switching devices, guide wires and associated equipment.
- d. Location of all easements, setbacks from property lines, obstructions, and the total square foot the solar collector system will consume of the property, and dimensions to/from the solar collector system.
- e. The right of way, of any public/private road that is contiguous with the applicant's property. To include limited access, railways, utility, transportation easements and/or any other private or publicly recorded easement for the means of public use (such as bike, hiking or walking trails).
- f. Solar collector/panel/module specifications, including manufacturer, model,

and installation/maintenance requirements.

- g. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms with the most current edition of the National Electrical Code, the National Electric Safety Code, and the Institute of Electrical and Electronics Engineers (IEEE) standards.
- h. The final design and site plan (studies, calculations, foundation design, etc.) must be stamped by a professional engineer/surveyor registered/licensed to practice in the State of Ohio.

2. Ground Mounted Solar Collector System Requirements:

a. Permitted Location:

- 1. Ground-mounted solar energy systems shall be permitted within the side yard, behind rear building or structure line, and in front of the primary structure if necessary.
- 2. On corner lots, ground mounted solar energy systems shall be permitted within the side yard, behind rear building or structure line, and corner lot set-back distance requirements for the street or roadway where construction site is located.
- 3. Placement at roadway intersections shall be done so in a manner which provides adequate sighting distances for motorists to observe on-coming traffic and comply with the Ohio Department of Transportation's requirements for sight-distance.

b. Height Limitation:

- 1. In Residential Zoned Districts Ground-mounted solar collector system structures shall not exceed eight (8') feet in height.
- 2. In Agriculture Zoned Districts Ground-mounted solar collector system structures shall not exceed eight (8) feet in height.
- 3. In Commercial Zoned Districts Ground-mounted solar collector system structures shall not exceed fifteen-(15) feet in height.
- 4. In Industrial Zoned Districts Ground-mounted solar collector system structures shall not exceed fifteen feet (15') feet in height.
- 5. In all districts the height shall be measured from the average ground level (elevation of adjacent and undisturbed ground) at the base of such equipment to the

highest point of the solar collector system structure.

c. Placement:

1. In Residential and Agriculture Zoned Districts, a ground-mounted solar collector system shall have a minimum set back distance of forty (40) feet from the side and rear property lines and eighty (80) feet from the road right of way.
2. In Commercial and Industrial Zoned Districts, a ground-mounted solar collector system shall have a minimum set back distance of one-thousand (1000) feet from all property lines.
3. In Residential Zoned Districts, there shall be a minimum of thirty-five-(35) feet foot distance from all-natural features including water courses (as measure from top of bank), streams (as measure from top of bank), rural sanitary sewage treatment systems (and replacement fields), woodlands, wetlands, roads, and 100-year floodplain locations. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.
4. In Agriculture, Commercial, and Industrial Zoned Districts there shall be a minimum of one- hundred-(100) foot distance from all-natural features including water courses (as measure from top of bank), streams (as measure from top of bank), rural sanitary sewage treatment systems (and replacement fields), woodlands, wetlands, roads, and 100-year floodplain locations. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.
5. In Residential, Agriculture, Commercial, and Industrial Zoned Districts, ground-mounted solar collector systems shall not be located over a septic system, leach field area or identified reserve area unless approved by the Kenton-Hardin County Health Department.
6. All ground-mounted solar collector/panel/module systems shall be placed so that concentrated solar radiation, or glare, does not project onto adjacent properties and or roadways.
7. All ground-mounted solar collector/panel/module systems shall have, to the extent required by the Township Zoning Inspector, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that minimizes impacts of the solar energy system on the visual character to adjoining property owners.
8. A zoning permit is required for any ground-mounted solar collector/panel/module systems and for the installation of any solar generation

system.

9. A Site plan is required along with the zoning permit application per Section E of this Code.

3. Roof and Building Mounted Solar Collector System Requirements:

a. Permitted Location:

In residential, agriculture, commercial, and industrial zoning districts, a roof or building mounted solar energy system may be located on the roof of the principal or accessory structure. Building mounted solar energy systems may be located on the side or rear of the structure. Said side/rear ground mounted panels must receive approval of the Township Fire Department, so as not to adversely impact access to the primary structure (or the safety and/or well-being of fire/rescue personnel) as it relates to emergency fire/rescue response.

b. Height Limitation: Solar collectors shall not project above highest point of roof.

c. Placement:

1. In residential zoned locations, the placement of the roof or building mounted solar energy system shall not be located within three-(3) feet of any peak, eave, or valley to maintain adequate accessibility.
2. In agricultural, commercial, and industrial zoned districts, the placement of the roof or building mounted solar collector system shall be a minimum of 6 feet from any peak, eave, or valley to allow for accessibility per the 2017 Ohio Fire Code # 605.11.1.3.1 or the most current addition. Additionally, solar collector/panel/module placement shall be done to allow for compliance to any/all applicable OSHA regulations for access/movement across said rooftop.
3. Roof and Building Mounted Solar Collectors Systems shall be such a weight to be safely supported by the building. A solar energy system shall not exceed 50 percent of the footprint of the principal building served. In addition, the property owner shall be required to provide written proof that the panels proposed to be constructed can/will be able to be supported either by the existing buildings current structural construction, additional structural elements installed to account for the additional panel and mounting weight, and additional weight added by snow events.
4. No solar collector/panel/module system shall be mounted or affixed to any freestanding wall or fence.

d. Maximum area coverage. A solar collector system shall not exceed 50 percent of the footprint of the principal building served.

- e. Permitting. A zoning permit is required for any roof and building mounted solar collector/panel/module systems and for the installation of any solar generation system.
- f. Site Plan. A Site plan is required along with the zoning permit application per Section E of this Code (A through H).

SECTION G - REGULATIONS FOR UTILITY SCALE RENEWABLE ENERGY GENERATION FACILITY, COMMUNITY SOLAR FACILITY.

A utility scale renewable energy generation facility (0.1MW-49.99MW) is designed and built to commercially provide electricity to the electric utility grid. Such a facility is not permitted in any District in Cessna Township.

SECTION H – EXSITING RENEWABLE ENERGY GENERATION FACILITIES.

1. Renewable energy generation facilities with existing zoning approval, or in operation, within the Township at the time of the passage of this legislation shall be permitted to remain regardless of the facilities compliance with the regulations in this Chapter.
2. Should any renewable energy generation facility in operation at the passage of this legislation become non-operational, or be taken out of service, for a period of at least six (6) months, then said facility must meet the regulations of this Chapter prior to being returned to operation.

## CHAPTER VI – NUISANCES

### SECTION A – JUNK MOTOR VEHICLES

1. As used in this section, “junk motor vehicle” means a motor vehicle that meets all of the following requirements:
  - a. Three (3) model years old, or older;
  - b. Apparently inoperable; and
  - c. Extensively damaged, including but not limited to, any of the following: missing wheels, tires, engine or transmission
2. No person shall have located a junk motor vehicle, as defined in this section, within the unincorporated area of the Township, on public or private property. Further, no person shall have, after fourteen (14) days from the service of said notice to the landowner and/or any lien holder of the property, a junk motor vehicle as defined in this section located on their property within the unincorporated area of the Township whether it be public or private property.
3. If a junk motor vehicle is located on public property, the Board of Trustees of Cessna Township may cause, by any legal means, the disposal, etc. removal of the same.
4. If a junk motor vehicle is located on private property, the Board of Trustees of Cessna Township may provide for the removal of the junk motor vehicle after written notice is first given of Cessna Township’s intention to remove or cause to be removed, the junk motor vehicle and the said notice is served upon the owner of the land and any holders of liens of record on the land.
5. The remedies provided by law states that the Board of Township Trustees may institute an action for removal of the storage of junk motor vehicle that are in violation of this section. (O.R.C. 505.871)
6. Whoever violates this section is guilty of a minor misdemeanor. Each day that a violation of this section continues constitutes a separate offense.
7. The Board of Trustees may utilize any lawful means to collect costs incurred in removing or causing the removal of a junk motor vehicle under this section, including any fees or interest paid to borrow monies to remove a junk motor vehicle. The Board of Trustees may direct the Township Fiscal Officer to certify the costs to the County Auditor to be placed as costs on the tax duplicate as a lien upon the land.

8. Collector's vehicles that do not fit the description of a junk motor vehicle under this section, may be kept on private property with the permission of the person having the right to the possession of the property so long as said collector's vehicle is concealed from view from the adjoining public right of way by means of buildings, fences, vegetation, terrain or other suitable screening. (O.R.C. 505.173)

## SECTION B – WEEDS, HIGH GRASSES, AND DEBRIS

1. No person having ownership or possession of real property within the unincorporated portion of the Township shall allow vegetation, garbage, refuse, or other debris to accumulate on said real estate in a manner that constitutes a nuisance.
2. The Board of Trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the Board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance.
3. At least seven (7) days before providing for the abatement, control, or removal of any vegetation, garbage, refuse, or other debris, the Board of Trustees shall notify the owner of the land and any holders of liens of record upon the land that:
  - a. The owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner's maintenance of which has been determined by the board to be a nuisance;
  - b. If that vegetation, garbage, refuse, or other debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within seven days, the Board shall provide for the abatement, control, or removal, and any costs incurred by the Board in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry.
4. The Board of Trustees shall send the notice to the owner of the land by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lienholders of record; alternatively, if the owner is a resident of the township or is a nonresident whose address is known, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once using at least one of the following methods: (a) In the print or digital edition of a newspaper of general circulation in the township; (b) On the official public notice web site established under section 125.182 of the Revised Code; (c) On the web site and social media account of the township.

5. If the Board of Trustees determines within twelve (12) consecutive months after a prior nuisance determination that the same owner's maintenance of vegetation, garbage, refuse, or other debris on the same land in the Township constitutes a nuisance, at least four (4) days before providing for the abatement, control, or removal of any vegetation, garbage, refuse, or other debris, the Board shall give notice of the subsequent nuisance determination to the owner of the land and to any holders of liens of record upon the land as follows: (1) The Board shall send written notice by first class mail to the owner of the land and to any lienholders of record. Failure of delivery of the notice shall not invalidate any action to abate, control, or remove the nuisance. Alternatively, the Board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. (2) If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to post the notice on the Board of Trustees' internet web site for four consecutive days, or to post the notice in a conspicuous location in the Board of Trustees' office for four consecutive days if the Board does not maintain an internet web site.
6. The owner of the land or holders of liens of record upon the land may enter into an agreement with the Board of Trustees providing for either party to the agreement to perform the abatement, control, or removal before the time the Board is required to provide for the abatement, control, or removal under division (5) of this section.
7. If, within seven days after notice is given under division (3) of this section, or within four days after notice is given under division (5) of this section, the owner of the land fails to abate, control, or remove the vegetation, garbage, refuse, or other debris, or no agreement for its abatement, control, or removal is entered into under division (6) of this section, the Board of Trustees shall provide for the abatement, control, or removal and may employ the necessary labor, materials, and equipment to perform the task. All costs incurred, when approved by the Board, shall be paid out of the township general fund from monies not otherwise appropriated, except that if the costs incurred exceed five hundred dollars, the Board may borrow monies from a financial institution to pay for the costs in whole or in part.

8. The Board of Trustees shall make a written report to the County Auditor of the Board's action under this section. The Board shall include in the report a proper description of the premises and a statement of all costs incurred in providing for the abatement, control, or removal of any vegetation, garbage, refuse, or other debris as provided in division (7) of this section, including the Board's charges for its services, the costs incurred in providing notice, any fees or interest paid to borrow monies, and the amount paid for labor, materials, and equipment. The County Auditor shall place the costs upon the tax duplicate. The costs are a lien upon the land from and after the date of the entry. The costs shall be returned to the Township and placed in the Township's general fund.

SECTION C – REMOVAL, REPAIR, OR SECURING CERTAIN BUILDINGS OR STRUCTURES

1. As used in this section:
  - a. “Party in interest” means an owner of record of the real property on which the building or structure is located and includes a holder of a legal or equitable lien of record on the real property or the building or other structure.
  - b. “Total cost” means any costs incurred due to the use of employees, materials, or equipment of the township, any costs arising out of contracts for labor, materials, or equipment, and costs of service of notice or publication required under this section.
2. The Board of Trustees, by resolution, may provide for the removal, repair, or securance of buildings or other structures in the Township that:
  - a. Have been declared insecure, unsafe, or structurally defective by any fire department under contract with the Township or by the county building department or other authority responsible under Chapter 3781. of the Revised Code for the enforcement of building regulations or the performance of building inspections in the Township, or
  - b. Have been declared to be in a condition dangerous to life or health, or unfit for human habitation by the board of health of the general health district of which the township is a part.
3. At least thirty (30) days before the removal, repair, or securance of any insecure, unsafe, or structurally defective building or other structure, the Board of Trustees shall give notice by certified mail, return receipt requested, to each party in interest of its intention with respect to the removal, repair, or securance of an insecure, unsafe, or structurally defective or unfit building or other structure. If the address of a party in interest is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once using at least one of the following methods: (1) In the print or digital edition of a newspaper of general circulation in the township; (2) On the official public notice web site established under section 125.182 of the Revised Code; (3) On the web site and social media account of the Township.

4.
  - a. If the Board of Trustees, in a resolution adopted under this section, pursues action to remove any insecure, unsafe, or structurally defective building or other structure, the notice shall include a statement informing the parties in interest that each party in interest is entitled to a hearing if the party in interest requests a hearing in writing within twenty (20) days after the notice was mailed. The written request for a hearing shall be made to the Township Fiscal Officer.
  - b. If a party in interest timely requests a hearing, the Board shall set the date, time, and place for the hearing and notify the party in interest by certified mail, return receipt requested. The date set for the hearing shall be within fifteen (15) days, but not earlier than seven (7) days, after the party in interest has requested a hearing, unless otherwise agreed to by both the Board and the party in interest. The hearing shall be recorded by stenographic or electronic means.
  - c. The Board shall make an order deciding the matter not later than thirty (30) days after a hearing, or not later than thirty (30) days after mailing notice to the parties in interest if no party in interest requested a hearing. The order may dismiss the matter or direct the removal, repair, or securance of the building or other structure. At any time, a party in interest may consent to an order.
  - d. A party in interest who requested and participated in a hearing, and who is adversely affected by the order of the Board, may appeal the order under section 2506.01 of the Revised Code.
5. At any time, a party in interest may enter into an agreement with the Board of Trustees to perform the removal, repair, or securance of the insecure, unsafe, or structurally defective or unfit building or other structure.
6. If an emergency exists, as determined by the Board, notice may be given other than by certified mail and less than thirty (30) days before the removal, repair, or securance.

7. The total cost of removing, repairing, or securing buildings or other structures that have been declared insecure, unsafe, structurally defective, or unfit for human habitation, or of making emergency corrections of hazardous conditions, when approved by the Board, shall be paid out of the township general fund from monies not otherwise appropriated, except that, if the costs incurred exceed five hundred dollars, the Board may borrow monies from a financial institution to pay for the costs in whole or in part. The total cost may be collected by either of the following methods: (1) The Board may have the Fiscal Officer of the Township certify the total costs, together with a proper description of the lands to the County Auditor who shall place the costs upon the tax duplicate. The costs are a lien upon the lands from and after the date of entry. The costs shall be returned to the Township and placed in the Township's general fund. (2) The Board may commence a civil action to recover the total costs from the owner of record of the real property on which the building or structure is located.
8. The Board of Trustees may, whenever a policy or policies of insurance are in force providing coverage against the peril of fire on a building or structure and the loss agreed to between the named insured or insureds and the company or companies is more than five thousand dollars and equals or exceeds sixty per cent of the aggregate limits of liability on all fire policies covering the building or structure on the property, accept security payments and follow the procedures of divisions (C) and (D) of section 3929.86 of the Revised Code.

## **CHAPTER VII - GLOSSARY OF DEFINITIONS**

Unless otherwise specified, all distances shall be measured horizontally, in any direction.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Resolution; and words used in the present tense include the future; the singular number shall include plural, and the plural the singular; the word "building" shall include the word "structure," the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; and the word "shall" is mandatory and not directory.

Accessory Use or Structure- A use or structure subordinate to the principal use of a building or use on the same lot and serving a purpose customarily incidental to the use of the principal building or use. Cargo/shipping containers are included in this definition.

Agriculture - includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Agricultural Building – a structure that has at least fifty percent (50%) of the square footage dedicated to Agricultural use.

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

Automobile wrecking yard - Any place where two 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.

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.

Collectors Vehicle - means any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. O.R.C. 4501.01

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 and Nuisance Enforcement 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 or sleeping place 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 or Unit - 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 machinery - All machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products.

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 principal building used only for the storage of vehicles or trailers 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 Kenton-Hardin County Department of Health

Home Occupation - An occupation conducted in a dwelling unit or accessory building of a residence.

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.

House Vehicle – Motorized recreational type vehicle designed to be used as temporary living quarters.

Junk – Waste, discarded or compiled: metal; paper; tires; building materials or equipment; bottle; glass; appliances; furniture; fixtures; rags; rubber; inoperable: motor vehicles, recreational vehicles, farm equipment or implements not used in conjunction with a permitted farm operation, boats, or parts thereof; except when processed as part of a recycling operation as defined and regulated in the Resolution.

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.

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.

Licensed collector's vehicle - means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

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, two or more intersecting public thoroughfares.

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 lot 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 mean width of the lot measured at right angles to its depth.

Manufactured Home - A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat 700, 42 U.S.C.A.5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A., 5415, certifying compliance with all applicable federal construction and safety standards.

Mobile Home - a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three hundred

twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section [3781.06](#) of the Revised Code or as an industrialized unit as defined in division (C)(3) of section [3781.06](#) of the Revised Code.

Mobile Home Park - An area of land divided into three or more sites with foundations laid out to provide sites for mobile homes permanently affixed to the land for a period of time exceeding sixty (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. Mobile homes and/or house trailers do not qualify as modular housing.

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.

Nonconforming Use - A building, structure, or premises legally existing and/or used at the time of adoption of this Resolution, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards or courts, or distance requirements from more restricted districts or uses, shall not be considered a nonconforming use.

Parking Space - The area required for parking one automobile, which in this Resolution is held to be an area not less than eight (8) feet wide by eighteen (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 two 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; or, if there be no floor above it, then the space between the floor and the ceiling next above it. Story shall also mean any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless more than one-half ( $\frac{1}{2}$ ) 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~~ forty (40) 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. Travel Trailer includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Ohio Revised Code.

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 and Nuisance Enforcement Officer- The Zoning and Nuisance 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.