LAWRENCE TOWNSHIP ZONING REGULATIONS

A ZONING RESOLUTION FOR THE UNINCORPORATED AREA OF

LAWRENCE TOWNSHIP

Proposed by the
Zoning Commission of Lawrence Township

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Prepared by the
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Special Thanks to Stan Koehlinger for his dedication

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LAWRENCE TOWNSHIP ZONING REGULATIONS

ARTICLE I

TITLE, AUTHORIZATION, PURPOSE

Sec. 101 Title

This Resolution shall be known as the Lawrence Township Zoning Resolution.

Sec. 102 Authorization

The authority for establishing "The Lawrence Township Zoning Resolution" is derived from Section 519.02 to 519.99, inclusive, of the Ohio Revised Code.

Sec. 103 Purpose

In order to promote and protect the health, safety and morals of the residents of the unincorporated area of Lawrence Township, Tuscarawas County, Ohio and to insure orderly growth and development in said Township, the Board of Township Trustees has found it necessary and advisable to adopt a comprehensive plan of zoning which regulates the location, height, bulk, number of stories, and size of buildings and other structures, percentages of lot areas which may be occupied, building setback lines, size of yards, and other open spaces; the use of buildings and other structures and the uses of the land for trade, industry, residence, recreation, or other purposes; and for such purposes to divide the unincorporated area of Lawrence Township into districts or zones, and to provide for the administration and enforcement of such regulations.

ARTICLE II

GENERAL PROVISIONS

Sec. 201 Establishment of Districts or Zones

The unincorporated territory of Lawrence Township, Tuscarawas County, Ohio is hereby divided into districts or zones as follows:

R-1 Low Density Residential (Suburban) District
R-2 Medium Density Planned Residential District
R-3 High Density Residential District
R-4 Rural Residential District
MHCD Manufactured Home Community District
C-1 Service District
C-2 Local Commercial District
C-3 Highway Commercial District
I-1 Light Industrial District
F-1 Flood Plain District
PUD Planned Unit Development District

Sec. 201.1 Uniformity of Regulations

All regulations shall be uniform for each class or kind of building or other structure, or use, throughout each district or zone.

Sec. 201.2 General Rules of Interpretation

For the purpose of this Resolution, certain terms or phrases used herein shall be interpreted as follows:

A. Words used in the present tense shall include the future.
B. The singular number shall include the plural and the plural the singular.
C. Use of the word “shall” indicate a mandatory requirement; the word “may” is a permissive standard the word “should” is a preferred standard.
D. The word “used” shall include the words “arranged”, “designed”, “constructed”, “altered”, “converted”, or “intended to be used”.

E. A "person" shall, in addition to an individual, mean a firm, corporation, association, or any legal entity that may own and/or use land or buildings.

Sec. 201.3 Jurisdiction

The provisions of this Zoning Resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Lawrence Township, Tuscarawas County, Ohio.

Sec. 201.4 Interpretation and Conflicts

A. For purposes of interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare.

B. When the provisions of this Zoning Resolution are inconsistent with one another or with the provisions found in another adopted resolution, the more restrictive provision shall govern.

C. Where this Zoning Resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations or resolutions, the provisions of this Zoning Resolution shall control provided it complies with the Ohio Revised Code.

D. Where a conflict or disagreement exists, the current "Black's law Dictionary" shall be used as the final determination.

Sec. 201.5 Relationship with Private-Party Agreements

A. This Resolution is not intended to interfere with or abrogate any easements covenants, or agreements between parties, provide that wherever this Resolution proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those that are imposed or required by such easements, covenants, or agreements between parties, the provision of this Resolution shall govern.

B. In no case shall the Township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

Section 202 Zoning District Map

A. Replacement of the Official Zoning Map

The NEW official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the

original official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Trustees attested by the Fiscal Officer and bearing the seal of the Township under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted November 14, 1972 as part of Resolution Number 1 of the Township of Lawrence, County of Tuscarawas, and State of Ohio."

B. Preserving Records

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map and/or significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Sec. 202.1 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the established districts as shown on the zoning map the following rules shall apply:

A. Follows Streets, Alleys, or Highways

Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be such district boundaries.

B. Parallel Street Right-of-Way, Alley or Highway Right-of-Way

Where district boundaries are so indicated that they are approximately parallel to the centerlines or right-of-way lines of streets, the center lines or alley lines of alleys, or the center lines of right-of-way lines on highways, such district boundaries shall be construed as being parallel thereto and at such a distance there from as indicated on the map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

C. Parallel Lot Lines

Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

D. Parallel Streams, Lakes, or Other Bodies of Water

Where district boundaries follow a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated.

Sec. 202.2 Vacation of Public Ways

Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

Sec. 203 Regulations Applicable to All Districts or Zones

Sec. 203.1 Uses Exempt from Regulations

A. AGRICULTURE EXEMPTED – CAUV (County Agricultural Use Valuation)

ORC §519.25, inclusive, confer no power on any Board of Township Trustees or Board of Zoning Appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure. Applicant must submit an "Agriculture Exemption" form.

A township zoning resolution, or an amendment to such resolution, may in any platted subdivision approved under ORC §711.05, 711.09, or 711.10, or in any area consisting of fifteen (15) or more lots approved under ORC §711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

1. Agriculture on lots of one (1) acre or less;
2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by: Set back building lines, height, and size,
3. Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under ORC §4503.06. After thirty-five percent (35%) of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of the land and buildings or structures pursuant to ORC §519.19.

This section confers no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture, buildings, or structures, and dairying and animal and poultry husbandry on lots greater than five (5) acres.

Such sections confer no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for farm market where fifty percent (50%) or more of the gross income received from the market is derived from the produce raised on farms owned or operated by the

market operator in a normal crop year. However, a Board of Township Trustees may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress and ingress, where such regulation is necessary to protect the public health and safety. A farm is defined by the "CAVU" tax schedule.

B. Railroads

1. Except as otherwise provided in division (B) or (C) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, or the operation of its business.

C. Telecommunications Towers Exceptions

As used in this division, "telecommunications tower" means any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

1. The free-standing or attached structure is proposed to be constructed on or after October 31, 1996.
2. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
3. The free-standing or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.
4. Free Standing Structure
   a. The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
   b. Attached Structure
      The attached structure is proposed to top at a height greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
5. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.
6. Sections 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, removal, or

enlargement of a telecommunications tower, but not with respect to the maintenance or use of such a tower or any change or alteration that would not substantially increase the tower's height. However, the power so conferred shall apply to a particular telecommunications tower only upon the provisions of a notice, in accordance with division (B) (4) (a) of this section, to the person proposing to construct the tower.

7. Any person who plans to construct a telecommunications tower in an area subject to township zoning regulations shall provide both of the following by certified mail:
   a. Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
   b. The person's intent to construct the tower;
   c. A description of the property sufficient to identify the proposed located;
   d. That, no later than fifteen days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that sections 519.02 to 519.25 of the Revised Code shall apply to the proposed location of the tower as provided under division (B)(4)(a) of this section.

      If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.
8. Written notice to the board of township trustees of the information specified in divisions (B) (3) (a) (i) and (ii) of this section. The notice to the board also shall include verification that the person has complied with division (B) (3) (a) of this section.
   a. If the board of township trustees receives notice from a property owner under division (B)(3)(a)(iii) of this section within the time specified in that division or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice send under division (B)(3)(b) of this section, the board shall request that the clerk of this township send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with division (B)(2) of this section. The notice shall be sent no later than five days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, section 519.02 to 519.25 of the Revised Code shall apply to the tower.
   b. If the board of township trustees receives no notice under division (B) (3) (a) (iii) of this section within the time prescribed by that division or no board member has an objection as provided under

division (b) (4) (a) of this section within the time prescribed by that division, division (A) of this section shall apply to the tower without exception.

9. Any person who plans to construct a telecommunications tower within one hundred feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.
10. As used in division (F) of this section:
    a. "Residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence;
    b. "Telecommunications tower" has the same meaning as in division (B) (1) of this section, except that the proposed location of the free-standing or attached structure may be an area other than an unincorporated area of a township, in an area zoned for residential use.

D. Public Utilities

Section 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting person or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapter 4901, 4905, 4909, 4921 and 4923, of the Revised Code. However, this division confers no power on a board of township trustees or board of zoning appeals with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants.

E. Liquor Sales

Section 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

F. Oil and Gas Production

Section 519.02 to 519.25 of the Revised Code do not confer any power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or the location of

associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operations of its own plants.

G. Outdoor Advertising Classified as a Business Use (Billboards)
For the purpose of ORC §519.02 to 519 .25, outdoor advertising shall be classified as a business use and shall be permitted in all districts zoned for industry, business, or trade, and land used for agricultural purposes.

H. Limitation of Restrictions of Family and Group Homes
Licensed family homes and licensed group homes for handicapped persons are provided for under ORC §5123.19. Such facilities shall be permitted and regulated in accordance with the Resolution and in accordance with the laws of the State of Ohio.

I. Submission to Director of Transportation
According to ORC §5511.01, before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation of any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation, and shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the office. If notified that the state is proceeding to acquire the land needed then a zoning permit shall not be issued. If notified that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any agreed upon extension thereof, a permit shall be granted if the application is in conformance with all provisions of this resolution.

J. Type B Family Day Care Homes
According to ORC §5104.054, any type B family day-care home, whether certified or not certified by the county director of human services, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type B family day-care home.

Sec. 203.2 Required Compliance

No building or land shall be used in a manner that does not comply with all of the district provisions established by this Resolution. Any building not being specifically permitted shall be considered prohibited until, by amendment, such use will be consistent with this Resolution.

Sec. 203.3 Nuisance Prohibited

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matter, water-carried wastes, or which will interfere with adjacent landowners' enjoyment of the use of their lands

Sec. 203.4 General Regulations of Lots

A. One Principle Building Per Lot

No more than one principal building shall be permitted on any one lot.
Every principal building shall be located on a lot having frontage on a public dedicated street or a private street meeting the minimum construction standards required for public streets.

B. Required Lots, Yard, and Open Space Unaffected by Change of Ownership

No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by this Resolution, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

C. Projections into Yard Areas

1. Every part of a required yard shall be open to the sky unobstructed, except one accessory building in a rear yard.
2. Parking of automobiles as regulated by **Article V** herein.
3. Fences constructed in compliance with **Section 204.10** of this Resolution, terraces, uncovered porches, platforms and ornamental features which do not extend more than two feet above the level of the ground or first story, may project into a required side or rear yard, provided these projections are at least ten feet from the adjacent lot line.
   An open, unenclosed porch or paved terrace may project into the front yard for a distance not to exceed ten feet.

D. Substandard Lots

Any lot greater than five thousand square feet in area but not meeting minimum area requirements and being a lot of record or lot for which a land contract has been issued or any lot within an unrecorded allotment, of which at least one-half of said lots are recorded or have been sold on land contract on the effective date of these regulations, may be used for single-family dwelling irrespective of the area, depth, or width of said lot, provided however, that in no instance shall the

minimum dimensions of the side and rear yards be less than five and twenty feet respectively. Lots less than five thousand square feet are not buildable lots.

E. Lot Storage and Lot Display

1. Merchandise Display

Storage of materials, equipment, and supplies and displays of merchandise shall take place within a completely enclosed building except as otherwise provided in this Resolution.

2. Disabled Vehicles

No person shall park, store or leave, or permit the parking or storing of any disabled vehicle in a rusted, wrecked, junk, partially dismantled, unlicensed, inoperative or abandoned condition, whether attended or not, upon any property within a Residential or Commercial District unless the same is completely enclosed within a building.

3. Boats and Recreational Vehicles

a. Location

1. In R-1, R-2 and R-3 Districts, no boat or recreational vehicle, including travel trailers, shall be stored in front or side yards or between a dwelling and a street right-of-way line, except that a boat, or recreational vehicle located in a rear yard shall not be closer than five feet to any property line or ten feet to any street right-of-way, whichever is greater.

2. In an R-4 Residential District, camping trailers, recreational vehicles and/or boats, may be parked in the driveway, or side or rear yard, provided that no living quarters shall be maintained, or any business conducted in connection therewith. All on-road recreational vehicles which require licensing by the State of Ohio must be currently licensed. All vehicles shall comply with setback regulations for that district. **REVISED**

b. Limitations on Number and Duration of Parking – Outdoor Storage

No more than one recreational vehicle and/or one boat on a trailer may be temporarily parked, provided that no occupancy for human habitation is maintained or business conducted within said trailer or motor home. Such recreational vehicle or boat may be temporarily parked for a period not to exceed three days in

any ten-day period. Preparation or minor maintenance only shall be permitted during this three-day period.

c. Ownership

The storage of motor vehicles, trailers, recreational vehicles or boats shall be owned by the residents of the premises only. Storage of any such items for non-residents whether or not a fee is charged shall be deemed a business.

d. Occasional or temporary visitors may stay for a period of up to 30 days, and shall follow the regulations as stipulated in a-1 and a-2 of this section. When an occasional or temporary visitor intends a longer than thirty-day visit, the owner and visitor must apply for one thirty-day extension with the Zoning Inspector, and the one thirty-day extension may be granted where the visitor satisfactorily demonstrates that the motor home, tent, trailer, camper or other vehicle is not being used as a permanent residence. **REVISED**

4. Storage in Vehicles

Mobile homes, trailers, utility trailers, commercial vehicles or other motor vehicles shall not be used for the storage of equipment or materials in any district. **REVISED**

~~*4. Commercial Vehicles*~~

~~*a. In any Residential District, the parking or storage of commercial construction equipment and/or semi-trailers shall be prohibited, except as detailed in* **Section 203.5C** *of this Resolution. Refer to "Commercial Vehicle" in the Definition section of the Appendix to the Lawrence Township Zoning Regulations.*~~

~~*b. Decaled vehicles and those with commercial plates are not restricted unless they meet the criteria defined in the definitions section of the appendix.*~~ **REVISED**

5. Garage and Yard Sales

a. Conditional Approval Terms

Garage or yard sales are permitted on residential property provided that they meet the following requirements:

1. No single sale shall last longer than three consecutive calendar days.
2. Sales are held no more than one time within a three-month period.
3. Sales are conducted on the owner's property.

4. Multi-family sales are permitted if they are held on the property of one of the participants.
5. All directional and advertising signs shall be freestanding and removed after completion of the sale. Such signs shall not be located in the street right-of-way, in the curb strip or on township property, trees or utility poles. Refer to **Section 401.2A2** for temporary sign permit regulations. A permit is issued and fee paid in accordance with the official fee schedule kept in the township office.

Sec. 203.5 General Regulations of Structures and Construction

A. Construction Begun Prior to Establishment of Zoning

Nothing contained in these regulations shall hinder the construction of a building or prohibit its use where construction has started before the effective date of these regulations and provided further that such building shall be completed within one year from the date of passage of the regulations. Completion shall be determined by the original plans as submitted for building permit.

B. Height Measurement and Requirements

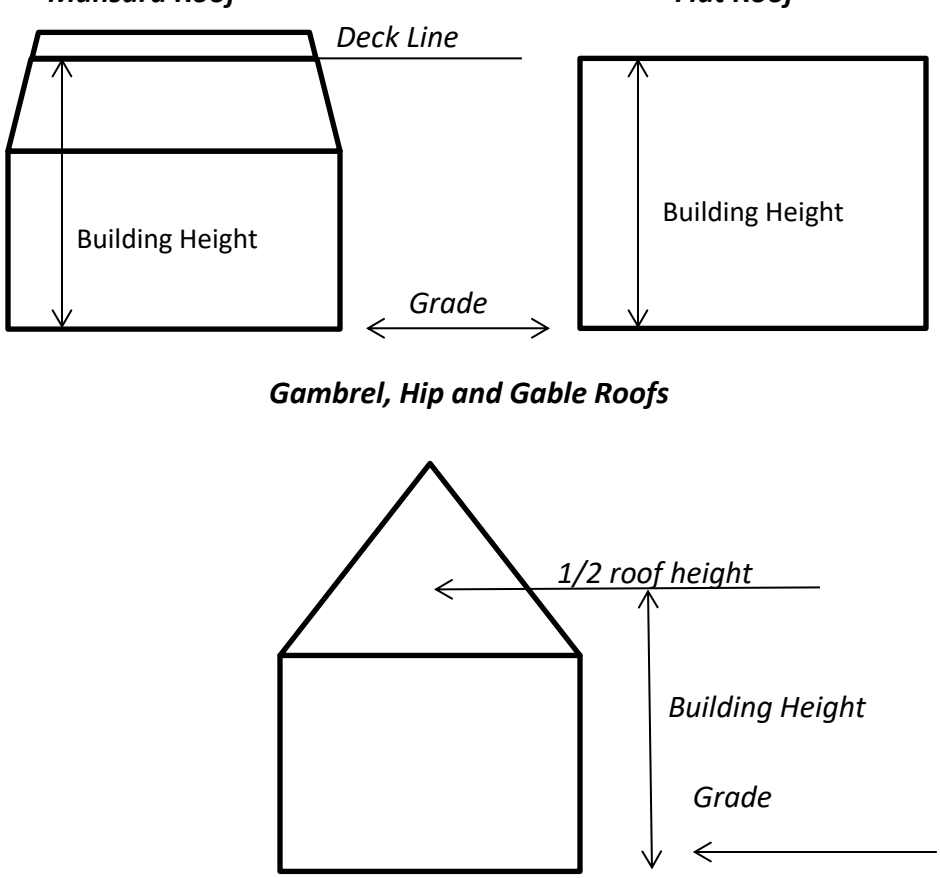
1. Height Measurement
   a. Where specified in stories, building height shall be measured in number of complete stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are greater than one-half story or completely below grade, such as basements, cellars, crawl spaces, subbasements, and underground parking structures.
   b. Where specified in feet, building height shall be measured as the vertical distance from grade at the base of the structure to (See **Figure 203.5**):
      1. The highest point of a flat roof;
      2. The deck line of a mansard roof; or
      3. The mean height between the eaves and ridge on gable, hip, or gambrel roofs.
   c. The height will be measured at a point in the middle of the structure at the front of the building. Where the lot has two or more front yards, the heights will be averaged.
2. Height Exemptions

a. Aerials, antennas, wireless telecommunications towers, telephone transmitters and towers, cooling towers, elevator bulkheads, fire towers, conveyors, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height.

b. Public or public service buildings, hospitals (except as otherwise provided), institutions, or educational facilities, church spires, domes, flag poles, chimneys, belfries, monuments, stacks, stage towers or scenery lofts, tanks, water towers, when permitted in any zoning district, may be erected to a height not exceeding seventy-five feet if the building is set back from each required yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the applicable zoning district in which the building is built.

c. The height of cell towers and other wireless communication towers are subject to the use-specific regulations of this Resolution.

Figure 203.5



C. Temporary Buildings, etc. Used for Construction Work

1. Temporary buildings*, tents, storage containers*, construction trailers, equipment and material *uses incidental to* construction work may only be permitted in any district during the period construction work is in progress, as per **Section 1001.3E**. **REVISED**
2. Such temporary facilities shall be removed upon completion *or abandonment* of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a special permit authorized by the Board of Zoning Appeals. **REVISED**
3. *Signs shall be permitted in compliance with Article VI.* **REVISED**
4. *Parking shall be required in compliance with Article V.* **REVISED**
5. *On-street parking shall not be permitted.* **REVISED**

D. Accessory Buildings and Uses

1. General Provisions
   a. General Development Standards

      Accessory Uses or structures shall be permitted provided:

      1. The building or use is incidental to and customarily found in connection with a principal building or use permitted in the district in which is located.
      2. It is subordinate to and serves the principal building or use.
      3. It is subordinate in size, area, extent, and purpose to the principal building or use.
      4. It is located on the same lot as the principal use which it serves.
      5. An owner applies for and receives a Zoning Certificate unless exempted by this Section.
      6. Accessory uses shall be prohibited in any open space area that is preserved by covenant including, but not limited to, open spaces in any planned development or open space residential development (See Exemptions in **Section 203.5F**).
      7. Accessory buildings and uses established prior to the effective date of this Resolution which does not comply with the setback or coverage requirements of this section shall still be considered in compliance with this Resolution. Any further structure modification of pre-existing

accessory uses and buildings shall be in compliance with this Resolution.

8. No accessory buildings may occupy more of the lot than the footprint of the principal building.
9. The total of all accessory buildings shall not occupy more than thirty percent of the rear yard.
10. Accessory buildings and uses shall also meet any district and use specific standards in this and other articles of this Resolution.

b. Accessory Buildings and Uses Not Requiring a Zoning Certificate

1. Any accessory building or use that is ancillary or incidental to an agricultural use that is exempt from zoning requirements pursuant to **Sec. 203.1** (Exemptions from Zoning Certificates). Owners intending to build a structure that is accessory to an agricultural use shall apply to the Lawrence Township Zoning Department for a zoning waiver *(Agriculture Exemption Form).* **REVISED**
2. The following uses are exempt from the Zoning Certificate requirement and may be located in any yard:
    a. Basketball hoops provided they are set back ten feet from any street right-of-way
    b. Bird baths
    c. Flag Poles (See **Section 203.5B2**)
    d. Fountains
    e. Statues
    f. Minor play structures
    g. Other structures or uses as permitted by the Zoning Commission.

c. Location of Accessory Buildings and Uses

Unless otherwise stated in this Section or exempted below, detached accessory buildings and uses shall be located in the rear yard.

1. Exemptions:
    a. On a corner lot, accessory buildings and uses may be located in the side yard as illustrated in **Section 204.4** (Corner Lots).

b. On a double frontage lot, accessory buildings may be located in the front yard located to the rear of the house as illustrated in **Section 204.5** (Double Frontage Lots)

c. Detached garages may be located in the side yard provided they are set back from the front building line of the principal structure.

d. An accessory building or use may be located in any yard where such building or use is set back two hundred feet or more from a street right-of-way exclusive of panhandles.

d. Attached Versus Detached Accessory Buildings

Accessory buildings shall be considered attached and subject to the site development standards of the applicable zoning district rather than the provisions of this section when they meet any of the following:

1. The structure is an integral part of a principal building and not separated by an open porch, walkway, breezeway, or other similar open structure.
2. The structure is connected by a permanently enclosed porch, walkway, breezeway, or other similar enclosed structure.

E. Permitted Accessory Uses in Residential Districts.

The following are permitted accessory uses or structures that shall not count toward the maximum thirty percent coverage established in **Section 203.4D9** and shall not require a Zoning Certificate unless otherwise noted:

1. Gardens.
2. Woodpiles provided the wood is neatly stacked and does not exceed six feet in height.
3. Patios that are not enclosed which require a zoning certificate.
4. Fences, which require a Zoning Certificate.
5. Swing sets and gym sets.
6. Wood or solid surface decks, which require a Zoning Certificate.
7. Compost piles or bins provided they meet the following provisions:

a. The compost pile or bin is located in the rear yard and setback a minimum of five feet from every lot line.
b. The maximum area of a compost pile shall be twenty-four square feet.
c. The compost pile or bin is setback a minimum of twenty feet from a dwelling.
d. The compost pile or bin does not exceed six feet in height.

8. Exterior enclosures or private kennels for household pets provided that the enclosure is located in the rear yard and is set back a minimum of twenty feet from every lot line. A private kennel is defined as a kennel for pets of the resident.

9. A satellite signal receiver, as defined in Definitions, restricted to the sole purpose of receiving and amplifying signals, for television reception shall be permitted in all Districts subject to the following conditions and restrictions:

a. Applicability

The following Categories of satellite signal receiver shall be exempt from all zoning requirements and shall not require a zoning certificate:

1. A satellite signal receiver that is two meters (78.74 inches) or less in diameter and located or proposed to be located in a commercial or industrial zoning district.
2. A satellite signal receiver that is one meter (39.37 inches) or less in diameter and located in any zoning district.

b. Site Plan

A plan for a wall or roof mounted satellite signal receiver or a ground mounted satellite signal receiver that is not exempted under **Section 203.5E9a** shall be submitted to the Zoning Inspector indicating the proposed height, diameter, location, and setbacks. Foundation details, landscaping, and screening shall also be required in the case of a ground mounted satellite signal receiver.

c. Standards

1. Approval of a wall or roof mounted satellite signal receiver, larger than one meter in diameter and attached to the main building shall be subject to the following

standards:

a. Location. In all zone districts wall or roof mounted satellite signal receiver shall be prohibited on the front elevation of the building.

b. Setbacks. In all zone districts wall or roof mounted satellite signal receiver shall not be permitted to project into any required side or year yard area.

2. Approval of a ground mounted satellite signal receiver shall be subject to the following standards:

a. Location

1. In the R-1, R-2 and R-3 Districts satellite signal receiver shall be located in the rear yard of the property.
2. In all other Zone District, ground mounted satellite signal receiver shall also be permitted in the side yard.

b. Setbacks

Ground mounted satellite signal receiver shall provide the following minimum setbacks:

1. Rear Yard – In all zone Districts, fifteen feet.
2. Side Yard – In all zone Districts, fifteen feet.

c. Landscape

Ground-mounted antennas shall be screened from ground view from the street and adjacent property owners by landscaping as shall be approved by the Zoning Inspector and have a minimum opacity percentage of seventy-three percent for screening.

d. Diameter

The diameter of such antenna shall not exceed the following:

1. In the R-1, R-2, and R-3 Districts, two meters (78.74 inches)
2. In all other Districts, three meters (118.11 inches)

e. Height

Ground-mounted antennas shall be limited to a maximum height of twelve feet above grade in the

R-1, R-2, and R-3 Districts, and a maximum height of fifteen feet above grade in all other Districts.

f. Ground Coverage
The ground coverage of satellite signal receiver shall be counted in computing the ground coverage for auxiliary and accessory use structures located upon the building site.

g. Number Permitted
Only one satellite signal receiver shall be allowed for each dwelling unit.

h. Installation
The installation or modification of a satellite signal receiver shall be in accordance with all applicable construction and safety codes and procedures.

i. Changing Providers
Should a new service provider be contracted, it is the responsibility of the occupant changing providers to insure the old satellite signal receiver is removed from dwelling unit.

10. Noncommercial amateur radio antenna structures for use by a licensed amateur radio operator in all residential districts provided that:
    a. A Zoning Certificate shall be required prior to construction of the antenna.
    b. The height of the structure shall not exceed the lesser of the width or depth of the property as determined by a line bisecting such antenna and measured from one side of the lot line to the opposite lot line, or from the front lot line to the rear lot line. A property owner shall be permitted to establish an antenna with a maximum height of sixty feet regardless of the established lot width or depth.
    c. Antennas shall not exceed one hundred feet in height; and
    d. The setback for the antenna shall be a minimum of ten feet from all lot lines for antennas up to forty-five feet in height and shall increase by one foot for every three feet of increased antenna height.

    All other radio or other antenna structures, not classified as a noncommercial amateur radio or a telecommunication tower, per

Section 310, shall be considered a conditional use in all districts subject to review pursuant to **Section 601** and **Section 1001.5B** (Appeals, Variance, and Conditional Uses).

11. Solar panels, which require Zoning Certificate, are permitted in accordance with the following:
    a. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional. Solar roof panels which simulate typical roofing materials such as asphalt shingles or clay tiles and are compatible with the design of the structure are preferred.
    b. Rooftop solar panels shall be installed on the plane of the roof material (flush mounted) or made a part of the roof design (e.g., utilizing capping or framing compatible with the color of the roof or structure), but shall not extend above the ridgeline of the roof.
    c. A ground mounted solar panel shall be subordinate in size to the principal structure it serves, shall not exceed fifteen feet in height, and is subject to lot coverage limitations and accessory structure location requirements.
    d. For rooftop or wall mounted solar panels, all exterior electrical lines shall be in conduit and painted in a color scheme that matches as closely as reasonably possible the color of the structure and materials adjacent to the conduit (i.e. conduit on walls should be painted the color of the structure of the walls while conduit on roof should be the color of the roof).
    e. For rooftop or wall mounted solar panels, all exterior plumbing lines must be painted in a color scheme that matches as closely as reasonably possible the color of the structure and materials adjacent to the plumbing lines.
    f. For ground mounted solar panels, all exterior electrical lines must be in conduit and conduit and plumbing lines must be buried.
    g. Solar energy equipment shall meet setback and height requirements for the zone.
    h. Solar storage batteries shall be placed in a secure container or enclosure when in use.
    i. Solar energy equipment shall not block required parking.

j. Repair and replacement of existing solar energy equipment is exempt from this chapter provided that there is expansion in the rooftop or ground area covered by solar panels.

k. Nonfunctioning solar energy equipment shall be removed within three months of becoming nonfunctional and shall be disposed of in accordance with applicable laws and regulations.

F. Permitted Accessory Buildings/Structures in Residential Districts

1. The following are permitted accessory buildings or structures that shall count toward the maximum thirty percent coverage established in **Section 203.5D1a9** and shall require a Zoning Certificate.

a. Accessory dwelling units under the following provisions:

1. They are located fully within the principal structure;
2. There is no separate entrance;
3. There is no separate address; and
4. Only one dwelling unit, in addition to the principal dwelling unit, may be permitted on any lot in the R-2 and R-3 Districts.

b. Private garages.

c. Storage garages in the R-2 Multi-Family District when the garages are related to a permitted multi-family dwelling use and are solely for the use of tenants of such multi-family dwellings.

d. Tool sheds and other similar structures.

e. Roadside stand under the following provisions:

1. A roadside stand shall only be permitted where fifty percent or more of the gross income received from the stand is derived from produce raised on farms owned or operated by the market operator in a normal crop year as referenced in ORC Section 519.21(c)(1).
2 The structure shall not exceed eight hundred square feet.
3. The structure and any related parking areas (**Section 501.4**) shall be set back sixty feet from all lot lines.
4. Sign may be permitted provided it is in accordance with **Section 401.1A2d.**

f. Tennis courts or other ball courts.

g. Any outdoor swimming pool, bathhouse, tennis court, or other recreational facility designed for the use of the occupants of the

dwelling and their guests. Such facilities shall comply with the following conditions and requirements:

1. Indoor pools are excluded from these regulations when the pool enclosure is attached to the principal building.
2 The facility, equipment, decks and associated structures shall meet the accessory use and building setbacks.
3. The swimming pool, or the entire property, on which said pool is located, shall be walled or fenced with a minimum four foot high wall or fence. Any gate shall be latchable and lockable.
4. The fencing for an above ground pool under four feet tall may be located on the outer pool wall.
5. Above-ground pools that have a wall height of four feet or higher shall not be required to have a wall surrounding the pool or property.
6. Any pool for the use of the occupants of a multi-family dwelling containing over three dwelling units shall meet the structural and sanitary requirements of the Ohio Department of Health.
7. The pool will be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.

2. Accessory buildings/structure in residential districts shall have a maximum height of twenty feet, but in no case shall the accessory building/structure exceed the height of the principal building.
3. Accessory buildings and uses in residential districts shall be located a minimum of ten feet from side and rear lot lines; however, if a greater side yard setback for the principal building or use is allowed for the district in which the accessory building or use is proposed, the minimum setback from side and rear lot lines for such accessory building or use shall be the same as the side yard setback for the principal building or use.

G. Accessory Buildings and Uses in Business Districts

1. Accessory Dwelling Units
   a. One accessory dwelling unit may be permitted in the C-1, C-2, C-3 or I-1 District for the following uses:
      1. Funeral services.

2. Storage facilities or warehouses that may require twenty-four hour security.
3. Other uses as reviewed and authorized by the Board of Zoning Appeals.

b. All accessory dwelling units must meet the yard setback requirements for the zoning district in which it is located.

2. Any use which is accessory and customarily found in conjunction with, and required for, the economic viability of the principal use that meets the definition of an accessory use, and which complies with the applicable standards of the district in which it is located, shall be permitted in the C-1, C-2, C-3 or I-1 District.

3. The total gross floor area of all accessory buildings in a business district shall not exceed fifty percent of the gross floor area of the principal building or structure.

H. Swimming Pools

1. Public or private in-ground or above-ground swimming, wading or other pools containing over one and one-half feet of water depth, shall not be located to the front or side of a dwelling, and shall conform to all required yard setback lines, except that in-ground pools shall be located not closer than ten feet to the rear property line. The construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the appropriate codes.

2. Every pool defined as a structure shall be completely surrounded by a fence, wall, or solid enclosure not less than three feet in height. Such fence shall be constructed so as to have no openings, holes, or gaps larger than three inches in any dimension, except for doors or gates that shall be equipped with suitable locking devices to prevent unauthorized intrusion. An accessory building may be used in or part of such enclosure. Pools above-ground having vertical surfaces of at least three feet in height shall be required to have fences and gates only where access may be had to the pool.

3. For the purpose of these regulations, ponds that are used primarily for agriculture or domestic water supply, decoration, wildlife preservation, or fishing shall not be considered as structures or swimming pools.

4. Any above ground residential or commercial swimming pool which has been abandoned for more than twenty-four months shall be removed from the property.

5. Any in-ground residential or commercial swimming pool which has been abandoned for more than twenty-four months shall be filled in.

~~*I. Minimum Living Area per Dwelling Unit*~~ **REVISED**

~~*1. Minimum Living Area*~~

~~*No structure shall be erected, reconstructed, or converted for use as a dwelling unless the following minimum living floor area per dwelling unit is provided:*~~

~~*Single- Family, Single-Family Attached and Two-Family Dwellings:*~~

~~*Dwelling Unit*~~	~~*With or Without Basement*~~
~~*One or Two Bedroom*~~	~~*One thousand two hundred Sq. Ft.*~~
~~*Three Bedroom*~~	~~*One thousand four hundred Sq. Ft.*~~
~~*Four Bedroom*~~	~~*One thousand six hundred Sq. Ft.*~~
~~*Five or More Bedrooms*~~	~~*One thousand eight hundred Sq. Ft.*~~

~~*Multi Family Dwellings:*~~

~~*Efficiency Apartment*~~	~~*Four hundred Sq. Ft.*~~
~~*One Bedroom Apartment*~~	~~*Five hundred Sq. Ft.*~~
~~*Two Bedroom Apartment*~~	~~*Seven hundred fifty Sq. Ft.*~~
~~*Three Bedroom Apartment*~~	~~*One thousand Sq. Ft.*~~
~~*Four or More Bedroom Apartment*~~	~~*One thousand two hundred fifty Sq. Ft.*~~

~~*2. Not included in Living Floor Area*~~

~~*Minimum living floor area per family shall not include porches, steps, terrace breezeways, attached or built-in garages, unfinished basements or basements not having windows exposed to the outside, or other attached structures not intended for human occupancy.*~~

~~*3. Foundation*~~

~~*A residential structure shall have a complete foundation installed to a depth below frost line, and must be at least one story above ground level.*~~

Sec. 203.6 Architectural and Landscaping Review

A. Architectural and Landscaping Review Requirements

1. Site Plans

No person shall commence any use or construct or alter any structure without first submitting a site plan for architectural and landscaping

review and approval except as provide for in **Section 203.6E** "Exemptions from Architectural and Landscaping Review Requirements".

2. Required Permits
   A site plan for development shall receive architectural and landscaping review approval prior to the issuance of zoning, building or occupancy permits.
3. Approval Site Plan
   No use shall be carried on; no structure shall be constructed or altered, and no other improvement or constructions undertaken except as shown on an approved site plan
4. Applicability
   This section shall apply to all zones that specifically require an approved site plan except where an R-2 Planned Residential Development is required or undertaken in accordance with **Section 302** of this resolution.

B. Site Plan Submission

1. Zoning Inspector
   Prior to the submission of a site plan, any owner, builder or developer shall first consult with the Zoning Inspector.
2. Site Plan Submission
   All site plans shall be submitted to the Lawrence Township Zoning Inspector.
3. Fees and Attachments
   The site plan shall be complete and accompanied by all required fees and data. Fees shall be required per the provision of **Section 1001.4.**
4. Copies of Documents
   Four identical copies of the site plan shall be submitted. The Zoning Inspector may request additional copies. On all commercial or industrial site plans, one copy shall be forwarded to the Fire Chief of the Bolivar Volunteer Fire Department for review.
5. Size of Site Plans
   Site plans shall be on one or more sheets that are twenty four x thirty six inches in size and shall be clearly and legibly drawn.

C. Site Plan Contents

1. Signing of Site Plans
   Every site plan shall be signed by the owner of the land to which the site plan applies; or if a corporation, by a duly authorized officer of the corporation.

2. Every plan shall include the following:
   a. The names, addresses and telephone numbers of the owners, developers and designers.
   b. Location of the property by Tuscarawas County parcel ID number.
   c. The legal description of the property included in the site plan.
   d. The boundary lines of the property including bearings, dimensions and a reference to a section corner, quarter corner or a point which has been established on a record plat.
   e. The scale of the site plan, a north arrow, date, and title.
   f. The zoning classification of the property included in the site plan and all adjoining properties.
   g. A vicinity sketch showing the location of the property in relation to the surrounding roadway system.
   h. The names of all subdivisions and property owners and the location of all property lines within five hundred feet of the property included in the site plan.
   i. Locations, widths and names of all existing streets, railroad rights of way, easements, permanent buildings, and corporation, township and county lines within five hundred feet of the property included in the site plan.
   j. Existing and proposed grades, drainage systems and structures with topographic contours at intervals not exceeding:
      1. One foot for zero to six percent slopes.
      2. Two feet for six to eighteen percent slopes.
      3. Five feet for slopes over eighteen percent
   k. Natural features such as wooded lots, streams, lakes, marshes and an indication as to whether they are to be retained, removed or altered.
   l. Wetland boundaries as delineated by a qualified professional. If the proposed development will impact or alter wetlands, the applicant must provide evidence that the Ohio Environmental Protection Agency (OEPA) has been contacted, and the required permits have been obtained.
   m. The types of soils found on the site and seasonal wind directions.
   n. All flood prone areas using the one hundred (100) year flood plain as a standard.

o. The existing and proposed uses of the property and all structures thereon.

p. The shape, size, location, height and floor area of all existing and proposed structures on the property with their final ground flood elevations and an indication as to whether a structure is to be retained, removed or altered.

q. Front, side and rear elevations of all proposed or altered structures.

r. The location and associated dimensions of all proposed streets, driveways, parking areas and sidewalks with directional indications for one-way streets and driveways. Design geometrics should be included.

s. The location and size of all existing and proposed public and private utilities such as sewer, water, gas and electric facilities with an indication as to whether they will be retained, removed or altered.

t. The location dimensions and other relevant data for all proposed landscaping, fences, walls, or similar structures. A landscaping plan must be submitted that includes the name, common name, location and quantity of all existing and proposed landscaping.

u. The location, dimension, lighting and description of all signs.

v. The location, intensity and orientation of all exterior lighting.

w. A plan that illustrates the manner in which surface drainage will be accommodated. This plan shall include and temporary erosion and sediment control measures to be employed during on-site construction. All drainage areas influencing or influenced by the site shall be identified.

x. A time schedule that indicates the anticipated starting and completion dates for construction. If the development is to be staged, indication shall be made as to how the staging is to proceed.

y. In the case of industrial uses, adequate provisions shall be made for the disposal of industrial wastes. Wastes containing poisonous, corrosive, flammable or explosive solids, liquids, oils or gases shall not be discharged into the sanitary sewer.

z. Any additional information that may be deemed necessary for proper and complete review when a proposed development presents difficult or unusual problems.

D. Architectural and Landscaping Review of the Site Plan

1. The Lawrence Township Trustees, Zoning Commission, Board of Zoning Appeals, and the Bolivar Volunteer Fire Department Fire Chief shall have the ability to review all site plans.
2. Review comments concerning any site plan may be solicited from local, state and federal agencies including, but not limited to, the Tuscarawas County Engineer, Tuscarawas County Health Department, Ohio Department of Transportation, Ohio Department of Natural Resources and the Soil Conservation Service and the Tuscarawas County Regional Planning Commission. The Board may seek expert advice or cause special studies to be made. The cost of securing such advice or studies shall be borne by the applicant.
3. All site plans shall be reviewed for their impact upon the general public and the occupants of nearby properties. The site plans will be evaluated using the following architectural and landscaping standards and zoning requirements.
    a. The adequacy, location, and arrangement of vehicular and pedestrian circulation facilities.
    b. The adequacy, location and arrangement of parking and loading facilities.
    c. On-site traffic circulation shall be designed to make possible adequate fire and police protection. The site plan shall be approved by the Fire Chief of the Bolivar Volunteer Fire Department for location of fire lanes and adequate fire apparatus access.
    d. The locations, arrangement, size and placement of all buildings, lighting facilities and signs to ensure that potential adverse effects on adjacent development are minimized.
    e. The design and location of building, landscaping, fences and walls to ensure adequate screening, and maximize visual and auditory privacy for surrounding properties. Parking areas and service areas should be fully screened to promote harmony with adjacent development.

f. The adequacy and design of storm water drainage facilities. Grading and surface drainage shall be designed to minimize adverse effects on abutting properties, streams, and public streets, and to minimize the possibility of erosion. The Township may require that the County Engineer review grading and drainage plans with any costs borne by the applicant. The cost of any unusual means necessary to alleviate surface drainage problems onto adjacent properties due to development shall be borne by the applicant.

g. The treatment of environmentally sensitive areas such as woodlands, steep slopes (those greater than eight percent), areas with highly erodible soils and aquifer recharge areas. Building location and placement should be developed with consideration given to minimizing the need for tree removal, cut and fill, and stream and wetland alteration.

h. The architectural design of buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern, and character.

i. Any other factors necessary for a complete review by the Lawrence Township Zoning Inspector.

4. The Zoning Commission may approve, approve with conditions, or deny a site plan request. Upon the satisfaction of approval conditions, if any, approval shall be complete.
5. Upon approval of the site plan, the Lawrence Township Zoning Inspector shall endorse two copies, one to be retained by the Lawrence Township Zoning Inspector and one to be returned to the applicant.
6. Minor modifications as determined by the Zoning Inspector, to an approved site plan may be approved by the Zoning Inspector. The Lawrence Township Trustees shall approve all other modifications. A change in the building, where a site plan has been previously approved may, at the discretion of the Zoning Inspector, be considered a minor modification.
7. An approved site plan shall expire one year after the date of its approval unless construction of the project has started.

8. An approved site plan shall run with the land and shall not expire due to change in land ownership, providing the site use remains the same and notification of new ownership is submitted to the Trustees.

E. Exemptions from Architectural and Landscaping Review Requirements

1. The lawful construction, removal or alteration of a single family or two family dwelling and any associated structures shall be exempt from the architectural and landscaping plan review requirements of **Section 203.6**.
2. Any lawful use, construction, removal or alteration on land use for agricultural purposes shall be exempt from the architectural and landscaping plan review requirements of **Section 203.6.**
3. Any alteration to a building, when confined to the interior of the structure, shall be exempt from the architectural and landscaping plan review requirements of **Section 203.6.**
4. The painting of any structure or regular maintenance shall not require the preparation or approval of an architectural and landscaping plan.
5. Any alteration of any structure upon less than twenty five percent of its exterior surface area, and less than twenty five percent of its building area (square footage) as measured against the exact condition of an existing structure as of the effective date of this section, shall be exempt from the architectural and landscaping plan review requirements of **Section 203.6.**

F. Conformance with the Approved Site Plan

A performance bond, or other financial guarantee, shall be placed on deposit with the Trustees to insure that the landscaping is installed, that the hard-surfacing of the private drives and parking areas are installed, and that the surface water drainage is managed, all in conformance with the approved plans. Such bond or guarantee shall be in the amount equal to the cost of the construction of the improvements based on an estimate approved by the Trustees.

Sec. 203.7 Fire Hazard

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.

Sec. 203.8 Outdoor Display, Sales, and Storage

A. Purpose

The purpose of these regulations is to ensure the proper use of land for outdoor displays, sales, and storage so as to minimize impacts on surrounding property owners and uses.

B. Applicability

The provisions of this Section shall apply to all uses except single-family, two-family dwellings, and roadside markets that are accessory to an agricultural use and are permitted pursuant to Section 519.21 of the Ohio Revised Code and **Section 203.5F** (Accessory Buildings and Uses) of this Resolution.

C. Exemptions

The following uses where the outdoor displays and sales are the permitted principal use of the lots shall be exempt from these regulations:

1. Outdoor display, sales, and storage areas approved as part of a site plan or final development plan prior to the effective date of this Resolution.
2. Automotive sales or rental in operable condition.
3. Greenhouses, nursery and landscape supplies.
4. Rental or sales for tools and machinery in operable condition.
5. Similar uses as determined by the Board of Zoning Appeals.

D. General Standards

1. All outdoor sales, display, and storage areas shall require a Zoning Certificate and shall be illustrated on the corresponding site plan.
2. Outdoor sales, display, and storage areas shall not be located in any required setback, parking and circulation area, right-of-way, or required landscape or buffer area.
3. Such sales, display, and storage areas shall be prohibited if they will create any safety hazard for pedestrians. A minimum pathway in areas used for outdoor displays, sales, and storage shall be provided to allow for the flow of pedestrian traffic outside of designated vehicular traffic drives. Such pathways shall have a minimum clearance width of five feet.
4. Where screening or security fencing is provided or required, decorative cast iron, aluminum, wood material, or materials used in the principal building, shall be used for the fencing. Other materials may be permitted with the administrative approval of the Zoning Commission.
5. Chain link fencing, barbed wire fencing, and other wire mesh fencing shall be permitted only where the fencing is not visible from any public right-of-way.

6. All outdoor sales, display, and storage areas shall be maintained free of garbage and other debris.
7. Outdoor sales, display, and storage areas shall be limited to five percent of the gross floor area of the principal structure with a maximum area of two thousand five hundred square feet.

E. Standards for Outdoor Sales and Displays

Outdoor sales and displays may be permitted where such sales and display areas comply with the following regulations:

1. Outdoor sales and displays are prohibited on vacant lots unless approved in advance by the Zoning Commission and only retail commercial uses are permitted in the applicable zoning district.
2. Only those goods and material associated with the existing on-site use may be sold or displayed.
3. Outdoor sales and displays may be permitted provided that the merchandise is displayed along the sidewalk, the walkway adjacent to the building, or in the side yard.
4. Outdoor displays and sales of bulk or large products that exceed twenty pounds, including, but not limited to mulch (bag or bulk), concrete, salt, or other similar products that cannot be easily carried into the store for purchase shall be required to meet the requirements of **Section 203.9** (Standards for Outdoor Storage).
5. Outdoor cafes and food service areas may be permitted when they comply with the follow regulations:
    a. Outdoor cafes or food service areas shall be located along a sidewalk or between a building and parking area.
    b. Outdoor café and food service areas wider than four feet shall be surrounded by railings that separate the eating area from the sidewalk or vehicular traffic.
    c. Umbrellas that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
    d. Enclosing outdoor cafes or food service areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a Zoning Certificate.

Sec. 203.9 Standards for Outdoor Storage Areas

Outdoor storage areas may be permitted where such storage areas comply with the following regulations:

A. Outdoor storage shall be prohibited on vacant lots.

B. Only those goods and materials associated with the existing on-site use may be stored or sold in outdoor storage areas.

C. Outdoor storage may be permitted provided that the storage areas are located in the side or rear yard.

D. Storage of any goods or materials shall not exceed six feet in height.

E. All outdoor storage areas shall be screened from view from the public right-of-way by a six foot fence in conformance with **Section 204.10** (Fence Standards). Screening shall not be required if the outdoor storage area is located out of the view from any public right-of-way.

Sec. 203.10 Pets

A. The keeping of exotic wildlife as a pet is prohibited in all residential districts and uses.

B. Household pets are permitted in all districts in accordance with the following:

1. The yard shall be kept free of pet feces and other pet debris.
2. All outdoor pens, enclosures, doghouses, and kennels shall be kept in good repair, provide adequate protection from the environment, and shall be located as required by **Section 203.5E8**.

Sec. 204 Lot Measurements and Requirements

Sec. 204.1 Distance Measurements

Unless otherwise expressly stated, all distance specified in this Resolution are to be measured as the length of an imaginary straight line joining those points.

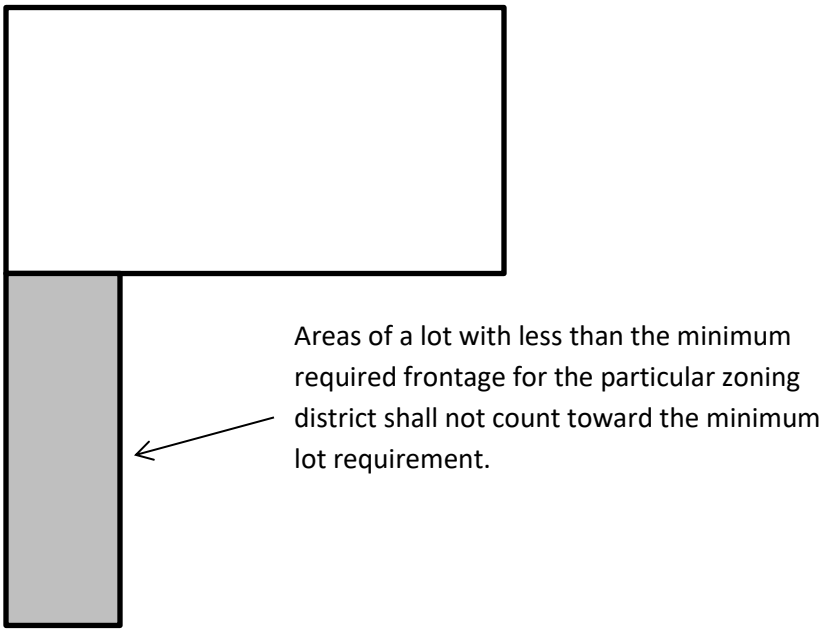
Sec. 204.2 Measurement of Lot Area

A. The lot area is the total area within the lot lines of a lot, excluding any street right-of-way, access easements or other public dedication.

B. Panhandles and other narrow appendages to lots, with less than the minimum required frontage for the particular zoning district at any point, shall not be included in the measurement of a lot area or contribute to the minimum lot area requirement of the applicable zoning district, nor shall they contribute to the

measurement of any setback for the location of any buildings or structures. See **Figure 12-1**

Figure 12-1 Areas not contributing to the Minimum Lot Area Requirement



Sec. 204.3 Minimum Lot Width Requirement

All portions of every lot, including panhandle lots, shall have a minimum forty feet of lot width at every point of the lot, including the street frontage, unless otherwise approved through a PD District or if a reduction is permitted in accordance with the Tuscarawas County Subdivision Regulations. In addition, all lots must meet the minimum site development standards established for each zoning district.

Sec. 204.4 Corner Lots

A. Where a lot is considered a corner lot, the required minimum front yard setback shall be provided on each street or section thereof. (See **Figure 12-2**)

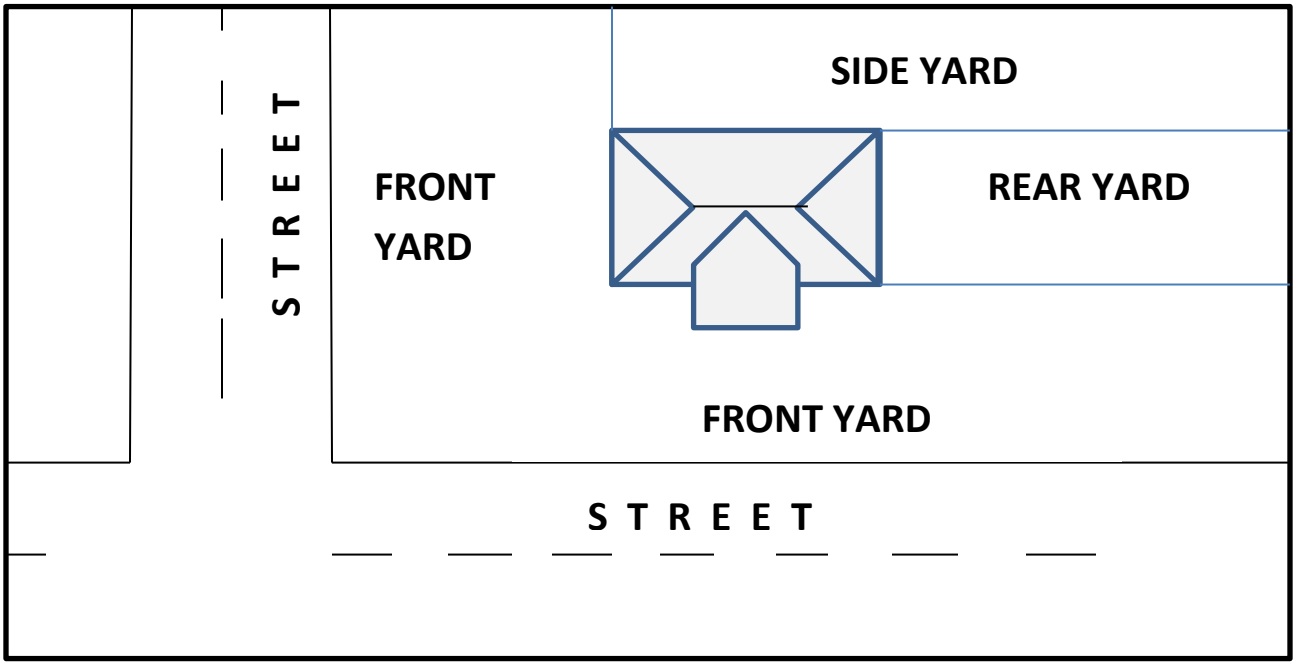
B. The narrowest lot line opposite the public right-of-way shall be the rear lot line and the minimum rear yard setback shall be applied. (See **Figure 12-2**)

C. The longest lot line opposite the public right-of-way shall be the side lot line and the minimum side yard setback shall be applied. (See **Figure 12-2**)

D. All corner lots created after the effective date of this Resolution shall have a minimum lot area that shall not be less than one hundred fifty percent of the minimum lot area requirement of the applicable zoning district.

E. The minimum required lot width of a corner lot in an R-1, R-2, R-3, or R-4 District shall be increased by an amount equal to the depth of the required rear yard setback of the applicable zone district.

Figure 12-2 Corner Lots



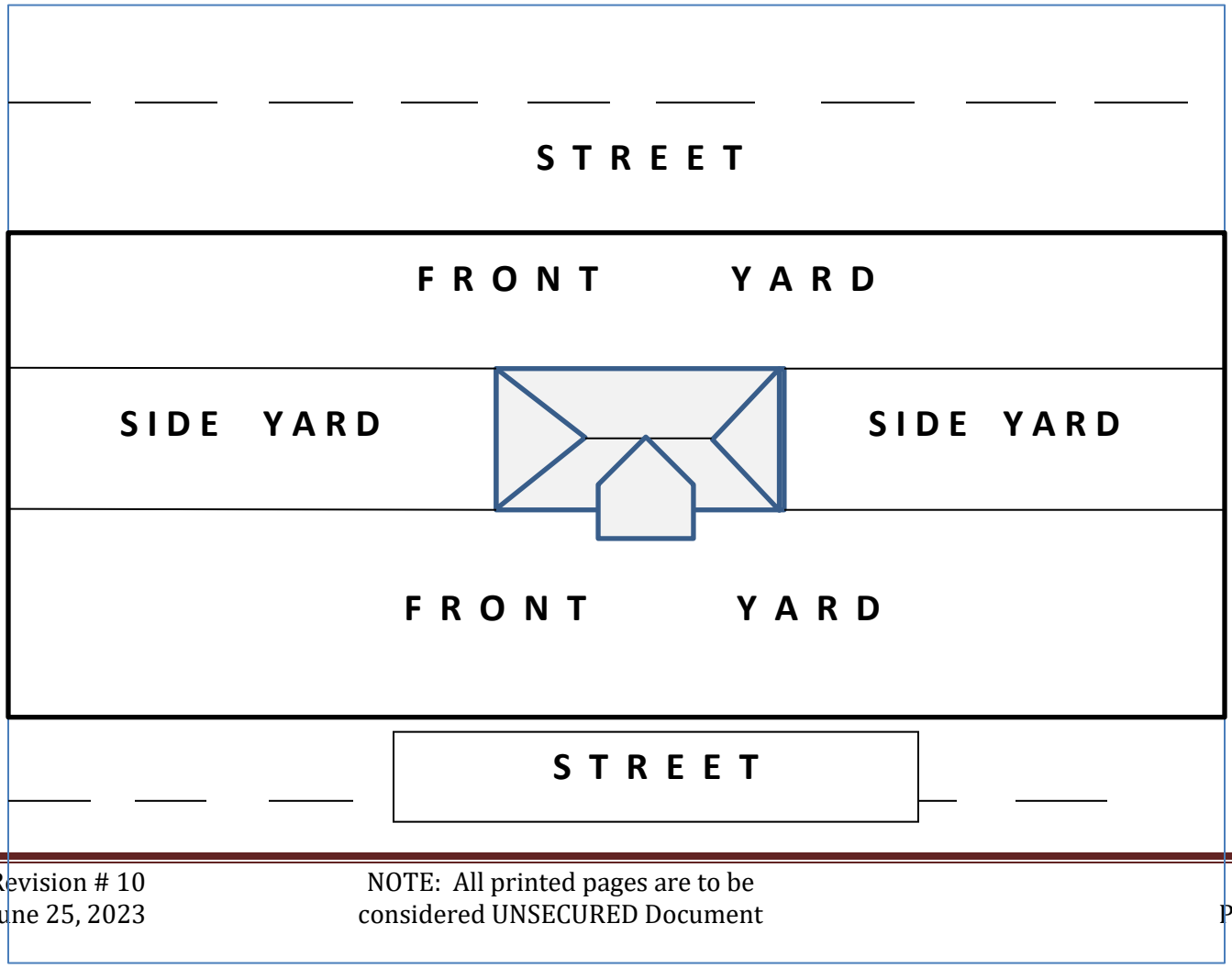
Sec. 204.5 Double Frontage Lots

A. Front of house is defined as part facing street of legal address of dwelling as defined by the Tuscarawas County Auditor.

B. Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided on both streets. (See **Figure 12-3**)

C. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. (See **Figure 12-3**)

Figure 12-3 Double Frontage Lots



Sec. 204.6 Dedicated Private Drives

Dedicated private drives that provide access to two to five lots shall be considered public streets for the purposes of establishing minimum setbacks and yard requirements. Such drives shall be subject to the following provisions:

A. Corner lots with one private street frontage and one public street frontage shall not be included in the calculation for the purposes of determining the number of lots served by the private drive and shall not be subject to requirements of this Section unless the use gains access from the private drive.

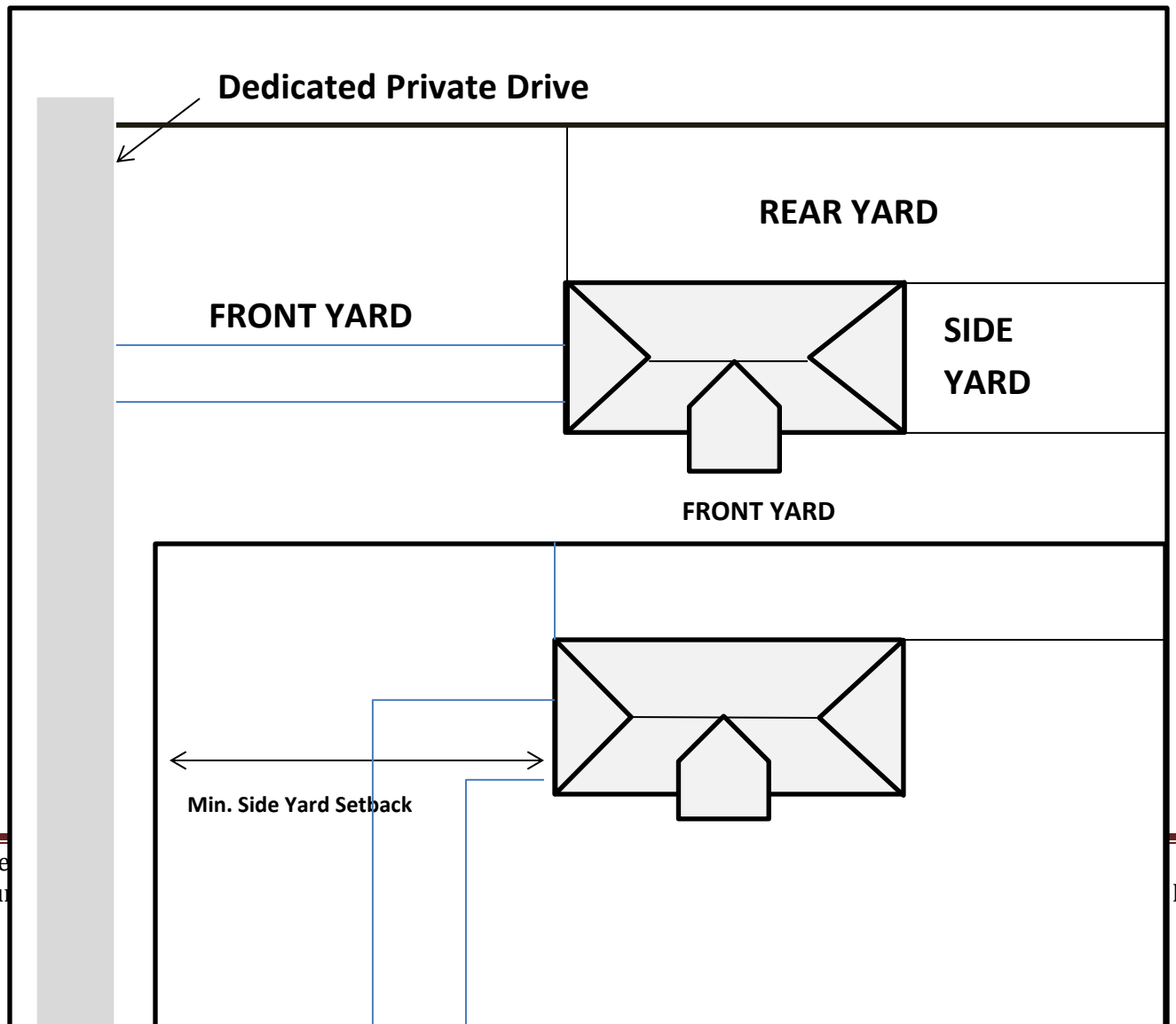
B. There shall be a minimum setback, equal to the minimum front yard setback of the applicable zoning district, between the edge of pavement of a private drive and the principal building. (See **Figure 12-4**)

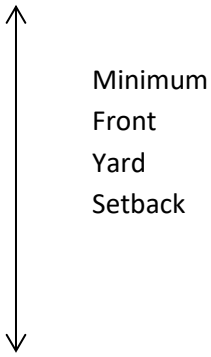
C. There shall be a minimum setback, equal to the side yard setback of the applicable zoning district, between the principal building and the side lot line. (See **Figure 12-4**)

D. In all cases, the area between the building and the private drive shall be considered the front yard. (See **Figure 12-4**)

E. The creation of a private drive or a public street shall be designed to ensure that the minimum setback requirements of any existing dwelling shall be maintained and the new drive or street shall not create nonconformity because of setbacks.

Figure 12-4 Dedicated Private Drives





S T R E E T

Sec. 204.7 Panhandle Lots

A. The panhandle portion of the lot shall have a minimum frontage as regulated by the Tuscarawas County Regional Planning Subdivision Regulations **Section 715.**

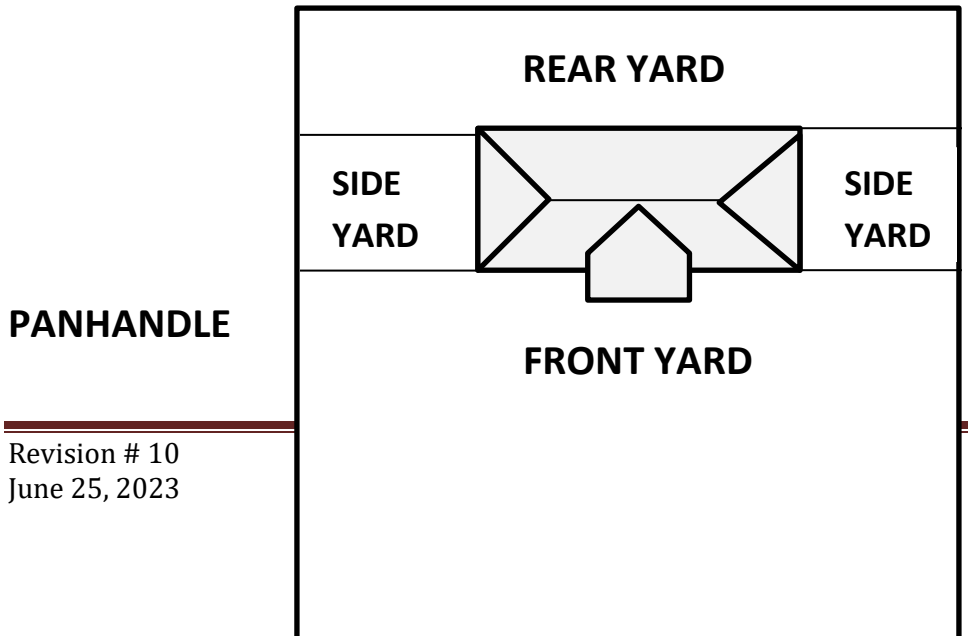
B. Flag or panhandle lots shall not be used to avoid the construction of a street.

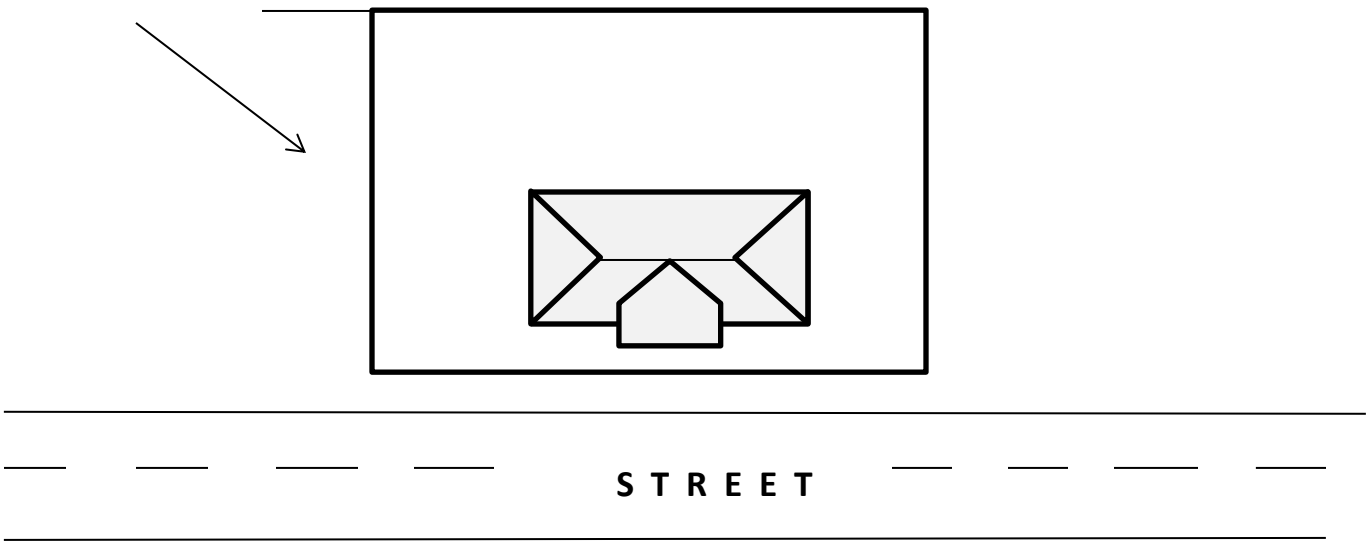
C. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in **Figure 12-5.**

D. For panhandle lots that are not subject to the panhandle regulations of **Section 204.6** (Dedicated Private Drives), there shall be no front yard setback requirement from the driveway or private drive that access less than two to five lots. (See **Figure12-5**)

E. The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.

Figure 12-5 Panhandle Lots Not Subject to Private Drive Provisions





Sec. 204.8 Building Setback Lines

Building setback lines indicating the front, rear, and side yards shall be approved by the Zoning Inspector and indicated on all proposed panhandle, pie-shaped, corner, double frontage, or other irregularly shaped lots where the front of the lot is not apparent within the definition of this Resolution. These setbacks shall be a part of, and recorded with a plat designating the division of land.

A. Every part of a required yard shall be open to the sky and unobstructed except:
   1. As otherwise provided in this section.
   2. For accessory buildings in a rear yard.
   3. For the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed three feet in R-1, R-2, R-3, and R-4 Districts and not to exceed twelve inches in all other Districts.
   4. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet.

B. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required front or rear yard, but shall not be closer to any side lot line than the side yard requirement.

C. An open unenclosed porch, or paved terrace may project into a front yard for a distance not exceeding ten feet.

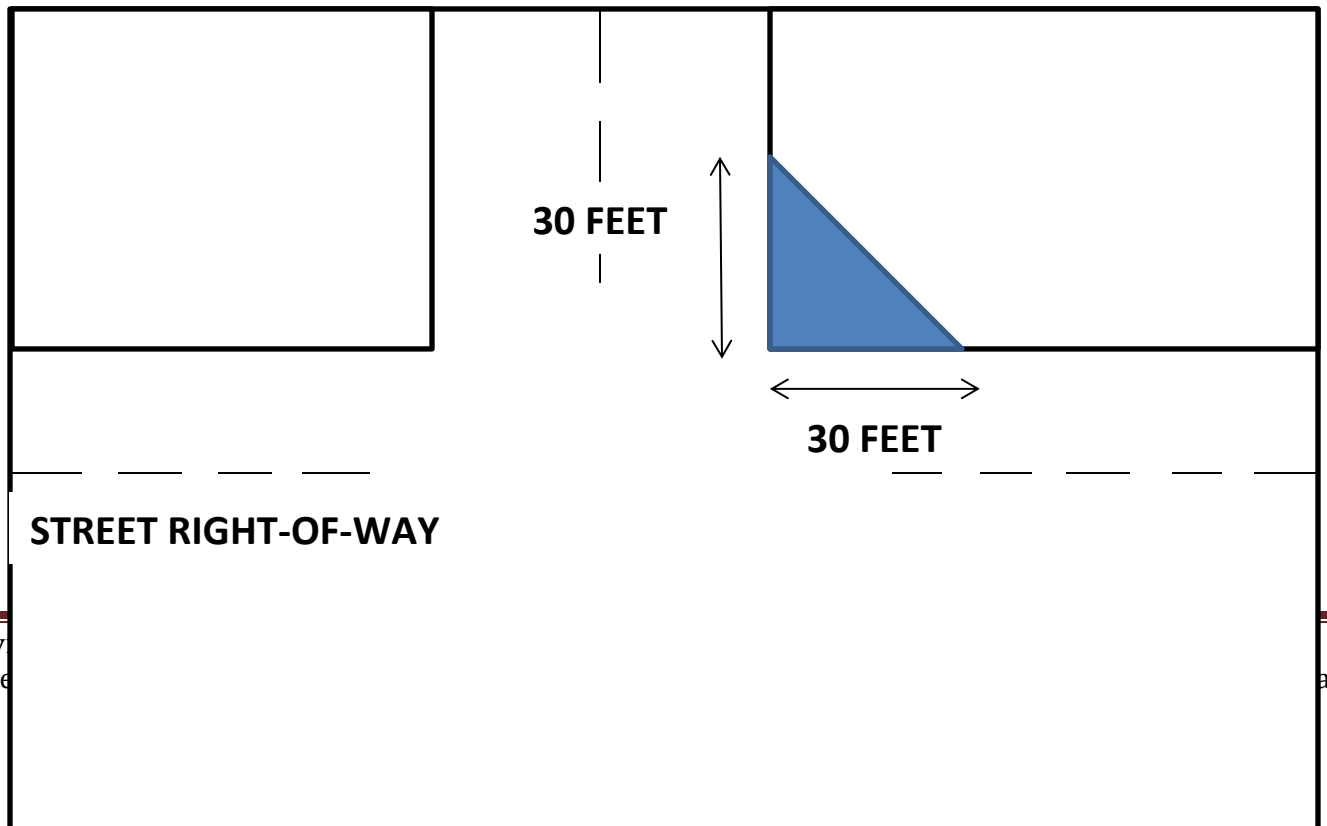
D. For new construction on a residential lot where the adjacent lots are already developed and where building within one hundred feet of the subject lot are set back less than the minimum required front yard setback, the minimum front yard setback for the new construction shall not be less than the average depths of the front yards of the two buildings on each side and within one hundred feet of such lot.

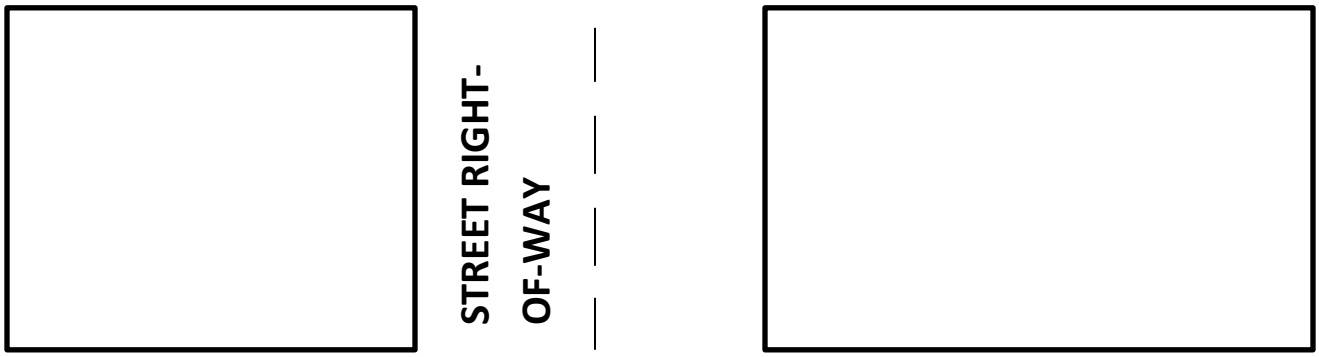
Sec 204.9 Vision Clearance Triangles

A. Corner Lots at Intersections

1. All corner lots at street intersections shall maintain, for safety vision purposes, a vision clearance triangle. The vision clearance triangle shall consist of the area bounded by the right-of-ways of the adjacent intersecting streets extending along those right-of-ways centerlines thirty feet from the point of the right-of-way intersection, and a straight line connecting said latter points.
2. Nothing within the vision clearance triangle shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights of two and one half and ten feet above the centerline of grades of intersecting streets. (See **Figure 12-7**)

Figure 12-7 Intersection Vision Clearance Triangle

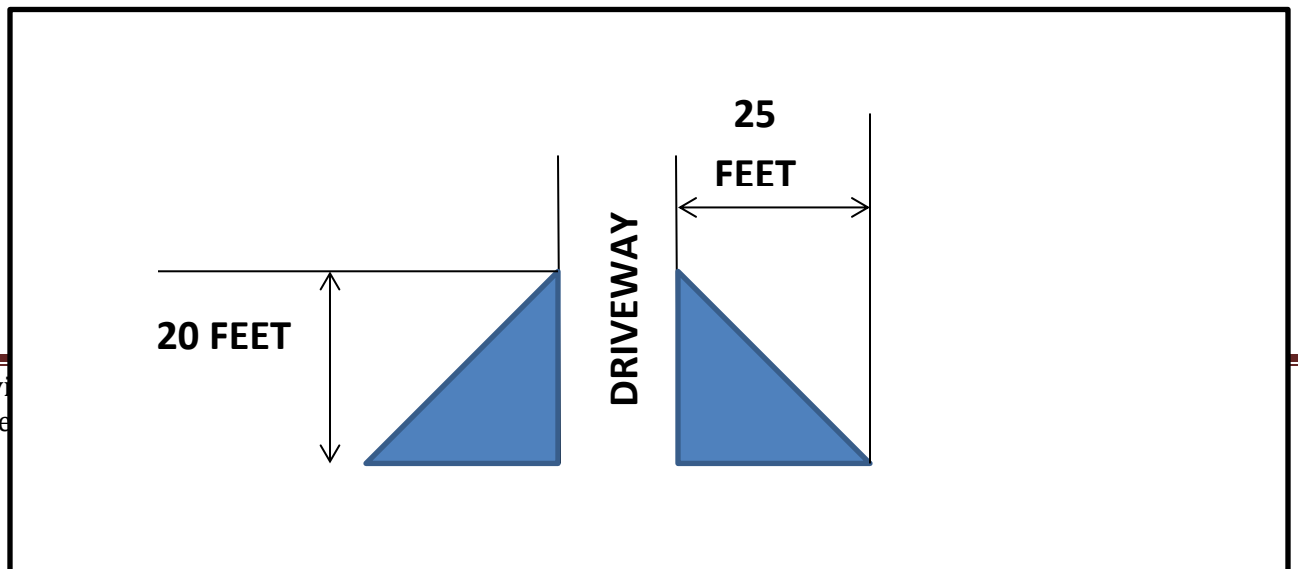


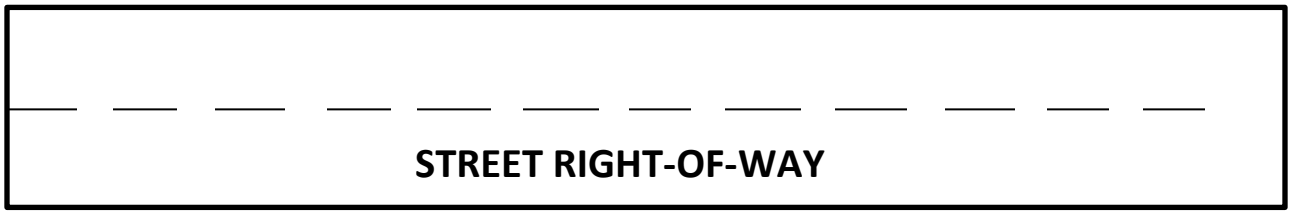


B. Driveway Curb Cut

1. A vision clearance triangle shall be maintained at all driveways and curb cuts for vision safety purposes. The vision clearance triangle shall be formed by extending one line twenty five feet along the street right of way from the edge of the driveway pavement and another line from that same point twenty feet along the driveway and then connecting the two endpoints.
2. No sign or associated landscaping shall be placed within this triangle so as to materially impede vision between the heights of two and one half and ten feet above the centerline grade of the streets. (See **Figure 12-8**)

Figure 12-8 Driveway Vision Clearance Triangle





C. New Access Connections

1. For State Routes

   All access connections shall met minimum requirements in regard to sight distance from the State of Ohio. All applications shall include an approved permit from the State of Ohio Department of Transportation.

2. For County and Township Routes

   All new access connections shall meet the minimum guidelines as set in the Tuscarawas County Access Management Regulations. All applications shall include an approved Sight Distance Survey from the Tuscarawas County Engineers office.

Sec. 204.10 Fence Standards

A. Fence Administration

1. Permit Required

   No fence shall be constructed, or altered without a permit from the Zoning Inspector and after such application has been approved.

2. Inspections

   It shall be the duty of each property owner to determine property lines *and easements* and to ascertain that the fence thus constructed does not deviate from the plans approved by the Township, and such fence does not encroach upon another lot or parcel of land. The Township shall furnish such inspection as it deemed necessary to determine that the

fence is constructed in accordance with plans submitted for permit, provided, however, that the issuance of the permit by the Township shall not be construed to mean that the Township has determined that the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him therein. **REVISED**

B. General Fence Standards for all Zoning Districts (except Agricultural Use) shall be: **REVISED**

1. No barbed wire fence or similar sharp point fence shall be *permitted ~~constructed, erected or maintained~~* in any district except for agricultural uses *or as part of security fence in an Industrial or Commercial District.*
2. 'Razor' wire fencing shall be prohibited in all Districts.
3. Electrically charged fences shall be forbidden in all districts except on sites used to confine livestock.
4. All fences*, gates, and ground between the fence and property line shall be maintained in good condition.* **REVISED**
5. Fences that are minimum fifty percent open may be erected to a maximum height of three feet in side and front yards. (See **Figure 12-9**)
6. All fences and walls must present the finished non-structural face outward.
7. No fence or wall may be placed such that they interfere with street level sight visibility for a distance of fifty feet from any approach to an intersection. No fence or wall shall be permitted to encroach upon public rights-of-way or easements.
8. Mesh wire fence shall be permitted if incorporated into or an integral part of a wood rail fence.
9. All fences on a parcel shall have a unified style.
10. Guard rails shall not be used as fencing.
11. Must have an Ohio Utility Protection Service ticket.
12. Shall comply with O.R.C. 971 where applicable.
13. *Privacy fence may be placed on property line with the recommendation that fences between adjoining properties be placed a lawnmower's width off of the property line so as to be able to maintain both sides of the fence while staying on one's own property.* **REVISED**

~~4. All fences and gates shall be maintained in good condition, be structurally sound and attractively finished at all times. Gaps in fencing or ground clearance shall be repaired immediately.~~

~~*5. Fences in all residential and business districts may be erected as a privacy fence to a maximum height of six feet in a rear yard only. Such fence may encroach in to the side yard to a maximum distance equal to twenty five percent of the side wall length. (See **Figure 12-9**)*~~

~~*6. Fences that are minimum fifty percent open may be erected to a maximum height of three feet in side and front yards. (See **Figure 12-9**)*~~

~~*7. Any ground between the fence and property line shall be well maintained.*~~

~~*8. All fences and walls must present the finished non-structural face outward.*~~

~~*9. No fence or wall may be placed such that they interfere with street level sight visibility for a distance of fifty feet from any approach to an intersection. No fence or wall shall be permitted to encroach upon public rights of way or easements.*~~

~~*10. Mesh wire fence shall be permitted if incorporated into or an integral part of a wood rail fence.*~~

~~*11. Fences cannot be constructed beyond the front building line unless said fence is a "decorative fence" as defined in Definitions Article of this Resolution.*~~

~~*12. All fences on a parcel shall have a unified style.*~~

~~*13. Guard rails shall not be used as fencing.*~~

~~*14. Must have an Ohio Utility Protection Service ticket.*~~

~~*15. Shall comply with O.R.C. 971 where applicable.*~~

~~*16. Fences directly against property line need to comply with 25% opacity rule. Solid privacy fences need to comply with ten (10) foot setback rule.*~~

C. Fence Standards for Residential Districts:

1. Front Yard.

   All front yard fences require a Fence Permit. In front yards only the following fences shall be permitted:

   a. Decorative fences to a maximum height of three feet provided that said fence complies with Standards otherwise found in **Section 204.10B**.

   b. Open fences designed to only partially enclose an area. An example of this would be a short length of white picket fencing incorporated into a landscape treatment along a walkway to a porch.

2. Side and Rear Yards.

Permitted are: fences to a maximum height of six feet, including privacy fences unless the property line abuts property in a commercial or industrial district*, then a maximum height of eight feet.* ~~*When the property line abuts property in a commercial or industrial district, a fence with a maximum height of eight feet may be constructed.*~~ **REVISED**

3. Other

The following shall be permitted:

a. Chain link fences shall be permitted in residential districts for sport applications. Chain link fences for full size tennis courts, basketball courts, baseball diamonds, softball diamonds and other similar applications are limited to ten feet in height.

b. Fencing around Swimming Pools. See **Section 203.5H.**

D. Fence Standards for Commercial and Industrial Districts:

1. Chain link fences for full size tennis courts, basketball courts, baseball diamonds, softball diamonds and other similar applications as required by applicable sports authority standards. **REVISED**

2. Fences that are seventy five percent open, and used for security purposes, may be erected in the front, rear, or side yards, to a maximum height of eight feet, but shall not encroach into the minimum required front building setback. **REVISED**

~~*1. Chain link fences shall be permitted in order to secure the premises and for sport applications.*~~

~~*2. Chain link fences are limited to the buildable area of the lot.*~~

~~*3. Chain link fences are limited to a maximum height of five feet above grade except as specifically stated otherwise. Chain link fences for full size tennis courts, basketball courts, baseball diamonds, softball diamonds and other similar applications are limited to ten feet in height.*~~

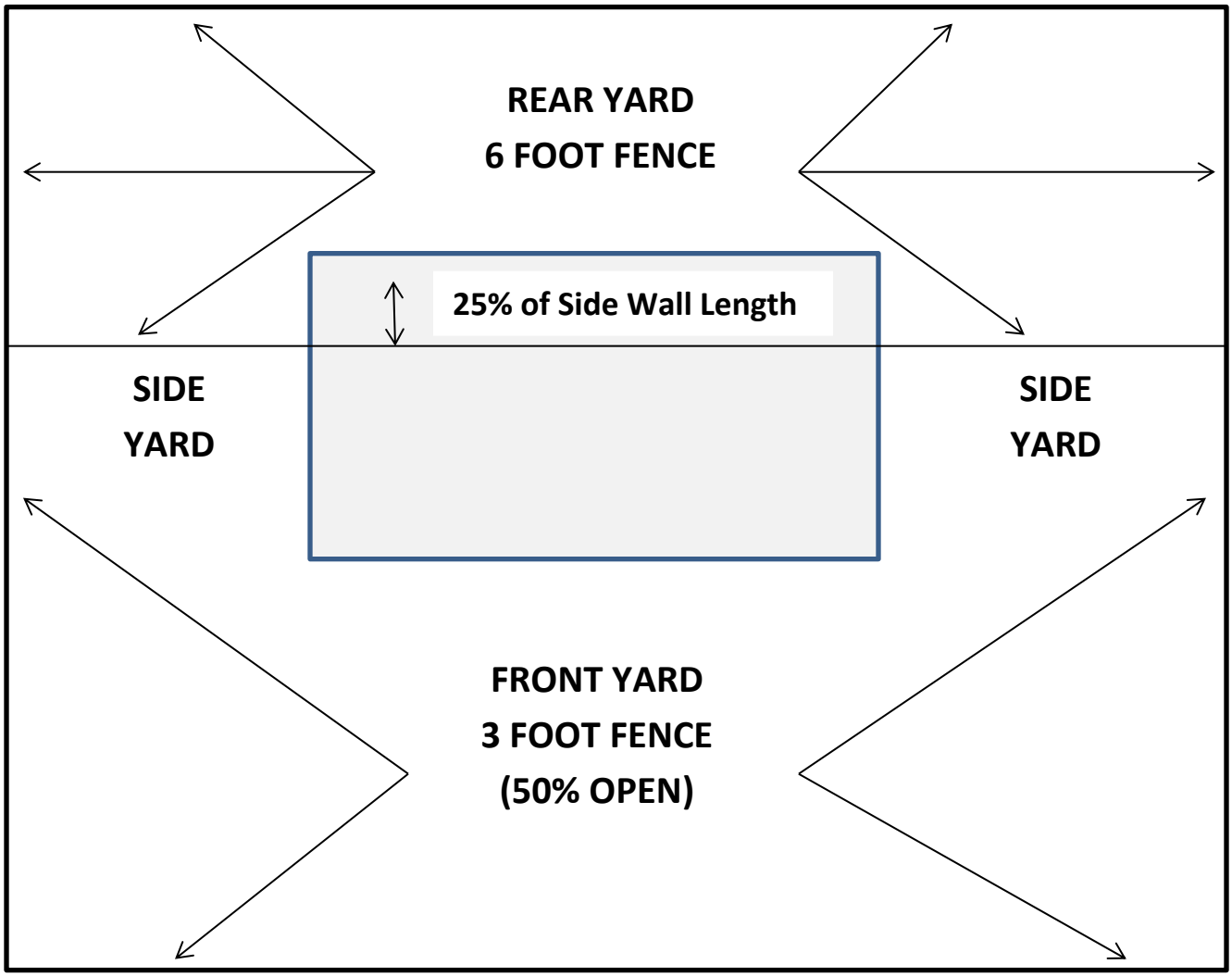
~~*4. In Industrial Districts only, chain link fences are permitted forward of the principal structure but shall not encroach into the minimum required front building setback.*~~

~~*5. Fences that are seventy five percent open, and used for security purposes in the Industrial District, may be erected in the front, rear, or side yards, to a maximum height of eight feet.*~~

~~*6. The use of wood, metal, plastic or fiberglass strips woven into chain link fence is prohibited.*~~

~~*7. Chain link fences viewable from public rights-of-way shall be screened with evergreen trees and shrubs.*~~

Figure 12-9 Permitted Fencing



Sec. 205 Tuscarawas County Regional Planning Acknowledgement

When Lawrence Township Zoning Regulations conflict with Tuscarawas County Regional Planning Guidelines (TCRPC), Lawrence Township Zoning regulations shall have precedence

Sec. 206 Time

Sec. 206.1 Computing Time

A. The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Saturday, Sunday or a legal holiday, then the act may be done on the next succeeding day which is not Saturday, Sunday or a legal holiday.

B. When Township offices are closed to the public for the entire day which constitutes the last day of doing an act required by law, or if Township offices are closed before the usual closing time on such day, then such act may be performed on the next succeeding day which is not Saturday, Sunday or a legal holiday.

C. "Legal Holiday" as used in this section means the days set forth in Lawrence Township Policy and Procedures Manual Section 7.2.

D. If any day designated in Lawrence Township Policy and Procedures Manual Section 7.2 as a legal holiday falls on Sunday, the next succeeding day is a legal holiday.

Sec. 206.2 Computation of Time

If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the numerical day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of the concluding month.

Sec. 207 Human Remains

Sec. 207.1 Human Remains Discovery

When human remains are unearthed in the course of excavation work in any district, the work in the immediate vicinity of such human remains shall cease forthwith, and the owner or owner's representative shall call the Tuscarawas County Sheriff's Office and notify the Zoning Inspector. If the Sheriff, with whatever consultations he deems appropriate determines that the human remains do not constitute evidence of a crime,

the Township shall report the remains to the Ohio Historical Preservation Office and the owner or owner's representative shall consult at the owner's expense with an archeologist designated by the Township to determine whether the human remains are prehistoric or Native American. If the human remains are determined not to be prehistoric or Native American, they shall be reburied in accordance with applicable law.

Sec. 207.2 Prehistoric and Native American Human Remains

If the human remains are determined to be prehistoric or Native American, the Zoning Inspector shall immediately notify the Ohio Council for Native American Burial Rights (the "Council") or The Ohio Center for Native American Affairs (the "Center"), or any successor to the Council or the Center deemed bona fide by the Zoning Inspector, that at its option the human remains (and any artifact physically attached thereto or determined by the archeologist to have been attached at the time such human remains were originally buried) are available for ceremonial reburial if claimed and receipted for within thirty days by a duly authorized representative thereof. No work is to be resumed prior to the human remains and/or any artifacts being released by the Sheriff's Office and/or the Council or Center and removed from the location where found. During the thirty-day period, the human remains and any such artifacts that remain at the location where they were unearthed shall be accorded reasonable protection by the owner or owner's representative.

If the human remains and any such artifacts are not so claimed and receipted for, they shall be donated to the Ohio Historical Society.

Sec. 208 Fire Hydrant Regulations on Private Property

Sec. 208.1 Hydrant Installation

Hydrants should be set plumb with a finish grade, which shall measure approximately eighteen inches from ground to the center of the steamer cap. When hydrants are installed before grading is completed, the final grade line and accessibility must be considered. Most hydrants have a grade line indicated on the barrel of the hydrant.

Sec. 208.2 Hydrant Clearance

Fire hydrants shall be visible from the roadway and shall not be blocked from Fire Department view. A minimum six-foot clearance area shall be maintained around and above the fire hydrant. Tree branches, rocks, landscaping items, electrical or cable lines, advertising or information signs, and building roofs or overhangs shall not be permitted in the required clearance area.

Sec. 208.3 Hydrant Color

Except as otherwise provided in this section, fire hydrants shall not be painted without expressed written consent from the Bolivar Volunteer Fire Department or the Tuscarawas County Sewer & Water Department. To help protect fire hydrants located close to streets and in or near parking lots from vehicles, a YELLOW line will be painted on the curb or parking lot near the hydrant. (Refer to **Appendix "A"** for drawing.)

Sec. 208.4 Fire Hydrant Protection

There shall be four steel posts, six inches in diameter and a minimum of six feet long mounted in the ground to form a rectangle around fire hydrants in commercial and industrial districts. The posts shall be fifty four inches apart when facing the fire hydrant, and shall be forty eight inches apart to the rear. The top of the posts shall be thirty six inches above finished grade level. The post shall be set in concrete and filled with concrete. (Refer to **Appendix "A"** for drawing).

Sec. 209 Buffers

Sec 209.1 Purpose

The purpose of this Article is to require buffering between non-compatible land uses and to protect, preserve and promote the character and value of surrounding neighborhoods, to promote the public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare by providing for the installation and maintenance of buffer areas in accordance with the standards and requirements of this Article.

Sec. 209.2 Applicability

No structure on land that abuts a right-of-way or boundary between two non-compatible uses shall be developed, or redeveloped unless a buffer area is established in accordance with the requirements of this Article.

Sec. 209.3 Definition of Terms

For the purposes of this Article the following terms shall have the following meanings:

A. Buffer or Buffer Yard

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening and softening the effects of the land use, no part of which buffer is used for active recreation or parking, or

interior access drives. A buffer may include a wall, fence or berm as provided in accordance with the provisions of this Article.

B. Canopy Tree
A deciduous tree with an expected height of at least thirty five feet at maturity that, at time of planting has a minimum two and one half inch DBH, (diameter at breast height) of four and one half feet at ground level.

C. Screen, Landscape
A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements such a plants, berms, fences, walls, or any appropriate combination thereof.

D. Shrub
A woody plant which is smaller than a tree that has several main stems growing close to the ground and does not exceed six feet in height.

E. Types of Buffers
The following types of buffers shall be required, as applicable, in accordance with the provisions of this Article:

1. Boundary Buffer
The purpose of a boundary buffer is to separate adjacent non-compatible land uses and screen and soften the detrimental impacts of such non-compatible use upon one another and upon the surrounding neighborhood.

2. Streetscape Buffer
The purpose of a Streetscape Buffer is to shield or enhance views into a parking lot, establish coordination among diverse buildings, setbacks and uses, to retain the quality of the environment by providing appropriate means to diminish the effect of wires/poles, lights and other clutter along the public right-of-way.

F. Plan Review
For any buffer required by this Article, a development plan shall be submitted with the application for the zoning certificate to the Lawrence Township Zoning Commission to review for compliance with these regulations and any other applicable regulations. The development plan shall be prepared in accordance with **Section 203.6**

Sec. 209.4 General Standards for Buffers

A. Responsibility for Installation of Buffer

The boundary buffer area shall be provided by the person in charge of or in control of developing the property whether as owner, lessee, tenant, occupant or otherwise (hereinafter referred to as "Owner").

B. Submission of Plan

A plan of the proposed buffer shall be submitted to the Lawrence Township Zoning Commission for review.

C. Review

The plan will be evaluated on the efficacy of the screening of the nonresidential use. Screening should include planting of various sizes and species and comply with **Section 209.6D**.

D. Location

Boundary buffers shall be located along the rear and side boundaries of a lot or parcel. Buffers shall not be located on any portion of an existing, or dedicated or reserved public or private right-of-way. On sloped areas the buffer shall be located to maximize its effectiveness. Streetscape buffers shall be located adjacent to the public right-of-way and may be required along private street easements.

E. Constructions within Required Buffer

No constructions shall be permitted within a required buffer other than a wall, fence or berm, or a driveway in the front yard connecting a parking area on the lot to a street or to a parking area on an abutting lot. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the buffer area. Sub-surface constructions are permitted provided the required buffer yard is placed above said sub-surface constructions and further provided no part of a sub-surface construction protrudes above the ground surface.

F. Adjacent Parcels Owned by the Same Owner

When both parcels are owned and being developed by the same owner, the buffer may be placed on either adjoining parcel or stride the boundary, however a buffer astride boundaries shall be filed with the Lawrence Township Zoning Commission and recorded on chain of title.

G. Adjacent Parcels Owned by Different Owners

When adjoining parcels have different owners the buffer shall be placed on the parcel being developed. However, a buffer that meets the requirements of both parcels may be placed astride the boundary if a written agreement, signed by both owners, is filed with the Lawrence Township Zoning Commission and recorded on the chain of title.

H. Existing Fence, Wall or Berm on Adjacent Parcel

When the adjoining parcel has an existing fence, wall or berm adjacent to a developing parcel boundary, the existing landscape material on the adjacent parcel may not be used toward the requirements for the boundary buffer required for that boundary edge.

I. Existing Development on Both Sides

Where development already exists on both sides of a property line, a buffer shall be established as a condition of any new development. The property owner shall provide the maximum buffer possible under the standards of this Article given the location of existing buildings and driveways.

Sec. 209.5 Minimum Buffers for Adjoining Land Use

TABLE OF MINIMUM BUFFERS FOR ADJOINING LAND USE (IN FEET)

	Residential	C-1	C-2	C-3	I-1	MHCD
Residential	**0**					
C-1	**10**	**0**				
C-2	**20**	**20**	**0**			
C-3	**40**	**30**	**20**	**0**		
I-1	**60**	**40**	**40**	**40**	**0**	
MH	**60**	**40**	**40**	**40**	**40**	**0**

Adjoining right-of-ways in all districts require Streetscape buffers except in Residential Districts. Streetscape buffers in Residential Districts are required for parking area of five or more vehicles within fifty feet of the right-of-way. Buffers shall be provided on the more intense use parcel.

Sec. 209.6 General Landscaping Requirements

A. Parking Lots

In parking lots of five spaces or more, in residence districts R-1 through R-4, and in all other zoning districts, these requirements shall apply:

1. Use deciduous shade trees with ground cover or low shrubs as the primary landscape material within the parking lots. Avoid tall shrubs or low-branching trees that will restrict visibility.
2. When planting islands that are parallel to parking spaces, islands shall be a minimum of nine feet wide.

3. When planting islands that are perpendicular to parking spaces, islands shall be a minimum of eight feet wide.
4. Mechanical equipment, trash, and loading areas shall be screened by using landscaping features.
5. The use of porous pavement and/or specially designed brick or block is encouraged to increase on-site water detention for plant material and ground water supplies and to reduce problems associated with run-off.
6. Waste receptacles shall be screened in accordance with **Section 214.**

B. Interior Landscaping

1. General

The purpose of landscaping the interior of lots is so important to moderate heat, glare, wind and other climatic effects produced by pavement areas. The minimum number of trees and shrubs for interior landscaping areas shall be calculated as follows:

a. Required Parking
One tree and three shrubs per fifteen spaces or fraction thereof

b. Parking in excess of code requirements
Two trees and six shrubs per fifteen spaces or fraction thereof

The trees and shrubs should be distributed throughout the parking lot to decrease the appearance of a single expanse of pavement and to create a canopy effect. The trees should be of a variety to provide the shade canopy and have a clear trunk height of at least six feet.

2. Minimum Area

The landscape area shall be a minimum of fifteen percent of the total ground area occupied by parking spaces.

C. Site Perimeter Landscaping

An evaluation of the building site shall be made to determine the extent of tree stands, ponds or other existing natural features that can be preserved and incorporated into the landscaping plan.

D. Screening

Between a building or parking lot and an adjacent residential use, a minimum of six foot high evergreen hedge, wall, berm or wooden fence shall be provided. This screen may consist of a masonry wall, wooden fence, or a row of evergreen shrubs that will be six feet in height and seventy three percent opacity within two years.

E. Grade Changes

In cases where grading is necessary that results in a parking lot lower in elevation that the surrounding area or adjacent right-of-way, the resulting embankment shall be planted with low shrubs and shade or ornamental trees. The type and the variety of plantings shall be based on the steepness of the slope. A maximum slope of one to two and one half shall be provided for landscaping between the lot line and the parking lot.

F. Landscaped Berms

The use of earthen berms is encouraged to provide screening. When berms are provided, plantings shall be combined with berms to provide effective landscaping features.

Sec. 209.7 Recommended Plant Materials and Maintenance

A. Tree and Shrub Selection

Trees, shrubs, and perennials shall be selected on the basis of climate, natural habitat and visual screen. No plants listed by the Ohio Department of Agriculture as invasive to Ohio shall be utilized. See Definitions section.

B. Minimum Size of Trees

Minimum size of trees, when installed, shall be as follows:

1. Deciduous – Two and one half inch DBH
2. Evergreen – Six feet high
3. Flowering - Six feet high.

C. Minimum Landscape Requirements

Once the minimum landscape requirements have been met, any size tree may be installed on a lot to supplement the minimum requirements.

Sec. 209.8 Berming

Berming used for landscape and/or screening purposes shall be in accordance with the following:

A. Mounding shall be located between the right-of-way and the building setback lines.

B. Earth mounding shall vary in height, width, and length, to create a free form, naturalistic effect.

C. The height of berms shall range between three and four feet in front yards along major arterial and between four and seven feet adjacent to residential districts; slope shall not exceed a three to one slope ration.

Sec 209.9 Maintenance

All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance, and free of refuse and debris; and all dead plant materials shall be removed and replaced within thirty days as required in order maintaining an attractive landscape at all times unless:

A. Ground is frozen, or
B. Water ban effect, or
C. Drought conditions.

Sec. 210 Storm Water Management

Sec. 210.1 Erosion, Sedimentation, and Storm Water Management Controls

A. Storm Water Management Control Plan Applicability

1. An erosion, sedimentation and storm water management control plan shall be included with an application for a zoning certificate for the construction of all permitted buildings including accessory or conditional buildings, structures, off-street parking areas or loading/unloading areas allowed by this resolution and any amendments thereto. The plan shall be forwarded to the Tuscarawas County Soil and Water Conservation District (TWCD) by the Zoning Inspector for review and approval. The issuance of a Zoning Certificate will be contingent on written documentation from the TWCD that an erosion, sedimentation and storm water management control plan has been submitted and approved for the subject lot(s).
2. Single lot residential construction with no contiguous land undergoing development by the same owner, builder, or developer may be exempt from this requirement if total site impervious cover does not exceed fifteen percent of the lot size and total land area disturbed during construction is less than twenty thousand square feet. Land area that is disturbed from septic construction may be subtracted from the total disturbed area provided it is revegetated. Owners, builders and developers who wish to apply for exemption under this provision must submit a signed Single Lot Residential Storm Water Management Plan along with an application for a Zoning Certificate.

3. No erosion, sedimentation and storm water management control plan shall be required for sites containing less than three hundred square feet in area.

B. Storm Water Management Plan Preparation

1. An erosion, sedimentation, and storm water control plan shall be prepared by a professional engineer certified with the State of Ohio, or a soils scientist, and must address measures for controlling erosion, sedimentation and storm water during and after construction. The content of the plan and such temporary and permanent measures to control erosion, sedimentation, and storm water shall meet all requirements of sediment, erosion and storm water control rules of the Ohio Division of Soil and Water Conservation as contained within Section 1501:15-1-01 to 04 of the Ohio Administrative Code.
2. ORC 4733.161 covers "Unauthorized Practices" for any person who performs labor or who provides services pursuant to a construction contract may offer or provide engineering services in connection with the person's own labor or services.

C. Storm Water Management Plan Submission

1. Except as otherwise provided in this section, an erosion, sedimentation, and storm water control plan shall be submitted to the Zoning Inspector as a part of an application for a zoning certificate or a conditional use zoning certificate. The Zoning Inspector shall advise the applicant that the Zoning Inspector may forward the plan to the Tuscarawas County Soil and Water Conservation District for technical assistance and review.
2. Erosion and sediment control practices used to satisfy the standards shall meet the specifications in the current edition of "Rainwater and Land Development, Ohio's Standards for Storm Water Management, Land Development and Urban Stream Protection" (Department of Natural Resources, Natural Resources Conservation Service, and Ohio Environmental Protection Agency), which is available to all Ohio County and Water Conservation Districts.

D. Stabilization Measures for Disturbed Earth

All areas affected by earth disturbing activities on a lot shall be permanently seeded and mulched pursuant to the erosion, sedimentation and storm water control plan within forty-five days after the commencement of construction. Temporary stabilization measures shall be utilized when construction is

scheduled to occur between November 1 and April 15 of the calendar year following zoning certificate issuance.

E. The use of porous pavement and/or specifically designed brick or block is encouraged to increase on-site water detention for plant material and ground water supplies and to reduce problems associated with run-off.

F. Oversight Authority

The Zoning Inspector has the authority to ensure erosion, sedimentation, and storm water management control have been installed and maintained according to the approved plan required by this section.

Sec. 211 Environmental Performance Standards

This section provides performance standards for all non-residential uses permitted by this resolution. These standards are intended to apply in addition to all other requirements of this resolution. Non-residential uses shall at all times comply with the performance standards set forth herein:

Sec. 211.1 Air Pollution

A. Odor

No odor shall be permitted at any lot line exceeding the lowest amount set forth in Table III, "Odor Thresholds", of Chapter 5, "Physiological Effects", "The Air Pollution Abatement Manual" of the Manufacturing Chemists' Association, according to the latest edition of such table for the compounds therein described.

B. Smoke

No activity, operation, or use shall, during normal operations, emit smoke at a density that exceeds number two on the Standard Smoke Chart in a quantity in excess of ten Smoke Units per hour per stack.

C. Heat and Humidity

No use, operation or activity shall produce intense heat or excessive humidity in the form of steam or moist air that has a perceptible impact beyond the lot lines of the property.

D. Dust and Particulate Matter

No use, operation, or activity shall exhaust or discharge into the air any quantity of fly ash, dust, dirt, or other particulate matter except in conformance with current air pollution standards of the Ohio Environmental Protection Agency (OEPA) and pursuant to a valid discharge permit issued by OEPA. In no event shall there be any emission of solid or liquid particles in concentrations

exceeding three-tenths grains per cubic foot neither of the conveying gas or air, nor of acid gases in excess of two tenths percent by volume.

Sec. 211.2 Erosion

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

Sec. 211.3 Water Pollution

No use, operation, or activity shall emit or discharge solids, liquids, or other matter into or onto any bodies of water, streams, or the ground except in conformance with the water pollution control standards established by the Ohio Environmental Protection Agency (OEPA) and pursuant to a valid discharge permit issued by the OEPA.

Sec. 211.4 Electrical Disturbance

No use, operation, or activity shall generate or emit any electrical disturbance that interferes with normal radio and television reception or the use of electrical equipment beyond the property boundaries of such use, operation, or activity.

Sec 211.5 Noise

Reference Lawrence Township Noise Resolution 22-07. **REVISED**

~~*A. Maximum Sound Levels*~~

~~*The sound pressure level resulting from any use, operation, or activity shall not exceed the following maximum permitted sound levels at or beyond the boundary of the property on which said sound is produced:*~~

~~***Center Frequency Cycles per Second***~~	~~***Maximum Permitted Sound Pressure Level in decibels***~~
~~*31.5*~~	~~*76*~~
~~*63*~~	~~*74*~~
~~*125*~~	~~*68*~~
~~*250*~~	~~*63*~~
~~*500*~~	~~*57*~~
~~*1,200*~~	~~*52*~~
~~*2,000*~~	~~*45*~~
~~*4,000*~~	~~*38*~~
~~*8,000*~~	~~*32*~~

~~*B. Off-Site Maximum*~~

~~*The sound pressure level resulting from any use, operation, or activity shall not exceed the following maximum permitted sound levels at or beyond the boundary of any residentially zoned property:*~~

~~***Center Frequency Maximum Permitted Sound***~~

~~***Cycles Per Second***~~	~~***Pressure Level in decibels***~~
~~*31.5*~~	~~*74*~~
~~*63*~~	~~*72*~~
~~*125*~~	~~*66*~~
~~*250*~~	~~*60*~~
~~*500*~~	~~*54*~~
~~*1,200*~~	~~*50*~~
~~*2,000*~~	~~*43*~~
~~*4,000*~~	~~*35*~~
~~*8,000*~~	~~*26*~~

Sec. 211.6 Vibration

No activity or operation shall cause or create earthborn vibrations at the property boundary line in excess of the displacement amounts for frequencies set forth below:

Vibration Displacement

	Frequency (in inches)	
Cycles per Second	Steady State	Impact
Under 10	.0008	.0016
10-19	.0005	.0010
20-29	.0003	.0006
30-39	.0002	.0004
40 and over	.0001	.0002

Sec. 211.7 Toxic or Noxious Matter

A. No use, operation or activity shall emit or discharge toxic or noxious matter in any form which may be detrimental to the public health, safety, or general welfare, or which may endanger the natural environment.

B. The use or storage of any hazardous or regulated material shall be reported to the Bolivar Volunteer Fire Department using the appropriate Material Safety Data Sheets.

C. Provisions for proper storage, use, and disposal of hazardous and/or toxic materials shall conform to the standards and requirements for such material as established by the Ohio Environmental Agency and shall be implemented in consultation with the Bolivar Volunteer Fire Department Chief.

Sec. 211.8 Radiation Hazards

A. Unsealed radioactive material shall not be manufactured, utilized or stored (unless such materials are stored in a fireproof and concussion proof container at or below ground level) in excess of one million times the quantities set forth in Column 1 of the table in Section 38-2 of the Industrial Code Rule No. 38, relating to Radiation Protection of the New York State Department of Labor.

B. None of the following fissionable materials shall be assembled at any one point, place, or work area on any parcel in a quantity equal to or in excess of the amount set forth herein:

Material	Quantity
Uranium – 233	200 grams
Plutonium – 239	200 grams
Uranium – 235	350 grams

Sec. 211.9 Fire and Explosive Hazards

A. Storage, utilization, and/or manufacture of materials or products which are slow to moderate burning including those with open cup flash points above one hundred eighty two degrees Fahrenheit are permitted in accordance with the standards set forth in the National Fire Protection Association's Fire Protection Handbook.

B. Storage, utilization, and/or manufacturing of materials or products which are free burning and/or intense burning, including those which have open cup flash

points between one hundred degrees and one hundred eighty-two degrees Fahrenheit are permitted provided that:

1. The material or products are stored, manufactured, and/or utilized only within completely enclosed buildings having noncombustible exterior walls.
2. The buildings are set back at least forty feet from any lot line and one hundred feet from any residential zoning district boundary.
3. The buildings shall be protected throughout by an automatic fire-extinguishing system meeting the criteria set forth in the Ohio Basic Building Code for such systems.

C. Storage, utilization, and/or manufacture of materials or products which are flammable, combustible liquids, produce flammable or explosive vapors or gases, or decompose by detonation shall not be permitted, except in conformance with the following:

1. Storage of such materials, exclusive of finished products in original sealed containers, shall be underground.
2. Any activity or process involving the use of such materials shall take place solely within a completely enclosed building which is protected with an automatic fire-extinguishing system and contains such other safety and fire-prevention equipment as required by the Ohio Basic Building Code, the Fire Protection Code, and the Lawrence Township Fire Chief.
3. No such material shall be used or stored within fifty feet of any property boundary line, or within one hundred feet of any residential zoning boundary.

Sec 211.10 Glare

Any activity, operation, or use which produces glare or intense light emissions shall be adequately shielded, screened, or enclosed as not to be directly visible from any lot line. No glare or light emissions shall be of such intensity as to constitute a nuisance for adjoining properties.

A. This means to the extent reasonably possible the reduction or prevention of glare and light pollution, the conservation of energy, and promotion of safety and security.

REVISED

B. The following shall not be regulated by this Article: **REVISED**

1. Lighting required by State or Federal regulations
2. Illuminated poles for governmental or institutional flags
3. Seasonal holiday lighting

4. *Athletic field and amphitheater lighting (when extinguished within one hour following games/programs)*
5. *Emergency lighting*

Sec. 211.11 Measurement Procedures

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., the Manufacturing Chemist Association, Inc., the United States Bureau of Mines, the National Fire Protection Association, and the Ohio Environmental Protection Agency, and any other generally accepted methods of collection and standard methods of chemical analysis.

Sec. 211.12 Enforcement

A. The application for any non-residential zoning permit to the Zoning Inspector shall be accompanied by a statement setting forth the proposed use's ability to comply with these performance standards and describing any materials, processes, or activities which constitute potential hazards, as set forth herein, and the proposed methods for mitigating those potential hazards.

B. The Zoning Inspector may, from time to time, monitor a use's performance to determine its continued compliance with these standards. The Zoning Inspector shall have the authority to investigate complaints relating to alleged noncompliance with the standards set forth herein.

C. The Zoning Inspector may take such appropriate action as may be deemed necessary to protect the public health, safety, and general welfare and to compel compliance with these performance standards.

Sec. 212 Overlay Districts

The provisions of the Overlay districts, including the Flood Plain and Wellhead Protection overlay districts, shall be applicable to all lands shown as being located within the boundaries of such overlay district and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of the overlay district are in conflict with the regulations of the underlying zoning district, the more restrictive regulations shall apply.

Sec. 213 Home Occupations

Sec. 213.1 General Provisions

A home occupation shall comply with the following provisions:

A. The person running the home occupation lives at the residence.
B. The use of a dwelling unit for the home occupation shall be clearly incidental and subordinate to the use of a dwelling for residential proposes.
C. The use shall not utilize more than twenty percent of the gross floor area of the dwelling unit.
D. There shall be no change to the exterior appearance of the dwelling unit, or any other visible evidence of the home occupation.
E. One wall sign may be permitted provided that it shall not exceed four square feet in area, shall not be illuminated, and shall be mounted flat against the wall of the principal building.
F. The home occupation shall not employ any person on the premises other than members of the immediate family and permanent occupants of the dwelling unit.
G. It shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference causes fluctuation in line voltage, vibration, heat, glare or other nuisances outside the dwelling unit in which it is located.
H. The use shall not generate pedestrian or vehicular traffic in greater volumes than would normally be expected in a residential neighborhood.
I. No expansion of existing off-street parking shall be permitted. The home occupation shall not create any additional off-site parking demands.
J. No commodity or stock in trade shall be sold, displayed or stored outdoors.
K. It shall not require the use of common carrier vehicles for delivery of materials to or from the premises in greater volumes than would normally be expected in a residential neighborhood.
L. Separate entrance into the dwelling unit for the sole purpose of home occupation access shall be prohibited.
M. No accessory building or outdoor space shall be used in conjunction with the home occupation.
N. The provision for home occupations provided in this section is intended to secure flexibility in the application of the requirements of this Resolution. Such provisions are not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of activities associated with home occupations.

Sec. 213.2 Prohibited Home Occupations

The following home occupations shall be prohibited:

A. Uses and activities that require a gathering point or dispatch center for employees where business is conducted off the premises. These may include, but are not limited to the following:
   1. Landscaping.
   2. Contracting and Trucking.

B. Home occupations that require fire safety inspections, precautions or permits or other regulatory inspections or permits.

C. Home occupations that require the use of mechanical ventilation systems to exhaust the by-products of the home occupation.

D. Home occupations that involve the use of controlled substances.

E. Sexually Oriented Businesses.

Sec. 214 Waste Receptacles

Trash receptacles, dumpsters, or other containers thirty-two gallons or greater in size and intended for the temporary holding of trash, refuse, garbage or other discarded materials prior to collection, shall be screened from agricultural or residential properties as follows:

A. Such waste receptacles shall only be permitted in the side or rear yard.

B. Waste collection and storage facilities shall be screened from view from any public right-of-way and/or adjoining residential property by an enclosure consisting of a solid masonry wall or fence with a minimum height of six feet.

C. No waste receptacles shall be placed in the front yard more than one day prior to collection, and such receptacles must be removed from the front yard by midnight of the collection day.

Sec. 215 Freestanding Wind Energy Conversion System (WECS)

A. Freestanding Wind Energy Conversion System (WECS) for energy uses shall be permitted as an accessory to a principal use within the R-4 Rural Residential Districts on lots five acres or greater and comply with the following regulations:
   1. Primary purpose shall be to provide power for the principal use and accessory uses of the property and is not for the generation of power for commercial purposes.
   2. Placement of towers at a density of no greater than one per five acres.
   3. No WECS shall be located in any required front yard area.
   4. Maximum height shall be one hundred feet measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
   5. Minimum setback from all property lines, structures and above ground utility lines shall be two hundred feet.

6. Anchor points for guy wires for the tower shall be located no closer than twenty five feet to the property lines and not on or across any above ground electric transmission or distribution line.
7. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be twelve feet.
8. Blade color shall be white or light gray.
9. Lighting of the tower for aircraft and helicopter will conform to Federal Aviation Administration (FAA) standards for wattage and color, when applicable.
10. The tower should have either:
    a. Tower climbing apparatus located no closer than twelve feet to the ground level at the base of the structure.
    b. A locked anti-climb device installed on the tower.
    c. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
11. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
12. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
13. No variance shall be issued for the placement of a WECS so close to a property line as to result in any portion of the WECS at any time, whether erect or in the event the WECS should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.
14. The audible noise radiation due to wind turbine operations shall not cause the noise level at the boundary of the proposed project site to exceed thirty dB(A) for more than five minutes out of any one hour time period, or to exceed thirty five dB(A) for any time period; provided, however, if the Natural Ambient Noise Level without the commercial wind turbine generators is greater than thirty dB(A), the audible noise radiation shall not exceed five dB(A) above the Natural Ambient Noise Level. A commercial wind energy facility shall not be operated so that impulsive sound below twenty Hz adversely affects the habitability or use of the dwelling unit, hospital, school, nursing home, or other sensitive noise receptor.

B. Windmills eighteen feet in height or less shall be permitted in any residential district and shall have a minimum setback of fifteen feet from any building, rear or side property line, or equal to twice the height of the windmill, whichever is greater and twenty five feet from any right-of-way line.

Sec. 215.1 Site Plan Requirements

Site Plan Requirements include but are not limited to:

A. Property lines and physical dimensions of the site.
B. Location for WECS tower, guy wires, and setbacks from property lines, above ground utility lines and any structure on the property.
C. Location of signage.
D. Elevation of the proposed WECS tower.
E. Location of trees within a one hundred feet radius of the proposed WECS.
F. Make, model, picture, and manufacturer's specification, including noise decibels.

Sec. 215.2 Decommissioning

A. The WECS owner/applicant shall complete decommissioning within twelve months after the end of the WECS useful life. The term "useful life" is defined as zero electricity generation for a period of twelve consecutive months from a particular WECS.
B. All decommissioning expenses are the responsibility of the Owner/Applicant.
C. The Board of Zoning Appeals may grant an extension of the decommissioning period based upon request of the Owner/Applicant. Such extension period shall not exceed one year.
D. If the WECS Owner/Applicant fails to complete the act of decommissioning within the period described in this Section, the Lawrence Township Trustees may deem the WECS a public nuisance.
E. Following removal of the WECS and all related structures, the site shall be graded, stabilized and seeded to prevent soil erosion.
F. A performance bond, or other financial guarantee, shall be placed on deposit with the Trustees to insure that the decommissioning is completed and the area is replaced back to its natural state. Such bond or guarantee shall be in the amount equal to the cost of the construction of the improvements based on an estimate approved by the Trustees.

Sec. 216 Small Structure Mounted Wind Energy Conversion System (SSM-WECS)

Sec 216.1 Small Structure Mounted Wind Energy Conversion Systems (SSM-WECS), including Blade Tip Power System Turbines (BTPS)

Shall be permitted in any Zoning District as an accessory to a principal use and comply with the following regulations:

A. *A permit shall be required before any site work is performed.*

B. The lowest extension of rotor blade or other exposed moving component of a SSM-WECS shall be at least fifteen feet above the ground, as measured from the highest point of grade within thirty feet of the base of the SSM-WECS. In additional, the lowest extension of any rotor blade or other exposed moving component of a SSM-WECS shall be at least fifteen feet above any outdoor areas intended for human use that are located below the SSM-WECS. Examples include balconies, roof gardens, etc.

C. A SSM-WECS shall not produce vibrations that are perceptible to humans beyond any property line upon which a SSM-WECS is located.

D. Guy wires or similar apparatus shall not be allowed as part of a SSM-WECS or installation.

E. The mounting height of a SSM-WECS shall not exceed fifteen feet above the highest point of the roof or structure, or a maximum of forty eight feet.

F. A SSM-WECS shall be setback a minimum the height of the tower including the blade radius plus ten feet from any property line, public right-of-way, and public easement or overhead utility lines.

G. If the SSM-WECS is affixed by an extension to a structure's walls, roof, or other elevated surface then the setback from property lines, public right-of-way, and public easement or overhead utility lines shall be measured from the furthest outward extension of moving SSM-WECS components.

H. If more than one SSM-WECS is installed on a property, then a distance equal to the mounted height of the adjacent SSM-WECS must be maintained between the bases of each SSM-WECS.

I. Minimum lot size is ten thousand five hundred square feet for roof mounted, ` and five acres for tower mounted systems.

J. Maximum tower height shall be forty eight feet if ground mounted.

K. Maximum Rotor Blade Length shall be six feet, and maximum turbine diameter shall be twelve feet.

L. No portion of the turbine, including rotor blades, may extend over parking areas, driveways, or sidewalks.

M. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.

N. All wires should be concealed in conduit and/or underground.

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Sec. 216.2 Decommissioning

A. The SSM-WECS owner/applicant shall complete decommissioning within twelve months after the end of the SSM-WECS useful life. The term "useful life" is defined as zero electricity generation for a period of twelve consecutive months from a particular WECS.

B. All decommissioning expenses are the responsibility of the owner/applicant.

C. The Board of Zoning Appeals may grant an extension of the decommissioning period based upon request of the owner/applicant. Such extension period shall not exceed one year.

D. If the SSM- WECS owner/applicant fails to complete the act of decommissioning within the period described in this Section, the Lawrence Township Trustees may deem the WECS a public nuisance.

E. Following removal of the SSM- WECS and all related structures, the site shall be graded, stabilized and seeded to prevent soil erosion.

F. A performance bond, or other financial guarantee, shall be placed on deposit with the Trustees to insure that the decommissioning is completed and the area is replaced back to its natural state. Such bond or guarantee shall be in the amount equal to the cost of the construction of the improvements based on an estimate approved by the Trustees.

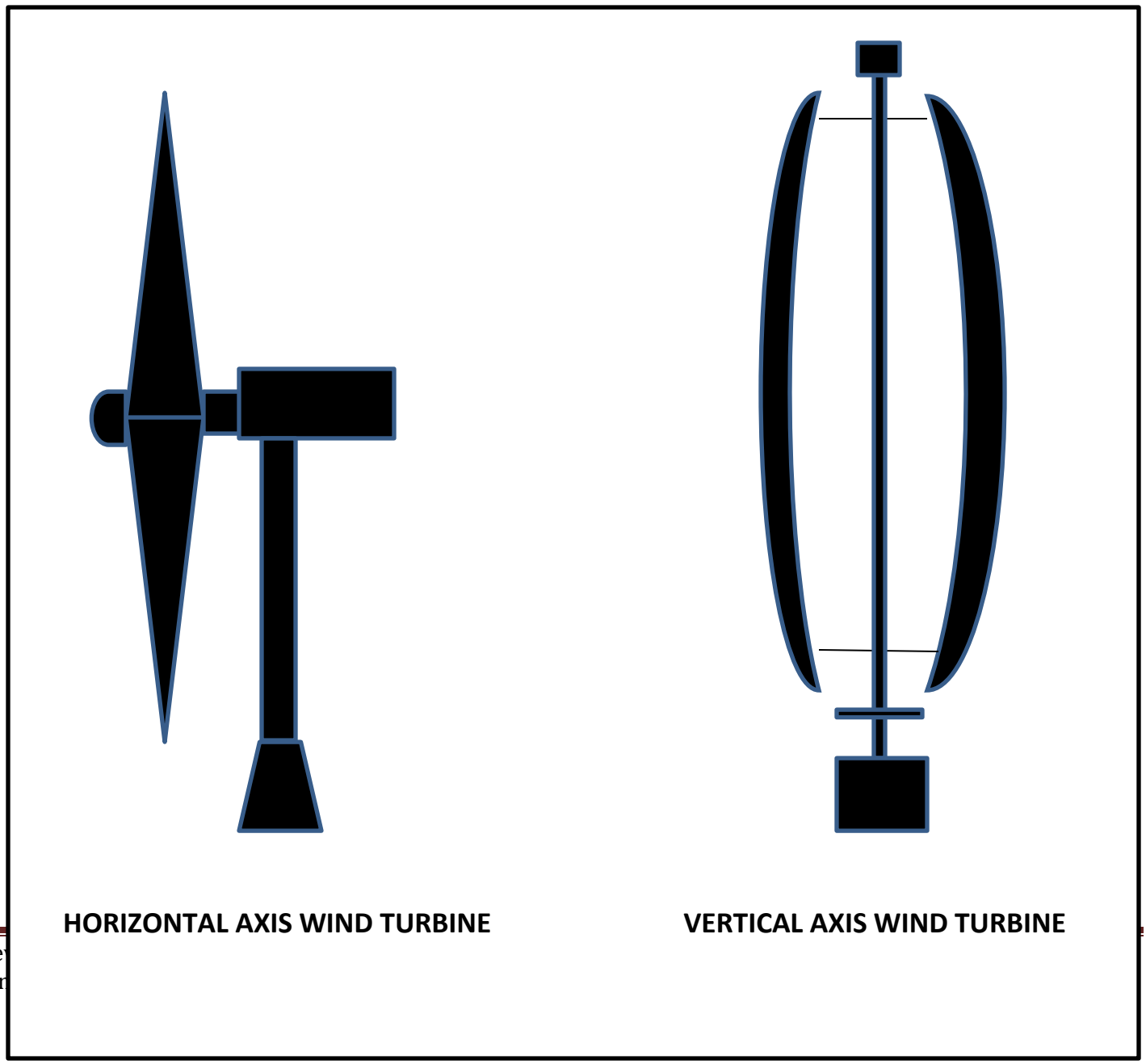
Sec. 217 Small Wind Projects (FARM)

Two or more Small Wind Energy Conversion Systems (SWECS) less than five megawatts in capacity shall be permitted, with an approved Zoning Certificate, in R-4 Residential Districts subject to all requirements as provided herein. Wind power systems five megawatts in capacity or greater are regulated by the Ohio Public Utilities Commission (PUCO). Permissible SWECS shall include both Horizontal Axis Wind Turbines (HAWTs) and Vertical Axis Wind Turbines (VAWTs), and Blade Tip Power System Turbines (BTPs). SWECS shall be subject to the conditions listed below:

	HAWT	***VAWT***
Minimum Lot Size	*Fifty acres/SWECS*	*Fifty acres/SWECS*
Maximum Tower Height	*One hundred fifty feet*	
Turbine Clearance	*No portion of the turbine, including rotor blades, shall extend within twenty feet of the ground, except that the generator of a VAWT may be located on the ground at the base of the system. No portion of the turbine, including rotor blades, may extend over parking areas, driveways, or sidewalks.*	
Maximum Rotor Blade Length	*Maximum rotor diameter shall be forty three feet*	*Twenty feet less than the maximum height of the tower, as*

		defined above, in order to provide for the twenty foot turbine clearance
Minimum Setbacks	*Two hundred feet. No part of the wind energy conversion system structure, including, but not limited to, guy wire anchors and any necessary ground-mounted conversion equipment, may extend closer than twenty five feet to the property line.*	

Figure 217



HORIZONTAL AXIS WIND TURBINE

VERTICAL AXIS WIND TURBINE

Sec. 217.1 Permits

A. A permit shall be required before construction can commence on an individual wind turbine project.

B. As part of the permit process, the applicant shall inquire with the FAA as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports, and provide documentation from the FAA clearly stating restrictions, if applicable, or no restrictions.

Sec. 217.2 Application

A. The applicant shall provide the Township Zoning Inspector with the following items and or information when applying for a permit:

1. Written approval, or notice that approval is not needed, from the FAA.
2. A report that shows:
    a. The total size and height of the unit.
    b. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
    c. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
    d. Schematics and engineering drawings with a report signed by a licensed engineer.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines. The site drawing must meet the site plan standards of **Section 203.6** of the Zoning Resolution.
4. A shadow flicker analysis demonstrating impact on adjacent and nearby residential properties. (Small Wind Projects should be constructed in locations that minimize the impacts of shadow flicker on residents.)

B. Sound. Small wind energy conversion systems shall not exceed fifty five dbA, measured five feet above ground level at the closest property line. The sound level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms with sustained winds of fifty eight miles per hour or fifty knots.

C. Automatic Over-Speed Controls. All small wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the small wind energy conversion system.

D. Utility Notification. No small wind energy conversion system shall be installed until evidence has been given that the electrical utility company has been informed of, and approves of customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

E. Tower color. Tower colors shall be white, off-white, gray, or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.

F. Lighting. Small wind energy conversion systems shall not be artificially lighted, except as required by the FAA.

G. Climb prevention. Small wind energy conversion systems shall not be climbable up to fifteen feet above the ground surface.

H. Compliance with other regulations. The applicant or owner shall be responsible for acquiring all necessary approvals from other applicable agencies, including but not limited to the FAA.

I. Maintenance. Small wind energy conversion systems shall be maintained in working order, structurally sound, and with any surface treatments intact.

J. Abandoned Facilities. Any small wind energy conversion system that is not operated on a functional basis for a period of twelve consecutive months shall be deemed abandoned. The Zoning Inspector may order the repair or decommissioning of said small wind energy conversion system, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or decommission the same within sixty day of receipt of notification by certified mail. If said facility is not either operational or removed after sixty days, the Township may decommission the system at the owner's expense.

K. A performance bond, or other financial guarantee, shall be placed on deposit with the Trustees to insure that the site area is returned to its original state

following decommissioning. Such bond or guarantee shall be in the amount equal to the cost of the construction of the improvements based on an estimate approved by the Trustees.

L. All wires should be concealed in conduit and/or underground.

Sec. 217.3 Decommissioning

A. The SWECS owner/applicant shall complete decommissioning within twelve months after the end of the SWECS useful life. The term "useful life" is defined as zero electricity generation for a period of twelve consecutive months from a particular SWECS.

B. All decommissioning expenses are the responsibility of the owner/applicant.

C. The Board of Zoning Appeals may grant an extension of the decommissioning period based upon request of the owner/applicant. Such extension period shall not exceed one year.

D. If the SWECS owner/applicant fails to complete the act of decommissioning within the period described in this Section, the Lawrence Township Trustees may deem the SWECS a public nuisance.

E. Following decommissioning of the SWECS and all related structures, the site shall be graded, stabilized and seeded to prevent soil erosion.

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ARTICLE III

DISTRICT REGULATIONS

Sec. 301 R-1 Low Density Residential (Suburban) District

Sec. 301.1 Purpose

The purpose of this district is to accommodate residential development at densities of one to four units per net acre in areas that are, or can be at the same time of development serviced by existing or extensions of existing public central water and sewer facilities and paved streets with curbs and gutters.

Sec 301.2 Uses

Within an R-1 Residential District, no building, structure or premises shall be used, arranged to be used or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. Single-Family dwelling.
2. Accessory buildings.
   a. Detached Garages and/or storage buildings containing one thousand two hundred square feet or less.
   b. Detached Garages and/or accessory buildings on parcels of 2 (two) acres or more containing no more than two thousand four hundred square feet, provided the total square footage of the primary residence and all accessory buildings do not exceed 40% of the total square footage of the parcel. All setbacks in accordance with Appendix K must be met without the need for a variance. **REVISED**
3. Permanently sited manufactured homes.
4. Adult Group Home, Small
5. Type B Family Day Care Homes
6. *Recreational Facility/Use, Type A* **REVISED**
7. *TEMPORARY STORAGE POD/ Portable Storage Container* **REVISED**

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Use Zoning Certificates for uses listed herein, subject to **Article VI and Table 601**.

1. Wireless Facilities.
2. Agriculture, in conjunction with Sec. 203.1 A and Sec. 601.13 N
3. Accessory Buildings
   a. Detached Garages and/or Storage Buildings containing more than one thousand two hundred square feet shall require a conditional use zoning permit.
4. Family Day Care Home Type 'A'
5. *BED AND BREAKFAST, RESIDENTIAL* **REVISED**
6. *Churches* **REVISED**
7. ~~*TEMPORARY STORAGE POD/ Portable Storage Container*~~ **REVISED**
7. *Recreational Facility/Use, Type B* **REVISED**
8. *Home Occupation* **REVISED**
9. *Granny Cottage* **REVISED**
10. *Gas/Oil Wells* **REVISED**

Sec. 301.3 Area, Yard and Height Regulations

A. Minimum Lot Area
Eleven thousand two hundred fifty square feet for single-family dwellings.

B. Minimum Lot Width at Building Line
Seventy-five feet for single-family dwellings.

C. Minimum Lot Width at Street
Fifty feet except forty-five feet on cul-de-sac turn around.

D. Minimum Front Yard Depth from Street Right-of-Way
   1. Thirty feet except that a residence fronting on a state roadway shall be set back from the street right-of-way not less than forty feet. If there is no established street right-of-way, said minimum front yard depth shall be deemed to be sixty feet from the centerline of the road.
   2. Double frontage lots shall provide the required front yard on both street frontages. No accessory building shall project into any required front yard.
   3. Corner lots shall provide the required front yard adjacent to each street frontage, except that in no case shall the buildable width of a lot be reduced to less than forty feet. No accessory building shall project into any required front yard line.

E. The two side yards shall total not less than twenty-five feet. The width of the narrower of the two side yards shall not be less than ten feet.

F. Minimum Rear Yard Depth

Forty feet

G. Maximum Height of Buildings

Thirty-five feet

H. Minimum Living Area per Dwelling Unit **REVISED**

1. Minimum Living Area

No structure shall be erected, reconstructed, or converted for use as a dwelling unless the following minimum living floor area per dwelling unit is provided:

Single- Family:

Dwelling Unit	*With or Without Basement*
One or Two Bedroom	*One thousand two hundred Sq. Ft.*
Three Bedroom	*One thousand four hundred Sq. Ft.*
Four Bedroom	*One thousand six hundred Sq. Ft.*
Five or More Bedrooms	*One thousand eight hundred Sq. Ft.*

2. Not included in Living Floor Area

Minimum living floor area per family shall not include porches, steps, terrace breezeways, attached or built-in garages, unfinished basements or basements not having windows exposed to the outside, or other attached structures not intended for human occupancy.

3. Foundation

A residential structure shall have a complete foundation installed to a depth below frost line.

Sec. 301.4 Permitted Use Certificate Required

According to **Section 1001.9** a permitted use certificate shall be required prior to occupancy of any nonresidential use permitted or conditionally permitted in an "R" District.

Sec 302 R-2 Planned Residential District

Sec. 302.1 Purpose

It is the intent of this District to recognize and accommodate in a unified project, creative and imaginative planned residential developments that provide flexibility in housing types while retaining the best interests of the Township. In order to accomplish this purpose, it is the intention in establishing these regulations:

A. To permit in a planned residential development, a variety of dwelling types including single-family detached, clustered and attached.

B. To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation, the conservation of the natural amenities of the landscape, and the creation of functional and interesting residential areas.

C. To permit the economical distribution and use of such facilities as sanitary sewer, central water supply and public and private streets.

Sec. 302.2 Uses

A. Permitted Uses

1. Single-family detached, attached and clustered dwellings. Single-family attached dwellings, where no more than four dwellings are contained in any one grouping of attached or contiguous structures.
2. Accessory buildings.
   a. Detached Garages and/or Storage Buildings containing one thousand two hundred square feet or less.
   b. Detached Garages and/or accessory buildings on parcels of 2 (two) acres or more containing no more than two thousand four hundred square feet with a single-family residence, provided the total square footage of the primary residence and all accessory buildings do not exceed 40% of the total square footage of the parcel. Clustered or attached dwelling units will remain held to the standard of 302.2 A.2.a. per dwelling unit, so long as the dwelling units building and all accessory buildings total square footage does not exceed 40% of the parcel square footage. All setbacks in accordance with Appendix K must be met without the need for a variance. **REVISED**
3. Permanently sited manufactured homes.

4. Adult Group Home, Small.
5. *TYPE B FAMILY DAY CARE HOMES* **REVISED**
6. Agriculture, in conjunction with **Sec. 203.1 A and Sec. 601.13 N**
7. *Recreational Facility/Use, Type A* **REVISED**
8. *TEMPORARY STORAGE POD/ Portable Storage Container* **REVISED**

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Use Zoning Certificates for uses listed herein, subject to **Article VI**, **Section 301.2B1 and Table 601.**

1. Agriculture
2. Adult Group Home, Large.
3. Accessory Buildings
   a. Detached Garages and/or Storage Buildings containing more than one thousand two hundred square feet shall require a conditional use zoning permit.
4. *Churches* **REVISED**
5. Congregate Living Development
6. Congregate Living Facility
7. *Recreational Facility/Use, Type B* **REVISED**
8. *Home Occupation* **REVISED**
9. *Granny Cottage* **REVISED**
10. ~~*TEMPORARY STORAGE POD/ Portable Storage Container*~~ **REVISED**

Sec 302.3 Area, Yard and Height Regulations

A. Minimum area for development

An R-2 Planned Residential District shall contain a minimum of five acres. The acreage shall be contiguous in that it shall not be divided into segments by any limited access highway or any tract of land (other than roads, right-of-way for pipelines, or electric transmission lines) not owned by the developer of the R-2 development.

B. Maximum overall density

Six dwelling units per acre. The density of the cumulative total of all phases of a development, having been given final development plan approval, shall never exceed the maximum permissible density for the planned residential development.

C. Minimum lot area for single-family units

Minimum lot area for single-family units on individual lots is ten thousand eight hundred square feet.

D. Minimum yard requirements for single-family units

Minimum yard requirements for single-family units on individual lots:

1. Front yard depth is thirty feet.
2. Rear yard depth is forty feet.
3. Side yard width – The two side yards shall total not less than twenty-five feet. The width of the narrower of the two side yards shall not be less than ten feet.
4. Minimum lot frontage – All lots shall have a minimum frontage on a public thoroughfare of fifty feet.

E. Minimum lot area and yard requirements for single-family attached dwellings.

1. Seven thousand two hundred sixty square feet per dwelling unit.
2. Front yard depth is thirty feet.
3. Rear yard depth is forty feet.
4. Side yard width – Ten feet adjacent to the non-attached side of dwellings, with combined two side yards being twenty five feet minimum.
5. Minimum lot frontage. Dwellings on individual lots shall have a frontage of fifty feet and dwellings grouped on a common parcel shall have a parcel frontage of fifty feet on a public roadway or on a private street built to county paving material standards.

F. Minimum floor area.

Minimum floor areas for dwelling units permitted in the R-2 Residential Developments are as follows:

1. Single-family dwellings – attached or unattached:
   a. One or two bedrooms – One thousand two hundred square feet
   b. Three bedrooms – One thousand four hundred square feet
   c. Four or more bedrooms – One thousand six hundred square feet

2. Not included in Living Floor Area **REVISED**

Minimum living floor area per family shall not include porches, steps, terrace breezeways, attached or built-in garages, unfinished basements or basements not having windows exposed to the outside, or other attached structures not intended for human occupancy.

3. Foundation **REVISED**

A residential structure shall have a complete foundation installed to a depth below frost line.

G. Maximum Height

The maximum height for dwelling units permitted in R-2 Residential Developments is thirty-five feet (As listed in **Appendix K**).

Sec. 302.4 Site Development, Parking, Open Space and Other Requirements

A. Development Layout

1. When a proposed R-2 Planned Residential District abuts existing lots containing single-family dwellings, proposed structures of the R-2 Development abutting those lots shall be restricted to single-family detached dwellings.
2. Dwelling units shall be grouped or clustered to break up the development arrangements, maximize privacy, collect and maximize common open space, and promote the individual character and coordinated layout of each lot, cluster, and grouping.
3. Streets and cul-de-sacs shall be laid out to utilize natural contours and discourage through and high-speed traffic.

B. Off-Street Parking

There shall be provided outside the public right-of-way and off the primary access drives an average of three parking spaces per dwelling unit for the total development.

C. Streets and Driveways

All streets and driveways, whether public or private, shall be designed and constructed to or greater than the county standards.

D. Open Space

The minimum area devoted to open space in a development permitted by the R-2 District shall be provided as follows:

1. Ten percent open space shall be required for a development with a density of three or fewer single-family dwelling units per acre or five or fewer attached single-family dwelling units per acre.
2. Twenty percent open space shall be required for a development with a density of three to four single-family dwelling units per acre or five to six attached single-family dwelling units per acre.
3. Forty percent open space shall be required for a development with a density of greater than seven attached single-family dwelling units per acre.

E. Sanitary Sewer and Water Facilities

Sanitary sewer and water facilities shall be provided at the time of development. Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems, which can be effectively screened, may be exempted from this requirement if the planning commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

F. Topography, Natural Features and Site Planning

Topography, natural features and site planning shall be designed to take advantage of the topography of the land in order to utilize the natural contours, and to minimize destruction of watercourses, natural vegetation, trees, and topsoil. The natural features and other distinctive characteristics of the site shall be integrated into the plan to create variations in the arrangements of buildings, open spaces, and site features.

G. Development

Development must be in compliance with other applicable sections of the Township Zoning Resolution and County Subdivision Regulations.

Sec. 302.5 Plan for Development of Land; Approval Procedure

A. General Plan Approval

At the time of the application to the Township Zoning Commission for rezoning to R-2, a general plan for the development of the land shall have been filed with the Township and Regional Planning Commission by the owners of the land involved. The general plan shall show the following:

1. The boundaries of the development.
2. A tabular summary of the total acreage of the proposed development, the maximum allowable number of dwelling units by type, area and acreage, and the number of acres proposed for recreational/open space development.
3. The proposed street system, parking areas, access areas, access drives, and general pedestrian circulation system for the proposed development.
4. The proposed locations of all areas for single-family dwellings, both attached and detached, and all accessory and other uses, such as recreational service buildings.
5. The general plan for proposed sewer and water facilities. Storm water drainage must be taken into consideration.

6. The proposed reservations for recreational areas, including parks and playgrounds, open spaces, and other community facilities, with a statement of the proposed methods to be employed to preserve and maintain recreational areas and open spaces.
7. The plan shall show the location of flood hazard areas from the current Tuscarawas County Flood Insurance Rate Map and Corp. of Engineers flowage easements.

B. Final Approval of Uses in a Planned Residential District

Before such uses may begin as provided for by this chapter, the owner shall file a final development plat for any specific area within the project, or the overall project, with the Township and Regional Planning Commission, together with a letter of application for such approval. Such final development plat shall show the following:

1. The area to be developed and the area to be devoted to open spaces for the use of all residents of the area with accurate acreage, courses, and distances, as determined by a licensed surveyor who shall sign such plan and certify to accuracy thereof.
2. The location of all buildings, descriptive data as to the type of buildings, the number of dwelling units in each separate residential type, and the number of bedrooms for each singe family dwelling.
3. A detailed plan setting forth the manner and means whereby all open space, properties held in common, rental properties, and private properties, including all facilities of the storm water management and sedimentation control systems, shall be properly maintained. Such plan shall be in the form of a homeowner's association or some such similar instrument.
4. Approved plans for sanitary sewer, water supply facilities, and other utilities.

C. Conditions for Final Approval of Uses

The Township Zoning Commission shall give the final approval of uses only on finding that the following conditions are met:

1. No applicable, general, or specific requirements of the Township Zoning Resolution and the County Subdivision Regulations, as existing at the time of general plan approval, is violated by the final development plat.
2. The final development plat is substantially in accordance with the general plan that has been previously filed with and approved by the Township

and Regional Planning Commission as the basis for establishing an R-2 Planned Residential District.

3. The density of dwelling units in any area does not exceed that shown on the general plan and that the overall density of the development has not been exceeded with respect to the total figure shown on the general plan.
4. The area reserved for open space and recreation in the sum of all areas for which final development plat approval has been given or is requested shall never be less than four percent of the cumulative acreage of all areas for which final development plat approval has been given or is requested.
5. The zoning certificate for a planned unit development shall be for a period of five years to allow the preparation and recording of the required subdivision plat and the development of the project. If no development has occurred to effectuate the plan within five years after approval is granted, the approval shall be voided and the land shall revert to the district regulations in which it is located. An extension of the limit or modification of the approval development plan may be approved if the planning commission and the board of zoning appeals find that such extension or modification is not in conflict with the public interest.

Sec. 302.6 Residential Specifications

A. Building Setback, Ownership's, and Specifications

All setback dimensions are minimums unless otherwise specified.

1. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.
   a. Condominium Association involves mandatory membership and support.
   b. Homeowners Association involves voluntary membership and member support.
2. Single-family detached. A separate single-family dwelling on its own, legally described lot.

Individual Lot	Rental
Ten thousand eight hundred sq. ft.	Ten thousand eight hundred sq. ft.
Thirty ft. Front Yard	Thirty ft. Front Yard
Forty ft. Rear Yard	Forty ft. Rear Yard

Ten feet Side yard minimum with sum of both sides being twenty five feet minimum fifty feet drainage
Condominium
Yes, Limited to lot; common lands

3. Single-family attached

Independent dwellings with separate identities, entrances, and services, but with contiguous or attached structural elements. These dwellings may be located on separate lots or grouped on commonly owned and maintained acreage. For purposes of flexibility, variety, and identity, no more than five dwellings shall be in an attached or contiguous grouping.

Individual Lot	Rental
Eight thousand sq. ft.	Eight thousand sq. ft.
Thirty ft. Front Yard	Thirty ft. Front Yard
Forty ft. Rear Yard	Forty ft. Rear Yard

Ten feet Side yard minimum with combined two sides being twenty five feet minimum.
Fifty feet frontage
Condominium
Yes, limited to lot; common lands.

4. Town Houses

Independent dwelling with separate identities and entrances but structurally connected or having common walls or roofs. All dwellings have direct access to the outside at grade, and no dwellings are located one over the other. Townhouse buildings may include up to six dwellings and may be located on acreage that is either under single ownership or commonly owned and maintained.

Individual Lot	Rental
No	Maximum six dwellings/ac.
	Front Yard is thirty ft.
	Rear Yard is forty ft.
	Side Yard Minimum is ten ft.
	Frontage is twenty ft. bldg. Sep.

Condominium – Same as Rental

5. Garden Apartment

A multi-family structure containing four self-contained dwellings, which may be located one over the other and which may have common building

entrances, stairway, and other common services and facilities. Garden apartment buildings may have two floors above ground.

Individual Lot	Rental
No	Maximum six dwellings/ac. Front Yard is forty ft. Rear Yard is twenty ft. Side Yard Minimum is ten ft. Bldg. Sep. is twenty ft. Frontage is fifty ft.

Condominium – Same as rental

B. Open Space

Land not occupied by buildings, parking lots, or other structures and set aside for the preservation, provision, and maintenance of the natural environment, such as unusual, interesting, or significant areas of vegetation, wildlife, habitat, natural panoramas, unusual land forms, water bodies and water courses, wetland, and floodplains, and other natural amenities.

C. Recreation Areas

Open space developed for or intended to be developed for recreational activities requiring land areas outside of buildings and other structures, including such facilities as play fields, ball fields, golf courses, hiking and riding trails, and picnic areas.

D. Disposition of Open Space

The amount of open space reserved under a planned-unit development shall either be held in corporate ownership by the owners of the project area building sites for the use of each owner who buys property within the development or dedicated to the Township and retained as open space for parks, recreation, and related uses. All land dedicated to the Township must meet the planning commission's requirements as to shape, size, and location. Public utility and similar easements and right-of-way for watercourses and other similar channels are not acceptable for open space dedication to the Township unless such land or right-of-way is usable as a trail or similar way and approved by the planning commission.

E. Recreation Facilities

Building, equipment, and their structures developed for recreational activities, including tennis, basketball, volleyball, and other type of court facilities, swimming pools, play equipment, party and meeting rooms and buildings, and landscaping, flower beds and other aesthetic features.

F. Public Facility Sites

Land designated for future facilities or land containing facilities such as water and sewerage pump stations, storm water systems and detention basins, school and fire station sites, and sites for other publicly owned or operated facilities and services.

Sec. 302.7 Permitted Use Certificate Required

According to **Section 1001.9** a permitted use certificate shall be required prior to occupancy of any nonresidential use permitted or conditionally permitted in a "R" District.

Sec 303 R-3 High Density Residential District

Sec. 303.1 Purpose

The purpose of this district is to encourage relatively high-density residential development in area adjacent to community facilities, neighborhood shops and major highways. Development is to consist primarily of townhouses and garden apartments at densities up to sixteen units per acre in groupings that will provide for efficient development and utilization of community facilities including central water and sewer.

Sec. 303.2 Uses

Within an R-3 High Density Residential District no building, structure or premises shall be used, arranged to be used or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. Single-family dwelling including home occupation.
2. Two-family dwellings.
3 Multi-family dwellings.
4. Accessory buildings
5. Signs as regulated by **Article IV** hereof.
6. Permanently sited manufactured homes.
7. Adult Group Home, Small.
8. *TYPE B FAMILY DAY CARE HOMES* **REVISED**
9. Agriculture, in conjunction with **Sec. 203.1 A** and **Sec. 601.13 N**.
10. *Recreational Facility/Use, Type A* **REVISED**
11. *TEMPORARY STORAGE POD/ Portable Storage Container* **REVISED**

B. Accessory permitted use

1. Parking and loading facilities as regulated by **Article V** of this Resolution.
2. Detached Garages and/or Storage Buildings containing one thousand two hundred square feet or less.
3. *Detached Garages and/or accessory buildings on parcels of 2 (two) acres or more containing no more than two thousand four hundred square feet with a single-family residence, provided the total square footage of the primary residence and all accessory buildings do not exceed 40% of the total square footage of the parcel. Two-family or multi-family dwelling units will remain held to the standard of 303.2 B.2., per dwelling unit, so long as the dwelling units building and all accessory buildings total square footage does not exceed 40% of the*

parcel square footage. All setbacks in accordance with Appendix K must be met without the need for a variance. **REVISED**

C. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Use Zoning Certificates for uses listed herein, subject to **Article VI and Table 601**.

1. Publicly owned and/or operated buildings and facilities subject to **Article VI**.
2. Planned unit developments subject to **Section 312.**
3. Agriculture
4. Adult Group Home, Large.
5. Accessory Buildings
   a. Detached Garages and/or Storage Buildings containing more than one thousand two hundred square feet shall require a conditional use zoning permit.

6. Family Day Care Home Type 'A' **REVISED**

7. Congregate Living Development
8. Congregate Living

9. Churches **REVISED**

10. Licensed Group Home for Handicapped Persons **REVISED**

11. Recreational Facility/Use, Type B **REVISED**

12. Granny Cottage **REVISED**

13. Home Occupation **REVISED**

14. Office (excluding Medical) **REVISED**

15. Temporary Storage/Pods **REVISED**

~~*11. Temporary Storage Pod/ Portable Storage Container*~~ **REVISED**

Sec 303.3 Area, Yard and Height Regulations

A. Minimum Lot Area
   1. Single-family dwellings seven thousand five hundred square feet.
   2. Two-family dwellings ten thousand square feet.
   3. Multi-family dwellings, twelve thousand square feet for the first three units, plus two thousand five hundred square feet for each dwelling unit over three.

B. Minimum Lot Width at Building Line
   1. Two-family dwelling eighty feet.
   2. Multi-family dwelling one hundred feet.

C. Minimum Lot Width at Street

Fifty feet except forty feet for single family dwellings on cul-de-sac turn around.

D. Minimum Front Yard Depth from Street Right-of-Way

1. Forty feet plus one foot for each two feet of building height in excess of thirty-five feet, except that uses fronting on a state roadway shall be set back from the street fifty feet plus one foot for each two feet of building height in excess of thirty five feet. If there is no established right-of-way, said line shall be deemed to be thirty feet from the centerline of the road.
2. Double frontage lots shall provide the required front yard on both street frontages. No accessory building shall project into any required front yard.
3. Corner lots shall provide the required front yard adjacent to each street frontage, except that in no case shall the buildable width of a lot be reduced to less than forty feet. No accessory building shall project into any required front yard line.

E. Minimum Side Yard Width

1. Single-family dwelling. The two side yards shall total not less than twenty feet. The width of the narrower of the two side yards shall not be less than eight feet.
2. Two family dwelling, ten feet.
3. Multi-family dwellings, ten feet plus one foot for each two feet of building in excess of thirty-five feet above grade.

F. Minimum Rear Yard Depth

Forty feet

G. Maximum Height of Buildings

Fifty feet

H. Minimum floor areas for dwelling units permitted in the R-3 Residential Developments are as follows:

1. Single-family dwellings attached or unattached:

One bedroom	Seven hundred fifty square feet
Two bedrooms	Eight hundred fifty square feet
Three bedrooms	Nine hundred fifty square feet

Additional one hundred square feet per each additional bedroom

a. Not included in Living Floor Area **REVISED**

Minimum living floor area per family shall not include porches, steps, terrace breezeways, attached or built-in garages, unfinished basements or basements not having windows exposed to the outside, or other attached structures not intended for human occupancy.

b. Foundation **REVISED**

A residential structure shall have a complete foundation installed to a depth below frost line.

Sec 303.4 Site Plan Review and Conformance

All apartment uses specified under **Section 303.3** shall be permitted only after the review and approval of the site plans by the Board of Zoning Appeals and upon finding by the Zoning Commission that the specific standards set forth in this article and the requirements of **Article II, Section 203.6** will be met.

Sec. 303.5 Permitted Use Certificate Required

According to **Section 1001.9**, a permitted use certificate shall be required prior to occupancy of any nonresidential use permitted or conditionally permitted in an "R" District.

Sec. 304 R-4 Rural Residential District

Sec 304.1 Purpose

The purpose of this district is to accommodate residential development at a low density that will promote the continuation of the predominately rural residential character of this zone, ~~*providing for a lack of urban services and having urban services*~~ *which may or may not include central sewage treatment.* **REVISED**

Sec 304.2 Uses

Within an R-4 Residential District, no building, structure, or premises shall be used, arranged to be used, or designated to be except for one or more of the following uses:

A. Permitted Uses

1. Single-family dwelling including home occupation.
2. ~~*Accessory buildings.*~~ **REVISED**
2. *Detached Garages and/or Accessory Buildings to any square footage provided the total square footage of the Primary Residence and all Accessory Buildings do not exceed 40% of the total square footage of the parcel. In instances where the parcel is less than 2 (two) acres, the Detached Garage and/or Accessory Building may not exceed one thousand two hundred square feet in size. All setbacks in accordance with Appendix K must be met without the need for a variance.* **REVISED**
3. One roadside stand offering for sale only agricultural products, which are produced on the premises, is permitted. Such stands shall not be erected closer than twenty feet from the road right-of-way nor closer than sixty (60) feet from any lot line.
4. Signs as regulated by **Article IV** hereof.
5. Permanently sited manufactured homes.
6. Manufactured homes on individual lots in a manufactured home park.
7. Agriculture, in conjunction with **Sec. 203.1 A** and **601.13 N**.
8. Adult Group Home, Small
9. *TYPE B FAMILY DAY CARE HOMES* **REVISED**
10. *Recreational Facility/Use, Type A* **REVISED**
11. *Recreational Facility/Use, Type B* **REVISED**
12. *TEMPORARY STORAGE POD/ Portable Storage Container* **REVISED**

B. Accessory Permitted Uses

1. Parking and loading facilities as regulated by **Article V** of this Resolution.
2. Freestanding Wind Energy Conversion Systems.

C. Conditionally Permitted Uses

The Zoning Board of Appeals may issue conditional zoning certificates for uses subject to **Article VI and Table 601** per other Districts as well. Conditional uses shall include:

1. Non-commercial recreation.
2. Home occupation.
3. Manufactured Home Park.
4. Small Wind Projects (FARM) in accordance with **Section 217**
5. Extraction
6. *Bed & Breakfast, residential* **REVISED**
7. Congregate Living Facility
8. *Churches* **REVISED**
9. *Licensed Group Home for Handicapped Persons* **REVISED**
10. *Family Day Care Home – type 'A'* **REVISED**
11. *Recreational Facility/Use Type 'C'* **REVISED**
12. *Recreational Facility/Use Type 'D'* **REVISED**
13. ~~*Temporary Storage Pod/Portable Storage Container*~~ **REVISED**
13. *Granny Cottage* **REVISED**
14. *Adult Group Home – Large* **REVISED**
15. *Restaurant – Accessory to Agriculture Use* **REVISED**
16. *Golf Course* **REVISED**

Sec. 304.3 Area, Yard and Height Regulations (Without ~~*Urban Services*~~ *Central Sewage Treatment***)** **REVISED**

A. Minimum Lot Size
One and one-half acre

B. Minimum Lot Width at Building Line
One hundred fifty feet

C. Minimum Lot Width at Street
Seventy-five feet except fifty feet on cul-de-sac turn around.

D. Minimum Front Yard Depth from Street Right-of-Way
1. Seventy feet except those residences fronting on a state roadway shall be set back from the street right-of-way not less than ninety-feet.
2. If there is no established street right-of-way, the minimum front yard depth shall be deemed to be one hundred feet from the center of the road.
3. Double frontage lots shall provide the required front yard on both street frontages. No accessory building shall project into any required front yard.
4. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty

feet. No accessory building shall project beyond the front yard line on either street.

E. Minimum Side Yard Width

1. Two side yards shall total not less than fifty feet. The width of the narrower of the two side yards shall not be less than twenty feet.
2. Double frontage lots shall provide the required front yard on both street frontages. No accessory building shall project into any required front yard.
3. Corner lots shall provide the required front yard adjacent to each street frontage, except that in no case shall the buildable width of a lot be reduced to less than forty feet. No accessory building shall project into any required front yard line.

F. Minimum Rear Yard Depth

Forty feet

G. Maximum Height of Buildings

Thirty-five feet

H. Minimum Living Area **REVISED**

1. No structure shall be erected, reconstructed, or converted for use as a dwelling unless the following minimum living floor area per dwelling unit is provided:

Single- Family:

Dwelling Unit	*With or Without Basement*
One or Two Bedroom	*One thousand two hundred Sq. Ft.*
Three Bedroom	*One thousand four hundred Sq. Ft.*
Four Bedroom	*One thousand six hundred Sq. Ft.*
Five or More Bedrooms	*One thousand eight hundred Sq. Ft.*

2. Not included in Living Floor Area

Minimum living floor area per family shall not include porches, steps, terrace breezeways, attached or built-in garages, unfinished basements or basements not having windows exposed to the outside, or other attached structures not intended for human occupancy.

3. Foundation

A residential structure shall have a complete foundation installed to a depth below frost line.

Sec. 304.4 Area, Yard and Height Regulations (With ~~Urban Services~~ *Central Sewage Treatment*)

REVISED

A. Minimum Lot Area
Thirteen thousand six hundred square feet

B. Minimum Lot Width at Building Line
Eighty-five feet

C. Minimum Lot Width at Street
Fifty feet

D. Minimum Front Yard Depth from Street Right-of-Way

1. Thirty feet except those residences fronting on a state roadway shall be set back from the street right-of-way not less than seventy feet.
2. If there is no established street right-of-way, the minimum front yard depth shall be deemed to be sixty feet from the center of the road.

E. Minimum Side Yard Width
Two side yards shall total not less than twenty-five feet. The width of the narrower of the two side yards shall not be less than ten feet.

F. Minimum Living Area **REVISED**

1. No structure shall be erected, reconstructed, or converted for use as a dwelling unless the following minimum living floor area per dwelling unit is provided:

Single- Family:

Dwelling Unit	*With or Without Basement*
One or Two Bedroom	*One thousand two hundred Sq. Ft.*
Three Bedroom	*One thousand four hundred Sq. Ft.*
Four Bedroom	*One thousand six hundred Sq. Ft.*
Five or More Bedrooms	*One thousand eight hundred Sq. Ft.*

2. Not included in Living Floor Area
Minimum living floor area per family shall not include porches, steps, terrace breezeways, attached or built-in garages, unfinished basements or basements not having windows exposed to the outside, or other attached structures not intended for human occupancy.

3. Foundation
A residential structure shall have a complete foundation installed to a depth below frost line.

Sec. 304.5 Permitted Use Certificate Required

According to **Section 1001.9**, a permitted use certificate shall be required prior to occupancy of any nonresidential use permitted or conditionally permitted in an "R" District.

Sec. 305 Manufactured Home Community District

Sec. 305.1 Purpose

The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "MH" Manufactured Home Community District. It is the purpose of this district to provide sites for manufactured homes and mobile homes at appropriate locations in relation to the existing and potential development of their surroundings and in relation to other uses and community facilities to afford a proper setting for such uses and proper relation to other land uses and the land use plan.

Sec 305.2 Use Regulations

Land or premises within the "MHC" Manufactured Home Community District shall be used only for manufactured homes and mobile homes and accessory buildings and uses customarily incident thereto.

Sec. 305.3 Procedure

The owner or owners of a tract of land (except land situated within the "FPM" Flood Plain Management Overlay District) comprising not less than ten acres may submit a plan for the use and development of the tract of land for a Manufactured Home Community as provided herein. Such plan for development of the area shall be filed with the Zoning Inspector and shall be referred to the Lawrence Township Zoning Commission for study and report. The Lawrence Township Zoning Commission shall recommend the approval or denial of the plan or approval of some modifications and submit the plan, together with a report stating its findings and recommendations to the Board of Trustees for a public hearing and determination. If the report of the Lawrence Township Zoning Commission recommends approval of the plan, it shall state the reasons for approval and shall include specific evidence and facts showing that the proposed manufactured home community has met the requirements of this section.

Sec. 305.4 General Requirements

Each manufactured home community shall comply with the rules of the Ohio Department of Health, Public Health Council, for Mobile Home Parks, as adopted pursuant to Chapter 4781.36 to 4781.52 of the Ohio Revised Code, and such other applicable requirements imposed by the Tuscarawas County Health Department.

Sec 305.5 Design Requirements

A. The location and planning of the site and the amount, arrangement and treatment of open space shall be designed to ensure a satisfactory living environment and shall be carried out in consideration of property adjacent to the area included in the plan and insure that such adjacent property not be adversely affected.

B. Buffers shall be established and maintained in accordance with the provisions of **Section 209**. The Lawrence Township Zoning Commission may modify buffer requirements to the extent warranted by topography or other physical conditions, provided the surrounding property and the public welfare are adequately protected.

C. The number of manufactured or mobile homes shall not exceed seven such units per net usable acre of this site. The net usable acreage shall be deemed to be the total area of the site, excluding any public street right-of-way and excluding the buffer required in **Section 209**.

D. All manufactured or mobile homes, accessory buildings and uses, including the recreation areas required herein, shall be located within the area determined and defined as the net usable area.

E. Permitted accessory buildings and uses shall include management offices, laundry facilities, recreation areas and, where specifically approved as a part of the community plan, other recreation facilities and the sale of convenience goods and services exclusively for and to occupants of the manufactured home community.

F. Every manufactured home community shall provide one or more recreation areas easily accessible to all residents of the community. The aggregate size of such areas shall be not less than one hundred square feet for each lot and no individual recreation areas shall be less than three thousand square feet. Such recreation areas shall be graded and arranged and provided with appropriate equipment for full recreational use of the area. No such recreation area shall be located in any part of a required buffer area.

G. Each manufactured home community shall have frontage on a public street, and each home lot shall have direct access to the private internal road system, either by direct frontage or by means of a ten foot, hard surfaced driveway. Such internal road system shall be constructed to provide a permanent pavement of at least twenty six feet, including curbs and gutters. Off-street parking spaces shall be provided in the ratio of two spaces for each home lot; such spaces shall be within twenty feet from the home or homes served. No parking space shall be located within any part of a required buffer area.

H. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated, and all home lots shall be connected by walks to the common walk system, to the parking spaces, to the paved streets and to all service buildings.

I. Each lot, designed for mobile home occupancy as defined in **Article III**, shall be equipped with a concrete slab or with concrete ribbons of adequate thickness and size to support the mobile home load during all season. Where concrete ribbons are used, the area between such ribbons shall be filled with crushed rock.

J. Each manufactured home community shall be adequately lighted for safety at night; all such lights shall be so located and shielded to prevent direct illumination of any area outside the community.

K. Each manufactured home community shall be provided with public water supply and a water distribution system installed in accordance with Tuscarawas County Sewer and Water District specifications. Where a public sanitary sewer is reasonably accessible, the community shall be provided with sanitary sewerage connected thereto, including a lateral connection to each home lot, subject to the review and approval of the Tuscarawas County Sewer and Water District, the Tuscarawas County Health Department and the State Department of Health. Where a public sanitary sewer is not available and not reasonably accessible in the combined judgment of the Lawrence Township Zoning Commission and the Tuscarawas County Sewer & Water District, an alternate means of sewage disposal, such as a community sewage treatment plant may be considered, subject to review and approval of officials having jurisdiction. Individual sewage disposal systems shall not be permitted.

L. Each community shall be graded and drained to prevent the standing of storm water and the method of drainage, including treatment of both paved and unpaved areas shall be subject to approval of the Tuscarawas County Engineer.

Sec. 305.6 Additional Requirements

In addition to the foregoing, the Lawrence Township Zoning Commission may impose such other conditions, requirements or limitations concerning the design, and development and operation of such manufactured home community as it may deem necessary for the protection of adjacent properties and the public interest.

Sec. 305.7 Enlargement

Any enlargement or extension of an existing manufactured home community shall be treated as if it were a new establishment and shall be subject to the provisions of **Section 209** and all provisions of this Article. No enlargement or extension of a manufactured home community shall be permitted unless the existing community is made to conform substantially to all the requirements.

Sec. 305.8 Permitted Use Certificate Required

According to Section 1001.9, a permitted use certificate shall be required prior to occupancy of any nonresidential use permitted or conditionally permitted in an "R" District.

Sec. 306 C-1 Service District

Sec. 306.1 Purpose

The purpose of this district is to provide for a variety of services and administrative establishments in unified groupings, which will encourage safe pedestrian movement between uses while at the same time, provide adequate off-street parking and servicing facilities. Residential development is prohibited.

Sec. 306.2 Uses

Within a C-1 Local Commercial District, no building structure or premises shall be used, arranged to be used or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. Establishments engaged in providing a variety of services to individuals and business establishments e.g.:
   a. Credit agency other than bank
   b. Investment firm
   c. Insurance carrier
   d. Real estate and insurance company
2. Miscellaneous business services such as advertising news syndicates and employment agency.
   a. Engineering and architectural services
   b. Legal services
   c. Accounting, auditing and bookkeeping services
   d. Nonprofit professional, charitable and labor organizations
3. Accessory uses clearly incidental to the principal uses permitted on the same premises.
4. Other uses similar in character to those listed herein above.
5. Signs as regulated by **Article IV** hereof.
6. Parking and loading as regulated by **Article V** hereof.
7. Wireless Facilities (See **Sec. 310**).
8. Recreational Faciltiy/Use, Type A

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Use Zoning Certificates for uses listed herein subject to the general requirements of **Article VI** and **Table 601**

1. Churches
2. Publicly owned and/or operated buildings and facilities subject to **Article VI**.
3. Outside music or entertainment.
4. Temporary Storage Pod/ Portable Storage Container
5. Recreational Facility/Use, Type B
6. *Clubs* **REVISED**

7. Shipping Containers

Sec 306.3 Area, Yard and Height Regulations

A. Minimum Lot Area
None

B. Minimum Lot Width at Building Line
None

C. Minimum Lot Width at Street
None

D. Minimum Front Yard Depth from Street Right-of-Way
Equal to the setback of the residential uses in the immediate vicinity

E. Minimum Side Yard Width
None, except thirty feet when adjacent to a residential district and on the side adjacent to the residential district only

F. Minimum Rear Yard Depth
Twenty-five feet

G. Maximum Height of Buildings
Fifty feet

Sec. 306.4 Site Plan Review and Conformance

All business uses specified under **Section 306.2** shall be permitted only after the review and approval of the site plans by the Board of Appeals and upon finding by the Zoning Commission that the specific standards set forth in this article and the requirements of **Article II, Section 203.6** will be met.

Sec. 306.5 Permitted Use Certificate Required

A Permitted Use Certificate shall be required to be obtained prior to occupancy of any permitted or conditional permitted use for all businesses in accordance with **Section1001.9**. Any change in use from one use to another, addition of a use or from one owner/tenant to another will require a new Permitted Use Certificate.

Sec. 306.6 Building Space

Wherever there is more than one principal building on a lot in a C-1 district, the minimum distance between the buildings shall be at least thirty (30) feet, measured from the building overhang or attached permanent structure, whichever is the lesser distance.

Sec. 307 C-2 Local Commercial District

Sec. 307.1 Purpose

This district is established to provide for uses principally to accommodate the sale of retail goods and personal services purchased frequently for daily or weekly needs. It is intended that the design of this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic. Residential development is prohibited.

Sec. 307.2 Uses

Within a C-2 Local Commercial District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. All uses permitted in the C-1 Local Commercial District.
2. Establishments engaged in providing a variety of services to individuals and business establishments e.g.:
    a. Bank, credit union, etc.
    b. Personal services such as barber and beauty shops, tailor, shoe repair, laundries and dry cleaning.
    c. Medical and other health services.
    d. Dance studio and school.
    e. Veterinarian hospital or clinic.
3. Establishments engaged in retail trade, e.g.:
    a. Book and stationery store
    b. Apparel store
    c. Florist shop and gift shop
    d. Antique store
    e. Sporting goods store
    f. Jewelry store
    g. Optical goods store
    h. Furniture, home furnishing and office equipment and office supplies
    i. Food stores including supermarkets
    j. Restaurant not including drive-thru
    k. Preparation and processing of food and drink to be retailed on premises including bakery, delicatessen, and meat market
    l. Taverns, lounges and bars
    m. Games of skill in accordance with **Article VIII.**

4. Accessory uses clearly incidental to the principal uses permitted on the same premises.
5. Other uses similar in character to those listed herein above.
6. Signs as regulated by **Article IV** hereof.
7. Parking and loading as regulated by **Article V** hereof.
8. Recreational Facility/Use Type B

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Use Zoning Certificates for uses listed herein subject to the general requirement of **Article VI** referred to below:

1. All conditionally permitted uses in the C-1 Local Commercial District.
3. Clubs, lodges, fraternal, charitable, or social organizations subject to **Article VI**.
4. Outside music or entertainment.
5. Restaurant with Drive-Thru
7. Congregate Living Facility
8. TEMPORARY STORAGE POD/ Portable Storage Container
10. Shipping Containers
11. Recreational Facility/Use Type C

Sec. 307.3 Area, Yard and Height Regulations

A. Minimum Lot Area
None

B. Minimum Lot Width at Building Line
None

C. Minimum Lot Width at Street
None

D. Minimum Front Yard Depth from Street Right-of-Way
None. If there is no established street right-of-way, said line shall be deemed to be forty feet from the centerline of the road

E. Minimum Side Yard Width
None, except the minimum side yard width abutting a residential district shall not be less than thirty feet

F. Minimum Rear Yard Depth
None, except the minimum rear yard depth abutting a residential district shall not be less than the yard requirements of said residential district

G. Maximum Height of Building
Fifty feet

Sec. 307.4 Site Plan Review and Conformance

All business uses specified under **Section 307.2** shall be permitted only after the review and approval of the site plans by the Board of Zoning Appeals and upon finding by the

Zoning Commission that the specific standards set forth in this Article and the requirements of **Article II**, will be met.

Sec. 307.5 PERMITTED USE CERTIFICATE REQUIRED

A Permitted Use Certificate shall be required to be obtained prior to occupancy of any permitted or conditional permitted use for all businesses in accordance with **Section1001.9**. Any change in use from one use to another, addition of a use or from one owner/tenant to another will require a new Permitted Use Certificate.

Sec. 307.6 Building Space

Whenever there is more than one principal building on a lot in a C-2 district, the minimum distance between the buildings shall be at least thirty (30) feet, measured from the building overhang or attached permanent structure, whichever is the lesser distance.

Sec. 308 C-3 Highway Commercial District

Sec. 308.1 Purpose

This district is established to provide for uses in addition to those specified for the local and general business district in order to provide additional service and sales opportunities in support of the primary business activities in the community. This district includes activities which, because of their nature, such as their tendency to encourage traffic congestion and parking problems, storage problems or certain other inherent dangers create special problems and are, therefore, best distinguished from other commercial activity. Their location is advantageous at specified points on major thoroughfares. Residential development is prohibited.

Sec. 308.2 Uses

Within a C-3 Highway Commercial District, no building, structure or premises shall be used, arranged to be used or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. All uses permitted in the C1 and C2 commercial districts
2. Radio and television broadcasting station
3. Display or show room where merchandise sold is stored elsewhere
4. Fuel, food and goods distribution station but excluding coal and coke and bulk storage
5. Plant, greenhouse and garden supply sales
6. Hotel and motel
7. Mortuary, funeral home not including crematorium
8. Monument sales and display
9. Automobile, truck, trailer, boat and farm implement sales and services and storage both new and used
10. Tool and equipment rental
11. Drive-in establishments, restaurant and refreshment stands with or without Drive-Thru, but excluding drive-in theaters and commercial amusement parks
12. Gasoline service station, garage and automotive repair
13. Drug stores
14 Bowling alley
15. Motion picture and theatrical playhouse
16. Beverage sale
17. The following uses may be conducted not closer than fifty feet of any R-District. Where the C-3 District abuts upon but is separated from the R-

District by a street, the width of the street may be considered as part of the required setback.

a. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, painting and other similar establishments

b. Repair services for machinery and equipment including rear garages and specialty establishments such as motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing sales and service including vulcanizing

18. Accessory uses clearly incidental to the principal uses permitted on the same premises
19. Other uses similar in character to those listed herein above
20. Signs as regulated by **Article IV** hereof
21. Parking and loading as regulated by **Article V** here
22. Recreational Facility/Use Type C **REVISED**

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Use Zoning Certificates for uses listed herein subject to the general requirements for **Section 601.1 through 601.2A** inclusive and other sections of **Article VI** referred to below:

1. All conditionally permitted uses in the C-1 and C-2 commercial districts
2. *Mini-storage Facility* **REVISED**
3. Recreational Facility/Use Type D
4. Temporary Storage Pod/Portable Storage Container
5. *Clubs* **REVISED**
6. *Skill-based Amusement Machine(s)* **REVISED**
7. Shipping Containers
8. Congregate Living Facility

Sec. 308.3 Area, Yard and Height Regulations

A. Minimum Lot Area
None

B. Minimum Lot Width at Building Line
None

C. Minimum Lot Width at Street
None

D. Minimum Front Yard Depth from Street Right-of-Way
Fifty feet. If there is no established right-of-way, said line shall be deemed to be sixty feet from the centerline of the road.

E. Minimum Side Yard Width
None, except fifty feet when adjacent to a residential district and on the side adjacent to the residential district only.

F. Minimum Rear Yard Depth

None, except the minimum rear yard depth abutting a residential district shall not be less than the yard requirements of said residential district.

G. Maximum Height of Building
Fifty feet.

Sec. 308.4 Site Plan Review and Conformance

All business uses specified under **Section 308.2** shall be permitted only after the review and approval of the site plans by the Zoning Commission and upon finding by the commission that the specified standards set forth in this article and the requirement of **Article II, Section 203.6** will be met.

Sec. 308.5 Supplementary Regulations

A. Outdoor Display Areas
Merchandise to be sold at retail on the premises may be displayed out of door except that no such display area shall be within fifty feet of any residential district. Display areas shall be screened from abutting residential uses by landscaping sufficient to limit to a minimum all visual effects of such display area; such landscaped buffer shall be maintained in a neat and orderly fashion, and in compliance with **Section 203.8.**

Sec. 308.6 Permitted Use Certificate Required

A Permitted Use Certificate shall be required to be obtained prior to occupancy of any permitted or conditional permitted use for all businesses in accordance with **Section1001.9.** Any change in use from one use to another, addition of a use or from one owner/tenant to another will require a new Permitted Use Certificate.

Sec. 308.7 Building Space

Whenever there is more than one principal building on a lot in a C-3 district, the minimum distance between the buildings shall be at least thirty (30) feet, measured from the building overhang or attached permanent structure, whichever is the lesser distance.

Sec. 309 I-1 Light Industrial District

Sec. 309.1 Purpose

This district is established to provide for and accommodate, industrial uses, such as, manufacturing, processing, wholesaling, distribution, and research facilities. The uses allowed are those, which because of their normally unobjectionable characteristics can be in relatively close proximity to residential and commercial districts.

Sec. 309.2 Uses

Within an I-1 Light Industrial District, no building, structure or premises shall be used, arranged to be used or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. Parking lot and garage
2. Plant greenhouse
3. Warehouse
4. Wholesale establishments
5. Crematorium
6. Printing, blueprinting, newspaper printing, telegraphic service
7. The following types of manufacturing, processing, cleaning, servicing, testing or repair activities which will not be materially injurious or offensive to the occupants of adjacent premises or the community at large by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat or electromagnetic disturbances.
   a. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products; except fish or meat products, sauerkraut, yeast and rendering of refining of fats or oils.
   b. Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, metal, shell, textiles, tobacco, wax and wood (where saw and planning mills are employed within a completely enclosed building).
   c. Pottery and figurines, using previously pulverized clay and kilns fired only with gas or electricity.
   d. Musical instruments, toys, novelties, rubber metal stamps and other small rubber products.
   e. Electrical and electric appliances, instruments and devices, television sets, radios, phonographs, household appliances.
   f. Laboratories and processing including, film or testing provided no operation shall be conducted or equipment used which would create hazards, noxious, or offensive conditions.

8. The following uses, provided that storage is within an enclosed building, or surrounded on all sides by a solid masonry wall or fence measuring eight feet in height, or the minimum height needed to obscure all materials, whichever is taller. Fence may have an opening of no greater than fifteen percent when on a lot adjacent to land in a non-residential zoning district. A solid masonry wall or fence shall be required on any lot adjacent to land in a residential zoning district.
    a. Building materials, sales yard, and lumber yard including millwork when within completely enclosed building
    b. Contractor's equipment storage yard or plant, or storage yard or plant, or storage and rental of equipment commonly used by contractors
    c. Fuel, food and goods distribution station, warehouse and storage, but excluding coal and coke. Inflammable liquids, if located not less than three hundred feet from any R-District.
    d. Public storage garage and yards
        1. To include: cans, carton, containers, pallets, equipment, finished goods, work in progress, raw materials, and distressed materials, but be enclosed.
9. The following uses may be conducted not closer than one hundred feet of any R-District. Where the I-District is separated from any R-District by a street, the width of the street may be considered as part of the required setback.
    a. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust
    b. Blacksmith, welding or other metal working shops, including machine shop operations of the tool, die and gauge types
    c. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, painting and other similar establishments
    d. Ice manufacturing and cold storage plant; creamery and bottling plant
    e. Laundry, cleaning and dyeing plant
    f. Repair service for machinery and equipment including repair garages and specialty establishments such as motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing sales and service including vulcanizing
    g. Store or monument works not employing power tools, or if employing such tools then within a completely enclosed building
10. Accessory uses clearly incidental to the principal uses permitted on the same premises
11. Signs as regulated by **Article IV** hereof

12. Parking and loading as regulated **by Article V** hereof
13. Wireless Facilities **Section 310**
14. Small Wind Projects (FARM) in accordance with **Section 601.15**
15. Recreational Facility/Use Type A
16. Recreational Facility/Use Type B
17. Recreational Facility/Use Type C

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Use Zoning Certificates for uses listed herein, subject to the general requirements of **Section 601 through 601.2A** inclusive and other Sections of Article VI referred to below:

1. Publicly owned and/or operated buildings and facilities subject to **Article VI**
2. Waste Transfer Station and Truck terminals subject to **Section 601.13**
3. Transportation Terminal subject to **Section 601.13C**
4. Recycling Facilities and Junkyards subject to Section **601.13B**
5. Extraction use subject to Section **601.13A**
6. Sexually Oriented Business/Uses
   Sexually oriented business/uses are permitted only in the I-1 Industrial District under a Conditional Use Permit authorized by the Board of Zoning Appeals. (**See Resolution #19-09**)
7. Dangerous, Exotic and Wild Animals in accordance with **Article VI**.
9. Temporary Storage Pod/ Portable Storage Container
12. Shipping Containers
13. Recreational Facility/Use Type D

Sec. 309.3 Area, Yard and Height Regulations

A. Minimum Lot Area
Two acres

B. Minimum Lot Width at Building Line
One hundred feet

C. Minimum Lot Width at Street
Eighty feet

D. Minimum Front Yard Depth from Street Right-of-Way

1. There shall be a front yard having a depth of not less than fifty feet from the street line
2. All watercourses shall be retained and preserved in their natural states unless otherwise approved by the Board of Zoning Appeals

E. Minimum Side Yard Width

Twenty five feet except that the minimum side yard width abutting a residential district shall be one hundred feet. The area abutting the residential boundary, to a depth of twenty feet, shall be landscaped and maintained so as to limit to a minimum, any visual effects on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking only

F. Minimum Rear Yard Depth
Twenty five feet

G. Maximum Height of Building
Fifty feet

Sec. 309.4 Site Plan Review and Conformance

All industrial uses specified under **Section 309.2** shall be permitted only after the review and approval of the site plans by the Board of Appeals and upon finding by the Zoning Commission that the specific standards set forth in this article and the requirements of **Article II, Section 203.6** will be met.

Sec. 309.5 Permitted Use Certificate Required

A Permitted Use Certificate shall be required to be obtained prior to occupancy of any permitted or conditional permitted use for all businesses in accordance with ***Section1001.9.*** *Any change in use from one use to another, addition of a use or from one owner/tenant to another will require a new Permitted Use Certificate.*

Sec. 309.6 Building Space

Whenever there is more than one principal building on a lot in an I-1 district, the minimum distance between the buildings shall be at least thirty (30) feet, measured from the building overhang or attached permanent structure, whichever is the lesser distance.

Sec. 310 T-1 Wireless Telecommunications Facility

Sec. 310.1 Intent

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the Township in which they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the Township in regulating wireless telecommunication towers and related facilities for the following purposes:

A. To protect property values
B. To regulate a commercial use so as to provide for orderly and safe development within the Township
C. To provide for and protect the health, safety, moral and general welfare of the residents of the Township
D. To protect residential properties, parks, open spaces and the non-intensive commercial zoning districts which are characteristic of the Township from the adverse effects of towers and related facilities
E. To promote co-location of wireless telecommunication facilities in order to decrease the number of towers in the Township
F. To maintain, where possible, the integrity of the existing regulations contained in the Zoning Resolution

Sec. 310.2 Definitions

A. Co-location: The use of a wire telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.
B. Lattice tower: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
C. Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
D. Telecommunications: The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.
E. Wireless telecommunications antenna: The physical device through which electromagnetic, wireless telecommunication signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

F. Wireless telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

G. Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

Sec. 310.3 Permitted Locations

A wireless telecommunications tower or facility may be located in the following areas, under the following circumstances and upon an application for a zoning certificate and issuance of such certificate from the Zoning Inspector. Efforts shall be made to locate in the areas listed in the order of priority listed.

A. Locations: Efforts shall be made to locate wireless telecommunication tower and facilities in the following areas, in the order of priority listed.
   1. First Priority – In a" C" or" I" District located at least two hundred feet from an existing residential dwelling.
   2. Second Priority – In an R-4 or Residential PUD District located at least two hundred feet from an existing residential dwelling.
   3. Third Priority – In an R-1, R-2, or R-3 District located at least two hundred feet from an existing residential dwelling.

B. In order for the Board of Zoning Appeals to consider the location of a wireless telecommunication tower and facility as a conditional use, the applicant shall demonstrate that:
   1. There is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available in a permitted location as set forth in **Section 310.2.**
   2. If another tower, building or structure set forth in **Section 310.2** is technically suitable, the applicant must show that it has requested to co-locate on the existing tower, building or structure and the co-location request was rejected by the owner of the tower, building or structure.
   3. If an area set forth in **Section 310.2** is technically suitable, the applicant must show that it has requested all property owners with technically suitable locations to permit it to locate a tower facility in all technically suitable area(s) set forth in **Section 310.2** under reasonable terms and that each request was rejected.

C. With the conditional use permit application, the applicant must demonstrate that a technically suitable location is not available in any area set forth in **Section 310.2** and shall list the location of every tower, building or structure and all of the areas set forth in **Section 310.2** that could support the proposed antenna(s) so as to allow it to serve its intended function, and the reasons why such tower, building or structure or area has been determined not to be technically suitable.

Sec. 310.4 Co-location Covenant of Good Faith

A. All towers, owned by a licensed carrier, upon which this Chapter permits co-location, of additional antennae, shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically co-located thereon. However, such licensed carrier may charge a reasonable fee for the co-location of additional antennae upon said tower.

B. All licensed carriers shall cooperate with each other in co-locating additional antennae upon such towers. All licensed carriers shall exercise good faith in co-locating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of co-location. In the event that a dispute arises as to whether a licensed carrier has exercised good faith in allowing other licensed carriers to co-locate upon its tower, the Zoning Inspector may require a third party technical study to evaluate the feasibility of co-location at the expense of either or both licensed carriers. This covenant of good faith and fair dealing shall be a condition of any permit issued pursuant to this Chapter for a new tower.

C. Any licensed carrier that allows co-location upon a tower permitted pursuant to this Chapter may condition said co-location to assure that the co-location antennae does not cause electronic or radio-frequency interference with its existing antennae. In the event that the co-location licensed carrier is unable to remedy the interference, the owner of the tower shall be relieved of its obligation to allow co-location of the interfering antennae upon its structure.

Sec. 310.5 Standards Applicable to Wireless Telecommunications Tower Facilities

All wireless telecommunication towers and facilities shall comply with the following standards and conditions:

A. Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.

B. The minimum setback of the tower from all property lines shall be:
   1. The height of the tower plus twenty five feet, or
   2. When it is demonstrated, because of its design and construction, that in case of collapse, adjacent property shall not be affected, the minimum setback shall be:
      a. Forty feet from any property line abutting a nonresidential lot
      b. Seventy five feet from any property line abutting a residential lot, provided that the base of the tower, including any guy wire anchors and required enclosure shall comply with the front yard setbacks for the district in which it is located

C. Towers located as a permitted use in accordance with **Section 310.3** shall not exceed a height of two hundred feet and may be either monopole structures or lattice-type structures.

D. Towers located as a conditional use in accordance with **Section 310.4** shall not exceed a height of two hundred feet and shall be monopole structures.

E. Any accessory structure related to the wireless telecommunication facility shall not exceed a height of ten feet and shall not exceed fifty square feet in area, either above or below ground.

F. The applicant of a proposed tower shall demonstrate that the proposed tower is the minimum height necessary to accommodate the antennae and is no higher than existing towers housing similar antennae.

G. Prior to approving a new tower, a tower height greater than those prevailing in the area or a tower in a location not in compliance with these regulations, the applicant shall demonstrate to the Township that such new tower or additional height is needed to meet the reasonable service requirements of the applicant. This assessment shall include consideration of alternative sites and the operational implications of such alternatives with respect, but not limited to: height, opportunities for co-location, impact on residents, impact on service levels, etc. The Township may retain consultant(s) to review the information with the reasonable costs for such consultation being borne by the applicant(s).

H. The base of the tower, including any guy wires, and all related facilities shall be completely enclosed with a secure fence having a minimum height of eight feet. The fence shall include three strands of barbed wire along the top and shall be equipped with a locked gate. The fence shall be completely screened from view by at least one of the following:
   1. A row of evergreen trees spaced not less than ten feet on center. The initial planting shall be no less than six feet tall.
   2. Exiting vegetation, inclusive of trees and shrubs, shall be preserved to the maximum extent possible.
   3. Other appropriate landscaping that achieves the screening objective.

I. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

J. The tower shall be equipped with an appropriate anti-climbing device or shall have all climbing pegs from the lower twenty feet of the tower removed and separately secured from the public.

K. The tower shall not be artificially lighted except as required for security and safety, or by the Federal Aviation Authority. Any lighting so required shall be installed to minimize the impact on adjoining properties.

L. Any accessory buildings shall comply with the location regulations set forth for the district in which the tower is located.

M. “No Trespassing” signs and a warning sign shall be posted on the required fence in clearly visible locations. The warning sign shall include a local or toll free telephone number of whom to contact in the event of an emergency. The warning sign shall be twelve inches by twelve inches. No other signs or advertising shall be located anywhere on the facility.

N. The applicant shall submit a reclamation plan at the time of the development plan review. All towers, structures and equipment shall be removed by the owner of the tower or facility, and the site restored to its original state within six months following the date that the tower is no longer operational.

O. An access drive shall be installed and maintained from the road to the tower site.

Sec. 310.6 Abandoned Telecommunication Facilities

A. The owner or operator of a tower shall, on an annual basis, submit a written report to the Zoning Inspector, signed under penalty of perjury, which demonstrated whether or not there has been a cessation in use of the tower for a period of three months during the prior year. Annual compliance reports shall be submitted by January 1st of each calendar year. Provided, however, that a tower permitted and installed within nine months prior to January 1st shall not be required to submit the first compliance report until the following January 1st.

B. Any tower that has had no antenna mounted upon it for period of six months, or if the antenna mounted thereon are not operated for a period of three months, shall be considered abandoned, and the owner thereof shall remove the tower within one hundred eighty days after receipt of a notice from the Zoning Inspector to do so.

C. In the event that more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this Section.

D. If a tower and facilities are not removed within ninety days after receipt of a notice from the Township requiring said removal, the Township may seek and obtain a court order directing such removal and imposing a lien upon which such tower is situated in an amount equal to the cost of removal.

E. Any small parcel(s) created for the use of the tower shall revert back to the original owner or contiguous property owners so as not create a landlocked parcel.

Sec. 310.7 FCC Compliance

Prior to receiving final inspection by the Zoning Inspector, documentation shall be submitted to the Zoning Inspector certifying that the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for Non-Ionizing Electromagnetic Radiation (NIER).

Sec. 311 F-1 Flood Plain

Sec. 311.1 Letter of Review

In any area located in the U.S. Army Corps of Engineers flowage easement, the developer must provide a letter of review and comment from the Army Corps that explains their position on the proposed subdivision.

Sec. 311.2 Flood Prone Areas Outside the FIRM Regulatory Areas

Flood prone areas outside the FIRM (Flood Insurance Rate Maps) regulatory areas will be reviewed based on local engineering studies or approval of the U.S. Army Corps of Engineers. If the subdivision is located in an area having poor drainage or other adverse physical characteristics, the Commission may approve the subdivision provided the sub divider agrees to perform such improvements as will render the area safe for the intended use. In lieu of the improvements, the sub divider shall furnish security bond or certified check covering the cost of the required improvements, subject however, to the approval of the County Board of Health, and the County Engineer and/or the County Flood Plain Administrator.

Sec. 311.3 Purpose of the District

The purpose of this district is to show all areas under restrictions set forth by the Muskingum Conservancy and U.S. Army Corps of Engineers and to allow limited uses as set forth in **Section 311.4.**

Sec. 311.4 Restricted Uses

The purpose of this district is to restrict uses within the Flood Plain District.

A. Permitted Uses

No structure shall be erected, reconstructed, altered or moved onto a premise unless a site plan for such use has been approved in accordance with **Section 203.6** of this resolution. Permitted uses are limited to Non-Commercial Recreation and Agriculture Public Park (Non-Commercial Recreation).

Sec. 311.5 Development of Areas Within a Flood-Plain

The development of areas within a flood plain shall be in accordance with the Tuscarawas County Floodplain Regulations and shall be approved prior to the approval of a final plat for a subdivision.

Sec. 311.6 Alternate Criteria for Determining Flood Plains

A. Where a sub divider determines there is sufficient doubt as to the flooding of a particular portion of land, which is specified as flood plain, he may have a flood hazard or other appropriate study prepared by a professional engineer. This data will be submitted to the Tuscarawas County Floodplain Administrator who, after consultation with the Ohio Department of Natural Resources, will make a

final determination as to whether the land in question shall conform to the flood plain regulations.

B. Flood plain information reports approved by the Tuscarawas County Floodplain Administrator shall take precedence over all other reports in determining flood plains.

Sec. 311.7 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by manmade or natural causes such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas outside flood plain areas will be free from flooding or flood damages. These regulations shall not create liability on the part of Lawrence Township or any officer or employee thereof for any flood damage that result from reliance on these regulations or any administrative decision lawfully made there under.

Sec. 312 Planned Unit Development (PUD) Districts

Sec. 312.1 Purpose and Intent

The purpose of this chapter is to establish provision for planned unit development districts subject to the regulations and procedures contained herein in conformance with the provisions of Section 519.021 of the Ohio Revised Code. Planned Unit Development districts are intended to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in the provision of public services and utilities, and encourage innovation in the planning and building of developments by providing opportunities for creative design and planning of developments using flexible zoning guidelines and site design criteria.

It is the intent of this chapter to make planned unit developments subject to the established and negotiated development standards as proposed and accepted by the developer as part of the approval process in order to:

A. Encourage creative, high quality site design practices in the development of residential areas.
B. Promote harmony and integration with existing land uses and protect adjoining properties from adverse impacts.
C. Promote safe and efficient pedestrian and vehicular movement.
D. Permit the clustering of housing units.
E. Promote efficient layout of infrastructure.
F. Provide tracts of permanently preserved open space.
G. Implement the Lawrence Township Comprehensive Plan.

Sec. 312.2 Planned Unit Development Districts Authorized

To achieve the purposes of this chapter, the following Planned Unit Development Districts are hereby created:

A. Single Family Planned Unit Development (SFPUD) Districts
   Single Family Planned Unit Development (SFPUD) Districts are intended to provide for clustering of single family dwellings in appropriate locations in furtherance of the stated purposes of this chapter.
B. Moderate Density Planned Unit Development (MDPUD) Districts
   Moderate Density Planned Unit Development (MDPUD) Districts are intended to provide for more intensive housing options including multi-family dwellings in well-planned developments which have condominium style ownership, exhibit cohesive design principles, have privately owned and maintained streets, and are of limited size and scale.

Sec. 312.3 Establishment of Planned Unit Development Districts

The following criteria shall govern the establishment of Planned Unit Development (PUD) Districts:

A. No PUD District shall be stablished except subsequent to petition by the owner(s) of land proposed to be included within the district.

B. No PUD District shall be created unless a determination is made that such development will be in conformance with the goals and objectives of the Lawrence Township Comprehensive Plan.
C. Each PUD District shall be served by an approved public water supply system and an approved public sanitary sewer system.
D. Each Planned Unit Development shall be developed in conformance with an approved development plan, which has been reviewed and approved by the Township Trustees in accordance with the provisions, set forth herein.
E. Each Single Family Planned Unit Development (SFPUD) District shall have a minimum area of not less than ten contiguous acres, provided however, that after a district is established, additional contiguous areas of any size may be added as modifications and extensions of the original district.
F. Each moderate Density Planned Unit Development (MDPUD) District shall consist of a gross area of not less than five or more than twenty five contiguous acres.
G. Each Moderate Density Planned Unit Development (MDPUD) District shall have frontage on a Primary Route as designated in the Lawrence Township Comprehensive Plan.

Sec. 312.4 Permitted Uses

Within a Planned Unit Development District no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the following uses specifically enumerated as a permitted, conditionally permitted or accessory use within such planned unit development district and further provided that each such use is identified on and approved as part of the development plan. The Zoning Commission and Township Trustees shall determine the appropriateness of each proposed use in reviewing the development plan, giving consideration to the standards established herein and any other considerations deemed by the Commission and Trustees to be significant in determining the appropriateness of a use or uses. The Commission and Trustees shall have the authority to deny approval for inclusion of any proposed use where such use is determined to be inappropriate for the development.

A. Single Family Planned Unit Development (SFPUD) Districts
    1. Permitted Uses
        a. Detached Single Family Dwellings
        b. Attached Single Family Dwellings, provided that not more than four such dwelling units shall be attached in any single building
        c. Public or private parks and recreation facilities, including golf courses, club houses, swimming pools, and tennis courts
        d. Public facilities
    2. Conditionally Permitted Uses
        a. Private and public schools
        b. Day care facilities and nursery schools

3. Accessory Uses
    a. Detached garages
    b. Common and/or guest parking areas
    c. Detached storage buildings provided that the maximum size of such buildings shall be as established by the Zoning Commission and Township Trustees as part of the Final Development plan approval.
    d. Fences
    e. Home occupations subject to the conditions and requirements set forth in **Section 213** of this Zoning Resolution.

B. Moderate Density Planned Unit Development (MDPUD) Districts
1. Permitted Uses
    a. Attached single family dwellings, provided that no more than eight such dwelling units shall be attached in any single building.
    b. Multi-family dwellings provided that no more than eight such dwelling units shall be contained within a building.
    c. Parks and recreation facilities
    d. Public facilities
2. Accessory Uses
    a. Detached Garages
    b. Common and/or guest parking areas
    c. Detached storage buildings, provided that the maximum size of such buildings shall be established by the Zoning Commission and Township Trustees as part of the Final Development Plan approval.
    d. Fences
    e. Home occupations subject to the conditions and requirements set forth in **Section 213** of this Zoning Resolution.

Sec. 312.5 Development Standards Applicable to all PUD Districts

The following development standards shall apply to all Planned Unit Development Districts:

A. Open Space Requirements
1. Open space and recreation areas shall be as set forth on the final approved development plan provided, however, that the land area designated for open space and recreational use shall not be less than forty percent of the total land area of the Planned Unit Development District.
2. Common Open Space shall be located and designed to:
    a. Be integrally related to the overall design of the development
    b. Be beneficial to the residents of the PUD

c. Conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas.

3. Land areas devoted to streets, drives, parking areas, rights-of-way, required setbacks from streets and rights-of-way, required spacing between buildings, and areas within individual building lots shall not be included in the calculation of open space for the purpose of meeting the minimum area requirement. Open space areas within required buffers and/or setbacks from property lines might be counted as common open space area.
4. Water surfaces of lakes, ponds, or other open bodies of water which are under the direct ownership and control of the applicant may be included as open space but shall not be considered to constitute more than one-half of the required common open space requirement for any Planned Unit Development District.
5. The ownership of all common open space areas, vegetative buffers, fences, ponds, parking areas, and similar common spaces shall be identified and a perpetual maintenance plan for said areas submitted to the Township for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall become part of the development plan and development agreement and shall be placed on record with the County Recorder as covenant on the land within the PUD district. The perpetual maintenance plan shall identify Lawrence Township as a beneficial party thereto with rights, but no obligation, to enforce the provision contained therein.

B. Utilities

All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the Township as part of the development plan approval.

C. Parking

Off-street parking shall be provided in accordance with the following:

1. Each dwelling unit shall be provided with a minimum of two and one half off-street parking spaces, at least one of which shall be within a completely enclosed garage.
2. Parking for recreation facilities and other permitted non-residential uses shall be as identified on the development plan and approved by the Township Trustees.
3. Illumination shall be provided for common parking lots, walkways, and drive intersections. Lighting shall be designed and located so as not to cause glare to permit the source of light to be visible beyond the boundaries of the development.

4. All common parking areas shall be improved with a compacted base, not less than four inches in depth and shall be surfaced with a minimum of two inches of asphaltic concrete or comparable all-weather dustless surface material. Every parking area designed for storage of five or more vehicles shall have permanent pavement markings to delineate spaces.
5. Parking areas shall be graded and drained to minimize standing water, to provide positive drainage away from buildings, and to prevent runoff on to adjacent properties.
6. Parking areas containing more than thirty spaces shall contain planting strips or islands to interrupt the mass of paved area, aid in controlling traffic flow, and provide visual quality.
7. Handicapped parking and access shall be provided in accordance with the requirements of the Americans with Disabilities Act.
8. One guest parking space shall be provided for every four dwelling units. Driveways of individual dwelling units shall not be counted toward compliance with this requirement.
9. Pedestrian walkways shall be provided between common parking areas and dwelling units.
10. Each parking space shall be a minimum of nine feet in width and shall have a minimum area of not less than one hundred eighty square feet, exclusive of access drives and aisles.

D. Access and Street Requirements

1. All Planned Unit Developments shall be designed to provide access for proposed uses internally within the development and to minimize access points and intersections onto existing public streets. No dwelling unit or non-residential use that is part of a PUD shall have a driveway access directly onto an existing public street.
2. Each dwelling unit and each non-residential use shall have access to a street internal to the PUD in a manner approved by the Township and said access shall be clearly defined on the development plan.
3. Planned Unit Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.
4. Street identification signs and traffic control devices shall be provided and installed by the developer as directed by the Township and in accordance with the standards of the Tuscarawas County Engineer and the Ohio Department of Transportation. Where such signs, markings, or devices are located on private streets, the owner's association shall be responsible for their maintenance.

E. Landscaping and Buffers

1. All disturbed areas within a Planned Unit Development which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscaping plan for the development.
2. Entry points shall be landscaped in an attractive manner using plant materials, which are consistent throughout the project. Street trees shall be provided along the main access streets that are sufficient to create a tree-lined image. Trees and shrubs shall be planted so as not to obstruct the view of drivers at driveway entrances and/or street intersections.
3. Screening and buffering shall be provided within the required setback from existing public street right-of-way. Where existing vegetation is inadequate to provide an appropriate buffer, as determined by the Zoning Commission and Township Trustees, supplemental landscaping shall be provided to create an adequate screen. Said landscape improvements may include mounding and/or screen wall or fences if approved as part of the landscape plan.
4. Buffers may be required within setbacks from adjoining properties where the Zoning Commission and Township Trustees determine that such screening is necessary to mitigate anticipated visual or auditory impacts.

F. Architectural Design

Architectural treatments shall demonstrate a cohesive design concept which promotes compatibility among structures while incorporating a diversity of materials, styles, and features conductive to an attractive and desirable residential environment. Concrete block or other foundation materials shall not be left exposed above finished grade, but shall be covered with brick, stone, or other finished building façade material approved by the Township.

G. Drainage

All PUD Developments shall provide for storm water management in accordance with the provision of **Section 210.**

H. Erosion and Sedimentation Control Erosion

Erosion and Sedimentation Control Erosion and sedimentation control shall be required pursuant to **Section 211.2** Water Quality and Erosion and Sedimentation Control.

I. Water Quality Standards

Water quality shall be required pursuant to **Section 211.3** Water Quality and Erosion and Sedimentation Control.

J. Fire Protection

All PUD Developments shall make provisions for fire protection that shall include the following:

1. Installation of fire hydrants on all streets at intervals of not more than three hundred feet.

2. Hydrants shall have two and one-half inch outlets and one large pumping connection and shall be placed with all outlets either facing or parallel to the street.
3. The type of hydrant and control valves shall be as approved by the Bolivar Volunteer Fire Department Fire Chief and the Tuscarawas County Sanitary Engineer.
4. Water lines serving fire hydrants shall be a minimum of eight inches in diameter and shall be looped except as specifically approved by the BVFD Fire Chief.

K. Trash Receptacles

Outdoor trash collection and storage facilities shall be screened from view from any public right-of-way and/or adjoining residential property by an enclosure consisting of a solid wall or fence at least six feet in height.

Sec. 312.6 Development Standards Applicable to SFPUD Districts

The following development standards shall apply to all Single Family Planned Unit Development Districts:

A. Density of Dwelling Units

The maximum density of dwelling units shall be as set forth on the approved development plan, but shall in no case be greater than two dwelling units per gross acre of the Singe Family Unit Development District.

B. Maximum Height

No building or structure shall exceed two stories or thirty five feet in height except as specifically authorize by the Zoning Commission and Township Trustees as part of the development plan approval. Accessory buildings shall not exceed twenty feet in height except as specifically authorized by the Zoning Commission and Township Trustees as part of the development plan approval.

C. Minimum Floor Area

Dwelling units within a Single Family Planned Unit Development shall comply with the following standards for minimum livable floor area:

1. Each Detached Single Family Dwelling shall contain not less than one thousand eight hundred square feet of livable floor area.
2. Each Attached Single Family Dwelling shall contain not less than one thousand two hundred square feet of livable floor area.

D. Setbacks and Separations

Dwelling units within a Single Family Planned Unit Development may be on individual lots and/or part of a condominium arrangement in accordance with Chapter 5311 of the Ohio Revised Code. Building setbacks and separations shall be as established on the approved final development plan. In establishing said separations the Zoning Commission and Township Trustees shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient lighting,

and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:

1. No building, structure, or parking area shall be located closer than one hundred feet to the right-of-way line of an existing public street.
2. No building, structure, or parking area shall be located closer than fifty feet from any project boundary line of the Single Family Planned Unit Development.
3. No building, structure, or parking areas shall be located closer than fifty feet from the right-of-way line of any new public right-of-way constructed as part of the SFPUD.
4. No building or structure shall be located closer than thirty six feet from the centerline or twenty five feet to the edge of pavement or edge of easement of any private street whichever is the greatest.
5. The minimum distance between buildings, which contains less than three dwelling units, shall be twenty feet.
6. The minimum distance between buildings where one or more of the buildings contain three or more dwelling units shall be twenty five feet.
7. Where lot lines are created as part of a Single Family Planned Unit Development, there shall be no setback requirement from such lot lines provided that:
    a. Such arrangement is shown on the development plan
    b. The building separations comply with the requirements contained herein, and
    c. Such arrangement is specifically approved by the Township as part of the development plan approval.

E. Access and Street Requirements

1. All public streets within a SFPUD shall be designed and constructed in accordance with the standards and specifications of the Tuscarawas County Subdivision Regulations and the County Engineer.
2. Private streets within a SFPUD District shall be a minimum of twenty two feet in width. Private cul-de-sac streets shall be designed with sufficient turn around areas to adequately accommodate emergency vehicles and service vehicles such as snowplows and garbage trucks.
3. Private streets shall meet the same base and pavement design criteria as public streets.

F. Minimum Building Lot Area

Where individual building lots are established within a Single Family Planned Unit Development, the sizes of said lots shall be as established on the development plan and as approved by the Township.

Sec. 312.7 Development Standards Applicable to MDPUD Districts

The following development standards shall apply to all Moderate Density Planned Unit Development Districts:

A. Density of Dwelling Units

The maximum density of dwelling units shall be as set forth on the approved development plan, but shall in no case be greater than six dwelling units per gross acre of the Moderate Density Planned Unit Development District.

B. Maximum Height

No building or structure shall exceed three stories or forty feet in height except as specifically authorized by the Zoning Commission and Township Trustees as part of the development plan approval. Accessory buildings shall not exceed twenty feet in height except as specifically authorized by the Zoning Commission and Township Trustees as part of the development plan approval.

C. Minimum Floor Area

Dwelling units within a Moderate Density Planned Unit Development shall comply with the following standards for minimum livable floor area:

1. Each Attached Single Family Dwelling shall contain not less than one thousand two hundred square feet of livable floor area.
2. Each Multi-family Dwelling shall contain not less than eight hundred square feet of livable floor area.

D. Setbacks and Separations

Dwelling units within a Moderate Density Planned Unit Development shall be part of a condominium arrangement in accordance with Chapter 5311 of the Ohio Revised Code. Building setbacks and separations shall be established on the approved final development plan. In establishing said separations the Zoning Commission and Township Trustees shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient lighting, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:

1. No building, structure, or parking area shall be located closer than one hundred feet to the right-of-way line of an existing public street.
2. No building, structure, or parking area shall be located closer than fifty feet to any project boundary line of the Moderate Density Planned Unit Development.
3. No building or structure shall be located closer than 36 feet from the centerline or twenty five feet to the edge of pavement or edge of easement of any private street whichever is the greatest.
4. The minimum separation between buildings containing less than five dwelling units shall be twenty five feet.
5. The minimum separation between buildings where one or more of the buildings contains five or more dwelling units shall be thirty five feet.

E. Access and Street Requirements

1. All streets within a MDPUD shall be privately owned and maintained and shall be designed and constructed in accordance with the base and pavement design standards and specifications of the Tuscarawas County Subdivision Regulations and the County Engineer.
2. Private streets within a MDPUD District shall be a minimum of twenty two feet in width. Private cul-de-sac streets shall be designed with sufficient turn around areas to adequately accommodate emergency vehicles and service vehicles such as snowplows and garbage trucks.
3. Where the Lawrence Township Comprehensive Plan indicates future right-of-way, roadway connections, or frontage roads in the area of a proposed MDPUD District, the development plan for the MDPUD shall be designed to accommodate the proposed routing of such planned roadways and the access provisions for the MDPPUD shall be designed and coordinated to be compatible with such future roadways. The Zoning Commission and Township Trustees may require such special conditions as they may deem necessary and appropriate to manage the future access to and from the MDPUD in association with any proposed future rights-of-way, road connections, or frontage roads, as approved by the Tuscarawas County Planning Commission.

Sec. 312.8 Application Requirements and Procedures

A. Property owners who wish to have their land zoned for a Planned Unit Development District shall make application for both a Zoning Map amendment and general development plan approval. The request for rezoning and application for general development plan approval shall occur simultaneously and the approval of one shall be dependent on the approval of the other.

B. Applications for rezoning to a Planned Unit Development District shall be made by filing an application to the Zoning Commission pursuant to the provision of **Section 602** of this Zoning Resolution. Said application shall be heard and action taken in accordance with the procedures and provisions set forth in **Section 602**. The following additional submission requirements shall apply to all applicants for rezoning to a Planned Unit Development District:

1. A General Development Plan conforming to the requirements of **Section 601** of this Resolution
2. A traffic impact analysis projecting the nature and volumes of vehicular traffic to be generated by the proposed development and evaluating the capacity of the existing roadway system to accommodate that traffic
3. A utility impact analysis addressing the proposed project's demand for water and sanitary sewer services and accessing the availability of adequate treatment and transmission capacities to meet the projected needs

4. A storm drainage management plan, which addresses the proposed methods of controlling storm run-off and mitigating erosion and sedimentation, impacts
5. Proposed covenants and restrictions intended to govern the development and future use of the Planned Unit Development including a perpetual maintenance plan setting forth the proposed ownership arrangement, maintenance responsibility, and financing method for all common open space, recreation facilities, common parking areas, private streets, and other commonly owned facilities
6. Any proposed development agreement proffered as inducement for the rezoning of the property.

C. After the Board of Township Trustees approves both an application for rezoning to a Planned Unit Development District and the General Development Plan for said PUD District, the applicant shall submit a Final Development Plan, or plans if the development is to be accomplished in phases, in conformance with **Section 602** hereof. Final Development plans shall be submitted concurrently to appropriate County reviewing agencies.

Sec. 312.9 Development Plan Requirements and Procedures

A. Pre-application Meeting

Prior to the submission of an application and development plan for a Planned Unit Development, applicants shall notify the Zoning Inspector of their intent to file an application and request a meeting with the Zoning Inspector and other pertinent Township and County Officials at which time the applicant may present a preliminary sketch or concept plan of his proposed Planned Unit Development. The purpose of this pre-application meeting is to discuss the criteria and standards contained herein, to familiarize the applicant with the PUD process, to familiarize the applicant with the relevant portions of the Lawrence Township Comprehensive Plan, and to review the applicant's proposed general approach to development of the site.

B. Development Plan Required

Submission of development plans is required for all Planned Unit Development projects. A general Development plan for the entire project shall be submitted and reviewed simultaneously with the application for rezoning for the PUD District, which shall also include any floodplain Corp of Engineers controlled inundation, and any wetland delineation. If the rezoning and General Development Plan is approved, subsequent development of the property shall be made only in substantial conformance to said approved General Development Plan. After a parcel is rezoned to a Planned Unit Development District and a General Development Plan has been approved for the entire project, the applicant shall submit a Final Development Plan for review and approval.

C. General Development Plan Submission Requirements

Each application for General Development Plan review shall include twelve copies of the plan for the entire PUD area, drawn to scale and shall include, at a minimum, the following data:

1. The name of the development, the name of the owner or developer, north arrow, date and scale
2. The owners and zoning classification of adjoining parcels
3. A boundary survey
4. Existing topography and proposed finished grade with a maximum two foot contour interval
5. Proposed building locations
6. Location of all minimum setback lines
7. Vehicular and pedestrian circulation plans
8. All off-street parking areas indicating the number of parking spaces provided and the number required
9. A storm drainage plan: including preliminary arrangements for storm detention facilities
10. All existing and proposed water facilities including the location and sizes of water mains, and the location of fire hydrants
11. All existing and proposed sanitary sewer facilities
12. Location and size of all recreation and open space areas
13. A general planting and landscaping plan
14. Architectural plans of proposed structures including the number and minimum floor area of dwelling units
15. The location, width, names, and grades of existing and proposed streets
16. Typical sections for all proposed streets
17. Proposed phases if the project is to be developed in stages
18. The location and sizes of any proposed fee simple building lots with SFPUD Districts
19. A summary table showing the total acres of the proposed development, the number of acres devoted to open space, streets, and contained within lots, and the number of dwelling units by type.

D. Review Criteria for General Development Plans

When reviewing an application for a Planned Unit Development, the Zoning Commission and Township Trustees shall consider, but shall not be limited to consideration, of the following characteristics of the proposed development:

1. The comprehensive nature and design of the General Development Plan, including appropriate design of the physical, aesthetic, and economic relationships among its parts
2. The suitability of the site proposed for zoning as a Planned Development District, including its location, area, relationship to existing development in the community, natural features, relationship to community plans, and other such characteristics

3. The anticipated effects of the proposed development upon the Township and upon adjoining and proximate neighbors and properties, including the impacts of traffic, storm water, noise, lighting, utilities, aesthetic values and other impacts
4. The adequacy of existing and planned roads, drives, and parking areas to meet the projected demand for such facilities and to integrate with existing and planned facilities in the Township
5. The adequacy of planned pedestrian and bicycle facilities to meet the demand for such facilities, to integrate with existing and planned facilities in the Township and to promote use of such transportation modes
6. The suitability of the location, dimensions, access to streets and utilities of each proposed dwelling unit within the District
7. The adequacy of utilities to serve the proposed development and the suitability of the proposed utility design within the District
8. The proper orientation and relationship of the proposed elements of the development with natural and historic features and resources both on and off site, the degree to which the development has been designed to protect and enhance such features and resources, and the measures taken to mitigate negative impacts on such features and resources both on and off site
9. The relationships of the architectural and site design characteristics among the areas of the development and with surrounding properties
10. The availability of recreation and open space sites and facilities proposed for use by the residents of the development
11. The nature and extent of proposed landscaping, existing vegetation and landform to be retained, and of proposed screening and buffering
12. The suitability of the proposed separations between buildings, including any proposed setbacks or yards
13. The suitability of the total acreage and floor area proposed for each type of dwelling unit, and the number of bulk of buildings proposed
14. The suitability of proposed condominium or homeowners association agreements, deed restrictions, protective covenants and other legal statements or devices intended to provide for future use, ownership, operation and maintenance of areas of the Planned Unit Development and its improvements
15. The ability of each proposed phase of the development, or of any group of developed phases, to meet the standards established in this Zoning Resolution

E. Final Development Plan Requirements

1. Final Development Plans submitted to the Zoning Commission for review shall be based on a previously approved General Development Plan and may be for portions or phases of the entire project. Final Development Plans shall be submitted at least ten working days prior to the

meeting at which said plans will be reviewed by the Zoning Commission. A minimum of twelve copies shall be submitted. Submission shall include a fee as established by the Township Trustees. Final Development Plan submissions shall be accompanied by performance bonds as required herein to guarantee completion of required improvements.

2. Final Development Plans shall be prepared by persons professionally qualified to do such work. Final Development Plans shall be certified by an architect, engineer or land surveyor duly registered by the State of Ohio. Final Development Plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet. Profiles must be submitted on standard plan profile sheets.
3. Final Development Plans shall include detailed design information for all of the items contained on General Development Plans but shall also include detailed construction drawings for proposed improvements including such items as:
    a. Detained street improvement plans including proposed traffic control provisions such as signage, pavement markings, and signalization
    b. Detailed utility improvement plans including all pipe sizes, types, grades, and invert elevations, and the location of manholes for sanitary and storm sewers and the location and sizes of water mains, and the location of fire hydrants
    c. A detailed landscaping plan including a listing of all plant material by type, size and number
    d. Provisions for the adequate control of erosion and sedimentation
    e. The location, type, size and height of all fencing, screening, and retaining walls
    f. The location, width, size and intended purpose of all easements and right-of-way and whether they are to be publicly or privately maintained
    g. A site lighting plan
    h. Detailed site grading and drainage plans including storm detention calculations and pipe sizing analyses

F. Bonding of Required Improvements

A performance bond or other financial guarantee as approved by the Township Trustees and the Township's legal counsel shall be placed on deposit with the Township to ensure that the landscaping, hard surfacing of private streets, drives and parking areas, improvements within public rights-of-way or easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project shall be installed in conformity with approved plans. Such bond or guarantee shall be in an amount equal to the cost of the construction of the improvements, based on an estimate certified by the applicant's design engineer

and approved by the Township, and shall be for a period not to exceed two years and provide for the complete construction of the improvements within that period. Where performance guarantees are provided to other public agencies, such as the Tuscarawas County Engineer for roads, and the Tuscarawas County Metropolitan Sewer and Water district for sewer and water, for certain required improvements, such arrangements shall be deemed to meet the requirement of this provision for such improvements so that no dual bonding of specific improvements is required. All private roads shall be bonded by Lawrence Township, and all public roads shall be bonded by the Tuscarawas county Regional Planning Commission.

G. Approval of Final Development Plans

1. The Zoning Commission shall review each Final Development Plan and shall make a recommendation to the Township Trustees regarding same, within sixty days of the date at which such final development plan is first heard by the Zoning Commission unless such time is extended with the consent of the applicant. The Zoning Commission may suggest, and the Township Trustees may attach, such conditions to the approval of the Final Development Plan as may be reasonable required by the public health, safety and welfare, deemed appropriate to carry out the purpose and intent of this Zoning Resolution, and consistent with the implementation of the Township's Comprehensive Plan. All Final Development Plans must have the approval of applicable County agencies.
2. The Township Trustees shall act upon each Final Development Plan referred by the Zoning Commission within sixty days of receipt of the Zoning Commission's recommendation provided, however, that said time period may be extended by the Trustees with the consent of the applicant.

H. Compliance Required

Subsequent to the approval of a Planned Unit Development District, all subdivision plats, site plans, building permits, zoning certificates, and other plans for improvements and any development or construction within the District shall be in substantial compliance with the approved Final Development Plan and any conditions of such approval adopted by the Township in approving the PUD District and Final Development Plan. Any departure from the approved Final Development Plan and any conditions or development agreements attached thereto, shall be deemed to be a violation of this Zoning Resolution. When the Zoning Inspector determines that a proposed plan, request for permit, development or construction may not be in compliance with the Final Development Plan, he shall take appropriate action as authorized by this Zoning Resolution to compel compliance.

I. Amendments to General or Final Development Plans

1. The owner of a property within a Planned Unit Development District may submit plans for amendment of either the General or Final Development Plan approved for the District. The Zoning Commission and Township Trustees shall review such amended plan and may approve the amendment if it is determined that the amendment is substantially in conformance with the form, nature, and intent of the General Development Plan approved for the district as part of the rezoning.
2. If it is determined that the amendment is not substantially in conformance with the form, nature, or intent of the approved General Development Plan for the PUD District, then the amendment shall be disapproved and the applicant directed to proceed as if considering an amendment to the Zoning Map.

Sec. 312.10 Professional Assistance

The extent and complexity of certain applications for Planned Unit Developments will require that the Zoning Commission and/or Township Trustees obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, appraiser, architects, and attorneys. The Zoning Commission and/or Township Trustees shall determine when such studies or expert advice are necessary to evaluate a proposed Planned Unit Development relative to the requirements of this Section. The Zoning Commission and/or Township Trustees shall advise the applicant if such studies are required and provide an estimate of whether the anticipated costs of such studies will exceed the base deposit set forth in **Section 312.12.** The applicant shall immediately upon such notification deposit with the Township sufficient funds to pay for such studies.

Sec. 312.11 Construction Inspection

During construction the Township's representatives shall be afforded adequate opportunity to inspect the development to confirm proper installation of required improvements and compliance with the provisions of this Zoning Resolution, the approved standards and conditions for the PUD, and such other regulations as may be applicable.

Sec. 312.12 Fees and Deposits

A. All applications for development plan review and approval shall be accompanied by a non-refundable fee in an amount established by the Township Trustees.
B. All applications for development plan review and approval shall also be accompanied by a cash deposit for professional consultant services in an amount established by the Township Trustees. Any balance of unused deposit funds shall be refunded to the applicant within sixty days of the Township's final action on the application. Prior to commencement of construction, the developer of a PUD shall deposit with the Fiscal Officer a sum as determined by the Township

Trustees, which funds shall be used by the Township to pay for project inspections and administration during construction as provided in **Section 312.9**.

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Article IV

Sec. 401 Sign Regulations

Sec. 401.1 Purpose

The purpose of this article is to provide for the use, location and size of signs and to regulate their installation and maintenance.

Sec. 401.2 Permitted Signs

Unless otherwise provided herein, a Zoning Certificate shall be required for all signs. No signs except highway safety signs shall extend in to any street right-of-way. All signs must be restricted to the premises.

A. The following signs are permitted in any district:

1. Permanent signs requiring sign fee or Zoning Certificate:
    a. Memorial signs or tablets, names of buildings, and/or signs indicating the date of erection. Such signs or tablets shall have an area not to exceed six square feet facing each street and shall be affixed to the building.
    b. Awnings and canopies are permitted for public convenience with a minimum height requirement of eight foot clearance. No advertising shall be placed on any awning or canopy, except that the name of the owner and the business industry or pursuit conducted within the premises may be painted or otherwise permanently placed in a space not exceeding eight inches in height of the front and side portions thereof.
    c. Nameplates not exceeding one square foot in area, containing only name of the resident and/or title of person practicing a profession and/or name of building and/or the name of the agent and/or the identification of a “home occupation”.
    d. Signs appropriate to a public or semi-public building for the purpose of displaying the name and activities or services therein provided, not larger than a total of twenty square feet and restricted to the premises.
    e. One permanent sign not more than twenty square feet in area identifying a subdivision or neighborhood at each entrance to said subdivision or neighborhood. Such signs, exclusive of decorative walls, fences, or base, shall not exceed six feet in height, shall not be located closer than twenty five feet to any street right-of-way line and shall not obstruct visibility at street corners.
2. Temporary Signs
    a. Real Estate and Development Signs
        1. One unlighted real estate sign not exceeding six square feet in area pertaining only to the sale, lease, or rent of the

particular building, property or premises upon which displayed such sign shall be removed within thirty days after the sale, lease or rent of the building or property. No sign fee or permit shall be required.

2. One temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision within which such sign is located and maintained upon the issuance of a temporary six months renewable Zoning Certificate and shall be removed from the premises within thirty days of the sale or rental thereof. Such sign shall not exceed one hundred square feet in area and be set back one foot per square foot of sign area, with a minimum of twenty five feet from the street right-of-way.

b. Special Events Signs

1. The Zoning Inspector may permit the placement of temporary signs within the Township for a period not to exceed thirty days which signs shall be limited to advertising public activities and activities or organizations within the township. No sign fee shall be required. Such signs shall be removed within five days subsequent to said thirty day period.
2. The Zoning Inspector shall permit the placement of signs promoting candidates for public office. Such signs shall not be placed on or over public property or right-of-way. Such signs shall be placed no earlier than thirty days prior to the date of election to which they relate, and such signs and all supporting materials shall be removed within ten days following the election.

c. Construction Signs

One sign denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding twelve square feet in area. No sign fee or Zoning Certificate shall be required.

d. Signs for Roadside Stands

One unlighted sign not more than twenty feet in area in conjunction with a roadside stand which shall be used only to advertise agricultural products produced on the premises. Such signs shall be removed at the conclusion of the seasonal sales. No sign fee or Zoning Certificate shall be required.

B. The following signs are permitted in "C" and "I" Districts

1. The following signs are permitted in all "C" and "I" Districts except that no sign shall be located closer than twenty five feet to any lot located in any "R" District.
   a. One exterior wall sign on each street frontage may be erected which advertises a business or service conducted upon the premises and/or advertises products, merchandise or commodities stocked and sold on the premises. Wall sign shall be affixed flat against the wall of buildings and shall not project there from more than one foot. No such sign shall extend beyond the width or height of the wall to which it is attached. No wall sign shall exceed fifty square feet in area.
   b. One free standing sign on each frontage which advertises a business or service conducted on the premises and/or advertises products, merchandise and/or commodities stocked and sold on the premises shall be permitted provided such sign conforms to the following requirements:
      1. No freestanding sign shall exceed fifty square feet in area per side
      2. No sign shall exceed twenty feet in height
      3. In districts where setbacks are required, no sign shall be located closer than ten feet from the street right-of-way
2. The following signs are permitted in all C districts except that no sign shall be located closer than fifty feet to any lot located in any "R" District.
   a. All signs permitted in **Section 401.2B**
   b. One and only one pole-type high rise sign advertising the name of the business located on the property. The maximum area per each of two permitted sides shall be one hundred square feet. Such signs shall not exceed forty feet in height.

Sec. 401.3 Construction

A. All signs shall be constructed in conformance with the appropriate Building Code and other applicable requirements of the Township, and shall display the "UL" label.

B. All signs shall be rigidly secured and no sign shall swing from bar, crane, awning, or other sign, nor shall all or part of any sign be revolving, oscillating or otherwise designed to move to attract attention.

C. No sign shall be so erected as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building.

D. Signs shall be erected so as to not obstruct traffic sight lines or traffic control lights at street intersections or signals at railroad grade crossings.

E. Signs visible from a street shall not contain an arrow or words such as “stop”, “go”, “slow”, etc. or otherwise resembles highway traffic or directional signals.

F. No sign shall be located on the roof on any building.

G. Signs, which are illuminated, shall use indirect lighting only. The source of light shall not be visible from the street and shall be shaded. No flashing, revolving or intermittent illumination shall be employed.

H. Any business sign illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) effected within one hundred feet of an intersection where an illuminated devise has been provided for the control of traffic shall not be duplicated in the electric light of such sign, any colors appearing in the traffic control signs.

Sec. 401.4 Maintenance

The Zoning Inspector may order any sign to be painted or refurbished at least once each year. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition.

Sec. 401.5 Removal of Signs

A. Any sign not or hereafter existing which no longer advertises a bona fide business conducted, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found, within ten days after written notification from the Zoning Inspector, and upon failure to comply with such notice within the time specified in such order, the Zoning Inspector is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which such sign is located.

B. If the Zoning Inspector shall find that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provision of this Resolution, notice shall be given in writing by the Zoning Inspector to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within ten days after such notice, such sign or other advertising structure may be removed or altered to comply with this Resolution at the expense of the permittee or owner of property upon which it is located. The Zoning Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay cost so assessed. The Zoning Inspector may cause any sign or other advertising structure that is an immediate peril to persons or property to be removed summarily and without notice.

Sec. 401.6 Fees

See the Fiscal Officer or Zoning Inspector for the current fee schedule.

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Article V

Sec. 501 Parking Spaces, Parking Layout and Loading Requirements

Sec. 501.1 Purpose

This Article is intended to regulate on-and off-street parking requirements for new construction, major alterations of existing structures, and to preserve the amount of off-street parking already provided for use on the effective date of this Resolution.

A. To implement comprehensive parking management policies throughout the Township, and to achieve a balance of transportation alternatives by including potential mass transit and walking in parking calculations.
B. To acknowledge and protect historic and existing uses which do not meet the Township's parking standards.
C. To identify areas within the Township that requires more specific parking requirements.
D. To reduce the creation of new impervious surfaces through lower required parking ratios, establishment of parking limits and shared parking facilities.
E. To reduce traffic congestion and hazards.
F. To provide accessible, attractive, well-maintained and screened off-street parking facilities.
G. To provide aesthetically pleasing parking facilities in proportion to individual land use needs.
H. To provide a proactive approach to large events which may require additional parking for short periods of time.
I. To enable further study of unusual or unique uses in order to determine reasonable parking standards.
J. To ensure the maneuverability of emergency vehicles.

Sec. 501.2 Applicability

A. Off-street parking in conjunction with all land and building uses established after the enactment of the Resolution in this Article shall be provided for to the satisfaction of the Zoning Inspector after the issuance of a certificate of occupancy.
B. Off-street parking may be either provided by an individual action parking program or carried out through public action by a special assessment district or otherwise.
C. This Article shall be in addition to the provisions of the State of Ohio Traffic Manual. This Article shall be construed in a manner that the provisions herein are separate and independent of the State of Ohio Traffic Manual and in addition thereto and where there is a conflict between the provisions of the State of Ohio Traffic Manual and this Article, the regulations of this Article are controlling.

Sec. 501.3 Exemptions

Provisions for the number of off-street parking spaces specified by this Article shall be required as a condition of issuance of a certificate of occupancy for any structure which is constructed, erected, relocated or expanded within Lawrence Township, except as follows:

A. Change of Use or Expansion of Use

1. Whenever a use requiring off-street parking is increased in floor area by more than fifty percent of the existing building, the minimum number of additional parking spaces shall be based on actual square footage of the increase. Special exceptions may be granted by the Board of Zoning Appeals through a variance hearing upon finding that a specified lesser number of parking spaces will adequately serve the reasonably anticipated increase in parking needs.
2. Within the C-1, C-2, C-3 and I-1 Districts, whenever a change in is use occurs within a structure existing at the time of this amendment that would increase the average daily number of trips by more than fifty percent (regardless of a change in floor areas), the applicant must provide additional parking spaces or demonstrate that a sufficient number of credits are available within three hundred feet of the use.

B. Existing Parking Lots

1. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal parking spaces which conform to the requirements of this Article are provided elsewhere within three hundred feet of subject property or as otherwise approved by the Zoning Inspector.
2. Off-street parking existing at the effective date of the Resolution in this Article in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

Sec. 501.4 General Requirements

A. Off-street parking for other than residential use shall be either on the same lot or within three hundred feet of the building it is intended to serve, except that in those cases where Township parking has been developed for a special area, this distance may be extended by the Zoning Inspector. This distance may also be extended if the Zoning Inspector finds that the pedestrian route of travel is well lit and sufficiently protected from inclement weather; provided also, that ADA parking is provided in close proximity to the use, as per ADA standards.

B. Residential off-street parking space shall consist of a parking strip, driveway, garage, parking lift, or a combination thereof and shall be located on the lot they are intended to serve.

C. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less

than the sum of the requirements for the several individual uses computed separately. Legally binding documents shall be approved by the Township Attorney and filed with the Township Clerk and recorded at the expense of the applicant in cases of mutual use of parking area.

D. The required off-street parking shall be for occupants, employees, visitors and patrons and shall be limited in use to parking unless other uses are shown on an approved site plan.

E. So long as operating hours do not materially overlap, the Zoning Inspector may grant an exception to the separate computation of individual uses in mutual use parking areas or the use of parking spaces.

F. The Zoning Inspector, in consultation with the Zoning Commission, may determine the number of parking spaces required for uses not included in this Article. For any use other than single-family residential development, the Zoning Inspector may require that the applicant provide a professional assessment of anticipated parking requirements and peak hours of operation.

G. Facilities that use benches, pews, or booths, etc., shall provide one parking space for each three feet of seating area.

Sec. 501.5 Stacking Spaces

A. All businesses which maintain drive-in facilities which are intended to serve customers who remain in their motor vehicles during business transactions shall be required to design their parking facilities to accommodate stacking space as provided in **Table 1: Vehicle Stacking Requirements.**

Table 1 Vehicle Stacking Requirements

Type of Operation	Minimum Number of Vehicles
Financial institution, with drive-up tellers	Four vehicles per window/kiosk
Financial institution, with drive-up ATM (if separate from drive up tellers)	Four vehicles per window/kiosk
Car wash, self-service	Two vehicles per bay at entrance One vehicle per bay at exit
Car wash, automatic	Six vehicles per bay at entrance One vehicle per bay at exit
Restaurant, fast food and/or coffee shops with indoor seating	Six, including three vehicles behind each menu board and three vehicles behind first window, or a combination of the two
Restaurant, fast food and/or coffee shops with no indoor seating	Eight vehicles – one vehicle at window, seven in stacking lane
Photo processing/pharmacy prescription pick-up window	Four vehicles per window – one vehicle at window, three in line
Dry cleaning	Two vehicles per window
Retail gasoline/stations	Two vehicles per gasoline pump
Wholesale gasoline/stations	Four vehicles per gasoline pump

B. Minimum Dimensions of Stacking Space. A stacking space is twelve feet wide by twenty feet long. The minimum inside turning radius of stacking lanes is seventeen feet, six inches.

C. Stacking lanes shall not interfere with parking spaces, parking aisles, loading spaces, internal site circulation, or points of ingress and egress for vehicles or pedestrians, and shall not stack into any right-of-way. To meet this requirement, the Zoning Inspector, or their designee may require that one or more signs be posted restricting vehicle stacking beyond a certain point.

Sec. 501.6 Off-Street Parking Spaces Required

A. The minimum number of off-street parking spaces to be provided shall be determined in accordance with **Table 2.** Where parking spaces are based on the square footage of a building, the applicant shall provide the Township with a calculation based on gross floor area, as defined by this title. The type and number of ADA-compliant parking spaces shall be subject to applicable state law, and each ADA parking space shall be considered as one parking space for the purposes of calculating required parking.

B. Off-street parking facilities shall not occupy any part of any required front or side yard in C-1 and R-Districts. In all C-Districts and in all I-Districts open off-street parking facilities may be located in the required front yard provided that at least a ten foot wide landscaped strip is located between the parking area and the street right-of-way line. In all districts, open off-street parking facilities may occupy the required rear yard providing that a five foot landscaped strip separates parking from all property lines abutting the rear yard.

Table 2 Off-Street Parking Requirements

Use	Minimum Parking Requirements	Minimum Permissible Parking Spaces	Also See Section:
PERSONAL TRANSPORTATION			
Automobile Sales		4	501.4
Automotive Recycling, Junkyards, Impound Yards, or similar operation for storage of vehicles	One space for each employee		501.7
Automobile Service Establishments	Three spaces for each employee	4	
Bicycle or motorcycle rental and or sales	Two and one half spaces for each employee		501.7
Park and Ride	501.4		
Transportation Center (includes bus, rail, and taxi stations)	501.4		
ENTERTAINMENT AND DINING			
Dance, Exhibition Hall, or Place of Assembly	One space per every two seats		501.4 501.7
Drive-in Restaurant	One space per each one hundred square feet		501.7
Restaurant, tavern, or any other establishment for the sale and consumption of food, alcoholic beverage, or refreshment	One space per every two seats		501.4 501.7
Restaurant, tavern, or any other establishment which includes sale and consumption of food combined with dance facilities	One space per every two seats		501.4 501.7
Theatre (indoor)	One space per every two seats		501.7
Outdoor event space (concerts, outdoor theater, etc.)			501.4

RESIDENTIAL USE			
Accessory dwelling units	Two spaces per unit		
Complete life care retirement community	One space for each five beds		501.7
Cooperative or Group Homes	One space per bed		501.7
Duplex	Two spaces per unit		
Dwelling, Single Family	Two spaces per unit		
Dwelling, Multi-Family	Two spaces per unit		
Dwelling, Multi-Family in PUD District	Two spaces per unit, plus one guest space for every four units		
Rooming House or Lodge House	One space per room		
Mobile/Manufactured Home Park	Two spaces per unit, plus one guest space for every four units		
Cottage Housing	Two spaces per unit		
RECREATIONAL AND CULTURAL USE			
Batting cages, racquetball and tennis courts, driving ranges, miniature golf, shooting ranges	One space per each batting cage, driving range tee, miniature golf hole, shooting range station, and two spaces for each racquetball or tennis court		501.7
Bowling Alley	Five spaces per each alley		501.7
Dance or Video game Establishment (not including restaurants/taverns with dance facilities)	One space per each seventy-five feet		
Billiard Parlor	Four spaces per one hundred square feet		501.7
Fitness Center	One space per each one hundred square feet		501.7
Skating Rink	One space for each one hundred square feet		501.7
Campground	Two spaces for each camping space, plus two spaces for caretaker		501.7
Golf Course	501.4		
Public and Private Parks including Trails	501.4		
Community Clubhouse	501.4		
Playfields	501.4		
Outdoor event space (concerts, outdoor theatre, etc.)	*501.4*		

Waterfront Park	501.4		
Stadium Sports Area, auditorium, or other place of assembly with fixed seats	One space for each two and one half seats		501.7
Public Pool	501.4		501.7
Senior Center Activity center	One space per each four hundred square feet		501.7
Motion Picture Center	One space per each two seats		501.7
Library or Museum	One space per each two hundred square feet		501.7
Church, Mortuary, or Funeral Home	One space per each three seats in the chapel or nave		501.7
Clinic	One and one half spaces per each examination room		501.7
Convalescent Center	One space for each four residents		501.7
Hospital, sanitarium or home for the aged	One space for each two beds		501.7
Mental Health Facility	One space per each five beds		501.7
Substance Abuse Treatment Facility	One space per each three hundred square feet	4	501.7
Veterinary Office	Five spaces per each veterinarian		501.7
SERVICES USES, LODGING			
Bed and Breakfast	One space per guest room, plus two spaces for residents		
Boarding House	One space per guest room, plus two spaces for residents		
Hotel	One space per unit		501.7
Motel	One space per unit plus two spaces for residence		501.7
RETAIL USES, COMMERCIAL			
Retail, unless otherwise specified	One space per one hundred fifty square feet		501.7
Farm Equipment Sales & Service	Three spaces per employee	4	501.7
Grocery Store or Shopping Center less than one thousand six hundred square feet of retail space, three thousand two hundred square feet total space (neighborhood grocery store)	Eight spaces		501.5 501.7

Plant Nursery	One space per each one hundred fifty square feet of indoor space, plus two spaces for each acre of outdoor space. Maximum of 20 required	8	501.7
Retail Service Shops	One space per every one hundred fifty square feet		501.7
Shopping Center between three thousand two hundred and five thousand square feet	One space per each one hundred fifty square feet		501.7
Supermarket or Shopping Center over five thousand square feet	One space per each one hundred fifty square feet		501.7
Wholesale Store	One space per each one hundred fifty square feet		501.7
Barber/Beauty Salon	Two spaces per station	4	501.7
EDUCATION & CHILD CARE			
All educational facilities must provide adequate parking spaces to accommodate temporary parking onsite during peak hours			
Day Care or Day Nursery (including family day care)			
Nursery School	One space per every five students, or fraction		501.7
Kindergarten through Middle School	One space per every five students, or fraction		501.7
High School	One space per ten students (auditoriums and stadiums counted separately)		501.4 501.7
Institution of Higher Education	One space per six students (auditoriums and stadiums counted separately)		501.4 501.7
	501.4		
STORAGE USES			
Kennel			
Moving and Storage Company	One space per each twelve animal enclosures; One space per each two hundred fifty square feet of retail sales area;		501.7

	Two spaces per each dwelling unit		
Mini-Storage facility	One space per each three hundred square feet of office	4	501.7
Warehouse	One space for each two thousand square feet less than twenty thousand total square feet; One space for each two thousand five hundred square feet for twenty thousand one to ninety nine thousand nine hundred ninety nine square feet; One space for each three thousand square feet for greater than one hundred thousand square feet	Ten spaces for twenty thousand one to ninety nine thousand nine hundred ninety nine square feet; forty spaces for greater than one hundred thousand square feet	501.7
ESSENTIAL PUBLIC SERVICES			
Correction Facility	501.4		501.7
MANUFACTURING USES			
Food Processing	501.7		
Junkyard	One space for each one thousand square feet of office space	4	501.7
Laboratory – Research & Development (For offices, see Professional Offices)			501.7
Manufacturing Use	501.7		
OFFICE USE			
Bank and Financial Institutions	Two spaces for each employee or station		501.5 501.7
Business Services	One space for each one hundred square feet	4	501.7
Professional Offices	One space for each one hundred square feet		501.7
OTHER USES			

Convention Center, including Banquet Facilities and/or Meeting Hall	501.4		
Home occupation	501.4		
Service Station	501.4		
Towing Service			501.4 501.7

Sec. 501.7 Employee Parking

Any employer shall provide one parking spot for each employee, or if more than one shift shall provide one parking spot for each employee for a two shift operation, or two parking spots for each three employees for three shift operations. The number of parking spaces will be determined by the total of the two largest shifts.

Sec. 501.8 ADA Accessibility

Parking within Lawrence Township shall conform to the requirements of the ANSI 17, as required by law.

Sec. 501.9 Parking Lot Layout, Construction and Maintenance

Off-street parking lot layout, construction and maintenance requirements shall be as follows:

A. The party developing an off-street parking area shall submit to the Zoning Inspector for approval a plan of the parking area showing adjacent streets, proposed circulation of traffic, proposed location, type, and size of individual parking spaces, proposed drainage, lighting and landscaping, fencing and screening planting. The plan shall also include a table listing the number and type of parking spaces.

B. Off-street parking area lot dimensions and layout shall be guided by the design standards approved by the Institute of Traffic Engineers insofar as not otherwise prescribed by this title.

C. Ingress and egress to the parking lot or area shall be provided at locations approved by the Tuscarawas County Engineer or his designee and the Ohio Department of Transportation. In no case shall improved roadways be used for maneuvering into or out of the parking spaces. Alleyways may be used for maneuvering into or out of parking spaces.

D. Construction. All required off-street parking areas shall be graded and paved to a standard comparable to the street which serves the parking area as determined by the Zoning Inspector and shall be developed and completed to the required standard before a certificate of occupancy for the building is issued. Pervious pavement is encouraged. All traffic-control devices such as parking strips, designated care stalls, directional arrows or signs, rails, curbs and other developments shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate car stalls and direction of traffic. Where pedestrian walks are used in parking lots

for the use of foot traffic only, they shall be raised six inches above the lot surface and shall be a minimum of four feet wide.

E. Parking lot landscaping shall be as per the landscaping **Section 203.6.**

F. Any parking spaces abutting a landscaped area on the drive or passenger side of the vehicle shall provide an additional eighteen inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe.

G. Driveway Dimensions. When off-street parking is provided in the rear of a building and a driveway or land alongside the building provides access to the rear parking area, such driveway shall have a minimum width of twelve feet and provisions for a four foot minimum width sidewalk accessing the rear of the building either abutting or in close proximity to the driveway, raised six inches above the driveway surface, shall be included.

H. When due regard to public safety so indicates, the Zoning Inspector may require that up to fifty percent of the required off-street parking area must be clearly marked as customer parking with signs as necessary directing the public to the premises from adjacent street or streets. During business hours, customer vehicles only may occupy parking spaces so marked.

I. With regard to parking lot design, the applicant shall eliminate vehicle travel directly in front of the primary entrance wherever possible, so as to establish a "vehicle free zone" between the parking lot and the facility. This zone shall be protected with bollards or other devices which may be removed in emergencies.

J. Parking garages either above or below ground shall observe a minimum height clearance of seven feet, six inches.

K. Developments may provide parking for recreational vehicles or other oversized vehicles in appropriately-sized vehicle spaces. Parking lot camping is prohibited except in designated spaces, and no vehicles may be permitted to stay more than seventy two hours. It is the responsibility of the developments' management to maintain a log of such vehicles, including license plate numbers and arrival and departure times.

L. Parking areas shall be of usable shape, improved with bituminous, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets and no open light sources such as the stringing of light bulbs shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises; to contain the cars on sloping surfaces, and to prevent bumper overhang.

Sec. 501.10 Loading Space Requirements

An off-street loading space having access to a public thoroughfare shall be required adjacent to each building hereafter erected or enlarged to the extent specified in **Section 501.1** if the use of such building entails deliveries or shipments to or from it. Such loading space shall be adequate size to accommodate the number and size of vehicles simultaneously loaded or unloaded in connection with the business conducted in such building. No part of the truck or van shall extend into the public right-of-way when using the loading space.

Sec. 501.11 Parking Space Standards

Automobile Parking

A. Each parking space shall be ten feet wide and twenty feet long.
B. Parking space depth may be reduced when vehicles overhang a walkway under the following conditions:
    1. Wheelstops or curbs are installed.
    2. The remaining walkway provides a minimum of sixty inches of unimpeded passageway for pedestrians.
    3. The amount of space depth reduction is limited to a maximum of one and one half feet for standing parking spaces.

Sec. 501.12 Parking Lot Standards

Parking lot design standards shall be subject to the most current version of the Lawrence Township **Section 203.6** design standards.

Sec. 501.13 Conflict with Other Provisions

Where there is a conflict between the regulations of this Article and the regulations of any other section of this code, the regulations of this Article shall prevail; provided, however, that the regulations of other sections shall prevail in the following cases:

A. Where the regulations of any other section are more restrictive.
B. Where a Planned Unit Development (PUD) or other similar private development has been established in accordance with procedures set forth in **Section 302**; provided, that any such Planned Unit Development regulations shall include comprehensive parking regulations encompassing the entire Planned Unit Development area, and there is no risk to life, safety, and general welfare.

Sec. 501.14 Nonconforming Parking Continuance

Any existing parking lot that was allowed use prior to the effective date of the ordinance codified in this Article may be continued in its current configuration and be maintained after said effective date and shall become a legal nonconforming use provided:

A. The configuration of any parking stall or parked vehicle shall not be changed in any manner that increases its noncompliance with the provisions of the ordinance codified in this Article.

B. Normal maintenance and upkeep of nonconforming parking lots, including restriping, repaving, and the addition or replacement of vehicle stops; provided, that the total number of parking spaces is not changed, and installation or replacement of lighting may be allowed; provided, that the work does not increase the nonconformity of the parking lot.

C. Activities that are prohibited by this Article shall have ninety days after the effective date of the Resolution in this Article or after annexation of property into the Lawrence Township to be brought into conformity with the Article.

D. When a parking lot is altered, reducing or increasing the number or size of parking spaces, access points, etc., it ceases to be a legal nonconforming lot and must be brought into conformance with the provisions of this Article. Any act which enlarges the size of the parking lots shall be subject to the provisions of this Article.

E. When a business utilizing a parking space or parking lot changes or expands to a point that additional parking is required, it shall be the responsibility of the business to create additional parking according to the requirements of this Article.

Sec. 501.15 Regulations for Fire Lanes

A. Fire lanes shall be twenty feet wide.

B. Traffic zone yellow paint shall be used for all fire lane markings. A solid traffic zone yellow line six inches wide running the entire distance of the fire lane shall be painted where the curb or sidewalk meets the parking lot. This line shall be painted on the parking lot. (**See Figures 1 and 2, Appendix A**)

C. All lettering on the parking lot pavement shall be twelve inch block letters.

D. Fire lane signage shall conform to Ohio Department of Transportation sign regulations and standards for parking control zones as contained in the Ohio Manual of Uniform Traffic Control Devices. Signs shall be posted a minimum of seventy five feet and must be posted at the end of each fire lane.

1. Loading docks or loading zones shall be posted as tow away zones. Signs shall read "**Fire Lane Loading Zone**".
2. All hydrants and sprinkler standpipe connections shall have a fifteen foot fire lane around them. (**See Figures 3 and 4**)
3. Fire hydrant signage shall be posted on a post and placed in the ground behind the fire hydrant. Where protective posts are installed, the fire lane sign can be placed on these posts.

Sec. 501.16 Parking and Loading Requirements for Use not Specified

Where the off-street parking and loading requirements for a use are not specifically defined herein, the parking and loading facilities for such use shall be developed so as to the sufficient to meet all the parking and loading needs of the proposed use as determined by the Board of Zoning Appeals in consultation with the Zoning Commission.

No parking, loading or servicing shall be done on the right-of-way of any publicly dedicated thoroughfare.

Sec. 501.17 Severability

If any section, sentence, clause or phrase of this Article shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Article.

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TABLE 601
CONDITIONAL USES

SPECIFIC USES	CONDITIONAL USES BY DISTRICT									SPECIFIC CRITERIA REFER TO Sec. 601.7
	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MHP	
RESIDENTIAL USES										
Bed & Breakfast	C			C						F, H, M, P2, S, X
Day Care Type "A"	C	C	C	C					C	E, G, H, I, N, P1, R, S, Y
Granny Cottage	C	C	C	C						SEC 601.13E *Sec. 601.7 DD* APPLIES
Adult Group Home, Large	C	C	C	C						SEC 601.13F APPLIES
Restaurant, as accessory to agricultural use in R-4 Only				C						B, F, G, H, P2, S, GG
Agriculture	C	C	C							A, J, L, N, Q
Home Occupation	C	C	C	C						Compliance with SEC 213
Small Wind Farm				C						SEC 601.15 APPLIES
COMMERCIAL USES										
Office (excluding medical)			C							F, G, H, N, O1, 03, P2, S, Y
Restaurant or Bar as accessory use to Office use					C	C	C			O2, P1, Q
INDUSTRIAL USES										
Mini-Storage Facility						C	C			E, G, O2, 03, P2, U
Telecommunications Tower	C	C	C							D, N, O2, O3, U, EE & (ORC 519.211)
Vehicle Storage Yards								C		O2, O3, P2, Y, AA1
Warehouse as Accessory Use							C			E, H, P1, Q, S
Extraction								C		SEC 601.13A APPLIES
Recycling / Junkyards								C		SEC 601.13B APPLIES
Transfer Station								C		SEC 601.13C APPLIES
Sexually Oriented Businesses/Uses								C		H, L ,P4, P5, P6, S, U, V, EE, HH, II, JJ,KK,LL LAWRENCE TOWNSHIP RESOLUTION 19-09
Gas/Oil Wells	C			C	C	C	C	C		SEC 601.13D APPLIES
Dangerous/Exotic and Wild Animals								C		SEC 601.14 APPLIES

TABLE 601
CONDITIONAL USES

SPECIFIC USES	CONDITIONAL USES BY DISTRICT									SPECIFIC CRITERIA REFER TO Sec. 601.7
	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	MHP	
INSTITUTIONAL USES										
Correctional Facility, Halfway House								C		B, G, I, O2, O3, P2, S, T, U, V, Y
Child Day Care Center	C	C	C		C	C	C			H, I, L, O1, O3, P2, R, S
PUBLIC SERVICE USES										
Park & Ride Facility						C	C	C		E, G, H, I, L, O2, O3, P2, S, Y
Churches	C	C	C	C	C					E, G, H, I, O2, O3, P3, S
RECREATIONAL, CULTURAL AND ENTERTAINMENT USES										
Campground, Public or Private							C	C		B, I, L, P3, U, Z, FF
CULTURAL										
Botanical Garden	C	C	C	C						E, F, H, O1, O3, P3, S
Museum					C	C	C			D, G, H, L, O1, O3, P3, S, Y
Outdoor Drama Theatres (Excluding Drive-Ins)							C	C		A, D, H, L, O1, O3, P3, S, V
Zoo							C			B, G, H, L, O1, O3, P3, S, U, V, W, Y, Z, AA2
RECREATIONAL FACILITY, Public or Private										
Club, Private						C			C	F, G, H, N, O2, O3, P3, S, Y, BB
Golf Course				C	C	C	C			B, E, F, H, J, P3, S, X
Recreation Center, Internal	C	C	C	C					C	H, L, N, O1, O3, P2, S, BB
Summer Camp				C						B, I, L, P3, S, U, Z, FF
Swim/Tennis Facility *Type B* *Type C* *Type D*	C	C	C	C	C C	C	C	C		E, H, I, L, N, O2, O3, P3, R, S, U, W, Y H,L,N,01,03,P2,S,BB,

ARTICLE VI

Sec. 601 Conditional Use Zoning Certificates

Conditional uses are those uses having some special uniqueness, which requires a careful review of their location, design, configuration and special impact to determine against fixed standards, the desirability of permitting their establishment on a specific site. They are considered provisional in nature and established at the discretion of the Board of Zoning Appeals.

Sec. 601.1 Purpose

The purpose of this Article is to enable new uses which may be appropriate in a particular district after consideration of the public benefit against the local impact, the reduction of any adverse impact through special site planning, development techniques, and contributions to the public improvements and rights-of-ways.

Sec. 601.2 Authority

The Board of Zoning Appeals may, in accordance with the procedures and standards set out in this Article, and other regulations applicable to the district in which the subject property is located, approve by resolution those uses listed as conditional uses in the **Table 601**, or in any other part of this Resolution.

Sec. 601.3 Effect of Conditional Use Listing

A. Compliance with Zoning Requirements

The listing of a conditional use in the **Table 601** or in any other part of this Resolution does not constitute an assurance or presumption that such conditional use will be approved except as provided in **Section 601.3B**. Rather each proposed conditional use shall be evaluated by the Board of Zoning Appeals on an individual basis. This shall be done in relation to its compliance with the standards and conditions set forth in this Article and with the district in which it is located, in order to determine whether approval of the conditional use is appropriate at the particular location and in the particular manner proposed.

B. Compliance with Other Requirements

Nothing in this Article shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law. However, reasonable conditions may be required by Board of Zoning Appeals in order to satisfy the purposes as outlined in **Section 601.1**

Sec. 601.4 Review Procedure for Conditional Use Applications

A. Applicant

An application for a Conditional Use Zoning Certificate may be filed with the Board of Zoning Appeals by the owner, lessee, or other person having a legal or equitable interest in the subject property.

B. Application

An Applicant for a conditional use shall file a plan and an application on forms provided by the Board of Zoning Appeals. The plan for the use and development of the tract shall demonstrate that the general and specific criteria have been met.

C. Scheduling of Hearing and Transmittal of Application

Within five days after filing of an application determined to be complete pursuant to **Article VI, Section. 601.5**, the Board of Zoning Appeals Chairman shall:

1. Set a date for a public hearing not less than thirty, nor more than sixty two days after filing of a complete application.
2. Transmit a copy of the application and plan, together with the date of the scheduled hearing, to the Lawrence Township Zoning Commission for staff review and recommendation.

D. Report

Within twenty days after the filing of a complete application, the Zoning Inspector shall prepare and transmit to the Board of Zoning Appeals a written report incorporating or summarizing comments of other departments, agencies, and officials as may be appropriate to the scope of development. A recommendation shall be included, setting forth whether the application for a conditional use should be approved, approved with modifications, or denied and reasons for such recommendation.

E. Notice and Hearing

The Board of Zoning Appeals (BZA) shall hold a public hearing in accordance with the adopted Procedures, Rules and Regulations of the BZA. Notice of the hearing shall be given at least ten days before the hearing by notice in writing sent by the BZA administrator to: the applicant, The Board of Trustees, and the owners within two hundred feet in all directions. Notice shall also be published in one or more newspapers of general circulation in the County. Upon the hearing, any party may appear in person or by an attorney.

F. Decision

Within twenty one days after the close of the public hearing, the BZA shall

1. Approve the conditional use
2. Approve the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards
3. Disapprove the condition use

G. Notification of Decision

Following the decision of the Board of Zoning Appeals, the BZA shall return to the applicant one copy of the resolution and submitted plans permanently marked to show either:

1. Approval of the conditional use

2. Approval of the conditional use subject to either specified approvals or modifications necessary to achieve full compliance with all standards
3. Disapproval of the conditional use.

Sec. 601.5 Coordination Review and Approval of Applications

When an application for a Conditional Use Zoning Certificate is filed, applications shall be filed with the Board of Zoning Appeals for all other required approvals, including variances.

A. Notice of Applications for Additional Approvals
Whenever an applicant files an application for other approvals pursuant to this Section, all required notices shall include reference to the request for any and all additional approvals.

B. Procedures and Action by Board of Zoning Appeals
1. Whenever an applicant files applications for other approvals pursuant to this Section, the Board of Zoning Appeals shall review and process all such applications at the same public hearing. In reviewing such combined applications the Board of Zoning Appeals shall, except as hereinafter provided with respect to limitations on the time for taking action, comply with all of the provisions of this Resolution applicable to each of the applicants.
2. The Board of Zoning Appeals shall act on any such combined application within the longest time period applicable to anyone of the individual applications for with such further time as may be consented to by the applicant. The Board of Zoning Appeals shall issue notices and certificates of such action in accordance with the provisions of this Resolution applicable to the various applications involved.

Sec. 601.6 General Considerations for Conditional Uses

In approving an application for a Conditional Use Zoning Certificate, the Board of Zoning Appeals shall make a finding that the proposed conditional use is appropriate in the location proposed. The finding shall be based upon the general considerations set forth below, as well as the designated specific criteria for specific uses contained in **Section 601.7**

A. Spirit and Intent
The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with district purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Resolution was enacted and for which the regulations of the district in question were established and complies with all additional standards imposed on it by the particular provisions of this Resolution authorizing such use.

B. No Adverse Effect
The proposed use and development shall not have an adverse effect upon adjacent property, or the public health, safety, morals, and general welfare.

C. Protection of Public Interest
The proposed use and development should respect, to the greatest extent practicable, the natural, scenic, and historic features of significant public interest.

D. Consistent with Adopted Plans
The proposed use and development shall, as applicable, be consistent with objectives, policies and plans related to land use adopted by the Board of Trustees.

Sec. 601.7 Specific Criteria Pertaining to Conditional Uses

In addition to the general considerations contained in **Section 601.6**, each conditional use is subject to one or more specific criteria as identified in the **Table 601**. The following list contains all the specific criteria with each preceded by a letter for reference in **Table 601**.

A. Site shall contain a minimum of five acres and all buildings shall not occupy over ten percent of the total area of the site.
B. Site shall contain a minimum of twenty acres.
C. Site shall contain a minimum of thirty acres.
D. Any structure (except fences), parking area, or storage area shall be set back a least one hundred feet from every property line.
E. Setbacks from any adjacent residential property line shall be a minimum of fifty feet for all buildings and twenty five feet for all parking areas.
F. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district.
G. Use shall have direct access to a collector or arterial street.
H. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood.
I. Any use for which drop-off or pick-up of children, residents, visitors, products, or emergency vehicles is a common occurrence shall provide for the separation of incoming and outgoing vehicles so as not to impede other traffic.
J. No building shall be located within the floodplain.
K. The facility shall be reasonable accessible, either by its location or transportation provided by the applicant to medical recreational and retail services as well as to employment opportunities that may be required by its residents.
L. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties.
M. No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.

N. The architectural design and site layout of the structure and the location, nature, and height of any walls, screens, and fences are to be compatible with adjoining land uses and the residential character of the neighborhood.

O. Landscaping shall be installed in accordance with one of the following buffers:
   1. Boundary buffer of ten feet with canopy trees and shrubs at ten per one hundred linear feet.
   2. Boundary buffer of twenty feet with canopy trees and shrubs at eight per one hundred linear feet.
   3. Street side buffer of ten feet with canopy trees and shrubs at ten per one hundred linear feet.

P. Signage shall be regulated as follows:
   1. No signs shall be erected for purposes of identification except as permitted street address sign.
   2. One sign permitted at a maximum of twelve square feet and non-internally illuminated.
   3. One sign permitted at a maximum of thirty two square feet.
   4. Subject to sign standards in **Article IV.**
   5. No display of promotional materials shall be visible to the public from pedestrian sidewalks or walkways.
   6. No signage shall contain any lewd or offensive language, or any sort of sexually explicit graphics.

Q. The conditional use shall be subordinate to the principal permitted use with regard to usage and character.

R. Outdoor playgrounds, tot lots, exercise areas, and pools shall be fully enclosed by a fence.

S. All exterior lighting shall be directed away from adjacent residential properties.

T. Documentation indicating the need for a facility, the specific clientele it will serve and the location and type of similar facilities operated by the applicant shall be submitted as part of the application.

U. Security measurers shall be submitted as part of the application.

V. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby their grievances may be filed and resolved.

W. A refuse collection plan shall be submitted as part of the application.

X. Meals shall be served only to guests or residents of the facility and not to the general public.

Y. The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract.

Z. An emergency response plan shall be submitted detailing safety measures and response procedures.

AA. No structure, storage area, or vehicular use area shall be located closer than:
   1. One hundred feet to a residential use or district
   2. Two hundred feet to a residential use or district

BB. The facility shall be centrally located and surrounded on all sides by the development the facility serves.

CC. Coverage of the required rear yard by the Accessory Use shall not exceed ten percent, and coverage of the entire lot by the Accessory Use and the Principal Use shall not exceed twenty percent.

DD. The Accessory Structure shall contain a maximum of nine hundred square feet and not exceed twenty feet in height.

EE. The terms of continuation of this use and those under which it shall eventually be removed or terminated are to be specified in the application and contained within the approved Resolution.

FF. There shall be central management of the use to assure seasonal occupancy only.

GG. Ownership and management of restaurant and operator of the agricultural use shall be related. Commodities produced in the agricultural use shall be featured and served at the restaurant.

Sec 601.8 Accessory Uses to Conditional Uses

Any use or structure that is accessory to a conditional use shall be processed in the same manner as prescribed in this Article for conditional uses. If an application for an accessory use is made concurrently with an application for the primary conditional use, they may be considered together as one application. Whether processed in conjunction with a primary conditional use or as a later supplement to an existing primary conditional use, the accessory use shall meet the appropriate specific criteria listed in **Section 601.6** as well as the general conditions contained in **Section 601.7.**

Sec. 601.9 Additional Regulations Pertaining to Conditional Uses

In addition to the general standards contained in **Section 601.6**, the specific criteria contained in **Section 601.7**, all conditional uses are subject to the following regulations:

A. Additional Conditions

The Board of Zoning Appeals may impose additional conditions and limitations concerning use, construction, character, location, landscaping, screening, timing of implementation, and other matters relating to the purposes and objectives of this Resolution upon the premises benefited by a conditional use. Such conditions are intended to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services or to assure compliance with general or specific standards. However, such conditions shall not be used as a device to authorize as a conditional use that which is intended to be temporary in nature. All such conditions, including the designated specific criteria for a particular use, shall be expressly set forth in the resolution granting the Conditional Use Zoning Certificate. Violation of any such condition, limitation, or specific criteria shall be violation of this Resolution and shall constitute grounds for revocation of the Conditional Use Zoning Certificate.

B. Effect of Approval of Conditional Use
The approval of the proposed conditional use by the Board of Zoning Appeals shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the County, including but not limited to, a Conditional Use Zoning Certificate, a building permit, a certificate of occupancy and subdivision approval.

C. Certification of Conditional Use Plan Compliance
Upon receipt from the applicant of an application for a Zoning Compliance Plan certification, the Administrative Official shall review the application to determine if it is complete pursuant to **Section 601.3**, including any additional conditions required in conjunction with the approval by the Board of Zoning Appeals. Within seven days of receipt of the completed application, the Administrative Official shall either:

1. Certify that the Zoning Compliance Plan complies with the BZA approval or
2. Refuse to certify the Zoning Compliance Plan for lack of compliance with the BZA approval.

D. Affidavit of Compliance with Conditions
Whenever any proposed conditional use authorized pursuant to this Article is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Township Zoning Inspector so stating. Such affidavit shall be accompanied by a nonrefundable fee as established by the Board of Trustees upon recommendation of the Administrative Official, to recover the Township's actual direct cost of an inspection to verify that such conditions and limitations have been met.

E. Limitations on Conditional Use Approval
The approval of a proposed conditional use by the Board of Zoning Appeals shall be deemed to authorize only the particular use for which it was issued, and such authorization shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for period of twenty four consecutive months or more.

F. Amendments to Conditional Uses
A conditional Use Zoning Certificate may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Article for its original approval.

Sec. 601.10 Period of Validity

Subject to an extension of time granted by the Board of Zoning Appeals, no Conditional Use Zoning Certificate shall be valid for a period longer than one year unless a building permit is issued.

Sec. 601.11 Appeal of Decisions

Any party aggrieved by the decision of the Board of Zoning Appeals may be appeal to the Court of Common Pleas of Tuscarawas County on the ground that such decision was unreasonable or unlawful.

Sec. 601.12 Additional Conditional Uses and Special Exception

In addition to permitting the conditional uses and special exceptions herein before specified, the Board shall have the power to permit the following conditional uses and special exceptions:

A. Nonconforming uses.

1. The substitution for a nonconforming use exists at the time of enactment of this Zoning Resolution, or another nonconforming use, if no structural alterations except those required by law or ordinance are made; provided, however, that in any "R" District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in the "R" District, and in any "C" District, no change shall be authorized to any use which is not permitted or conditional use in any "C" District.
2. The extension of a nonconforming building upon the lot occupied by such building or on an adjoining lot.

B. Extension of use on border of districts.

The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than twenty-five feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.

C. Temporary structures and uses.

The temporary use of a structure or premises is any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Zoning Resolution for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. ~~*Refer to Section 203.12*~~ **REVISED**

Sec. 601.13 Specific Regulations Pertaining To Certain Conditionally Permitted Uses

A. Extraction Regulations

1. General

In recognition of the deposits of sand, gravel and other minerals in Lawrence Township, these Extraction Regulations are hereby established. As a result of the unique characteristics associated with extraction uses, such uses have been designated as conditionally permitted uses and, therefore, are subject to the requirements of this Resolution and review by the Board of Zoning Appeals through the issuance of a "Conditional Use Certificate", as set forth in **Article VI** of this Resolution.

a A conditional use permit for surface mining or topsoil removal shall **not** be required when a Zoning Certificate has been issued for construction of a structure or structures on a development area provided those plans specify the affected areas approved for said structure or structures, including parking, driveway or driveways and roadways in compliance with **Sec. 203.6** of the Lawrence Township Zoning Regulations.

b. A conditional use permit for surface mining or topsoil removal shall not be required when the removal of peat and minerals is from those areas that are needed to develop public or private roadways on a final subdivision plat and the plat has been approved by the Tuscarawas County Commissioners for development of residential housing, business, or industrial complex development

2. Purpose

The purpose of these requirement is to ensure that the mineral resources of Lawrence Township and the lands that have significant gravel, sand or other mineral deposits for mining or extraction purposes are properly managed in a manner that complies with the regulations of this Resolution, would not constitute a hazard to the public health and safety, and would result in reclamation of the land in a suitable manner for other purposes. Extraction uses shall be subject to the following requirements:

3. Minimum Lot Area

Twenty-five acres

4. Minimum Lot Width at Street

Five hundred feet

5. Site Plan Information

The following information shall be provided on a site plan and/or submitted as part of an application for a conditional use certificate:

a. General Information

1. Name and address of the person, firm or corporation who or which will be conducting the actual operation

2. Name and address of the owner of the property
3. Name and address of the owner of the surface rights of the property
4. Location of any processing plant and related buildings and structures including storage facilities, whether on-site or off-site
5. A list of the types of minerals or resources to be removed or to be brought to the site
6. Proposed method of removal, backfilling, and whether blasting or other use of explosives will be required
7. General description of equipment to be used for excavating, processing, and/or transporting evacuated mineral resources
8. The estimate time to complete total operations
9. The total area (expressed in acres) proposed to be evacuated or mined
10. Location and height of proposed fencing
11. A plan for the control of erosion and sedimentation during and after development, construction, extraction, and other use of the site. The plan shall be submitted with evidence of review and approval of the Tuscarawas Soil and Water Conservation Service.

b. Schedule
   1. A proposed schedule for the initiation and progression of mining on the site
   2. Estimate the location, description, and size of the area to be disturbed in the first year, and subsequent years

c. Maps
   1. Vicinity maps, drawn at a scale of one inch equal to one thousand feet illustrating:
      a. The site in relation to surrounding existing and proposed land uses
      b. The proposed primary means of ingress to and egress from the extraction operation
      c. Surrounding zoning districts
      d. An aerial photograph showing the site location and immediate vicinity. The aerial photograph shall not have been taken more than one year prior to the submission of the site plan.
   2. Contour maps at a scale of at least one inch equal two hundred feet illustrating:
      a. Existing contours at intervals of five feet or less
      b. Any existing structures

c. Any public utilities or easement on the property

3. Surface water map – flow rates and direction

d. Studies

The following studies shall be conducted by a qualified professional engineer registered in the State of Ohio, expert in the applicable field, or as otherwise may be required, and as approved by the Board of Zoning Appeals, at the applicant's cost.

1. A study of excavations and the existing water table shall address the following:
   a. Anticipated depth of excavation
   b. Effect on water table
   c. Data on wells in the area
   d. Existing ground water conditions at the site, demonstrate that the source of any public or private water supply shall not be adversely affected due to the lowering of the water table or contamination of the supply
2. A hydrologic study shall address and/or include the following:
   a. Determine and describe surface water in the vicinity
   b. Information relating to flow rates and direction
3. Soils analysis

   A soils analysis of the property shall be required. The analysis shall be prepared by an independent testing laboratory, prior to excavation and at the end of the excavation, to verify topsoil depth and to ensure no contaminants were brought to the site during operation.

e. Reuse Plan

A plan for the reuse and restoration of the site as specified in this Section. The reuse plan for the site shall be reviewed for compliance at the end of each twelve-month period by the Board of Zoning Appeals or their designated representative. A reuse plan, drawn to a scale of one-inch equals fifty feet placed on a standard sheet and shall contain, at a minimum, the following information and meet the following requirements:

1. A proposed grading plan showing future contours at intervals of five feet or less, including the surrounding area within five hundred feet of the property boundary line
2. The depth and type of the proposed cover shall be sufficient to meet the proposed intended use
3. The backfill material used in restoration shall be identified

4. The angle of slope of all earthen banks shall not exceed one foot vertical to three feet horizontal. In areas where at the commencement of evacuation a greater angle existed, the angle of slope shall be no greater than that which existed at the commencement of excavation
5. The angle of slope of all banks consisting of rock and the required cover
6. The location of fences or effective planting in those locations where the Board of Zoning Appeals determines that such angles of slope are not physically or economically feasible to reduce
7. The number of trees and shrubs, and the type of ground cover to be provided. The type and number per acre of trees, shrubs, ground cover or legume to plant shall be determined in consultation with a Tuscarawas County Agricultural Extension agent. A statement that vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said reclamation area where the same is not submerged under water
8. A description of the land use activities and any structures proposed to be located on the site upon completion of mining or extraction operations
9. A description and location of the street, drainage courses, public utilities or easements, and water and sanitary sewer facilities required to serve the uses, as determined in consultation with the County Engineer

6. Setbacks

The following minimum setback requirements shall apply:

a. Mineral extraction operations shall not be conducted less than two hundred feet from any residential district or use. All structures, machinery, processing, and stockpiling of material shall be located a minimum of three hundred feet from any residential district or use.
b. All other mineral extraction operations, including structures, machinery, processing, and stockpiling of material shall not be conducted closer than six hundred feet from any residential district or use.

7. Site, Sound and Dust Control Berms

a. All sand and gravel excavating activities shall be located behind berms for sound, sight and dust control varying in height from ten feet to twenty feet or as approved by the Ohio Department of

Natural Resources (ODNR) or governmental agency having control over Special Flood Hazard Area activities.

b. Berms will be sloped at one to four on the front side, and one to two on in the inside, and vegetation with native grasses during the first growing season following their construction. Vegetative cover shall be mowed on a regular basis so as to control the growth of noxious or other harmful weeds.

c. Silt fencing shall be used to prevent soils from leaving the site. Rip rap may be used to stabilize berms where necessary. Gaps in the berms as well as the mine entrance shall be gated to control public ingress and egress from the property.

d. Initial earthwork operations will construct the berms for sound, sight and set control. Overburden and graded topsoil will be used to form the berming system. A minimum one hundred foot and maximum of two-hundred-foot setback, measured from the foot of the inside berm, will be maintained for adjacent property lines and road right-a-ways to allow for adequate sloping and revegetation during the reclamation process.

e. Berms will be maintained at a fifty-foot setback around the perimeter of wetlands adjacent to the active mining area. Silt fences will be constructed at the base of the berms (on the wetland side) to further contain any sediment. Berms will be monitored by-monthly for the duration of the operation in accordance with storm water permitting. At the completion of operations, the overburden and topsoil will be replaced on site for restoration purposes.

8. Safety and Signage

For the protection of public safety, the site shall be enclosed with a six-foot fence with a locking access gate. Such fences shall be placed no closer than fifty feet to the top or bottom of any slope. The Board of Zoning Appeals shall approve all fence materials to ensure that such fences adequately preserve public safety. The owner or operator shall place signs around the site advising the public of the operation contained therein and advising that no trespassing is permitted. There shall be no more than one directional sign adjacent to the primary means of ingress and egress from the proposed operation.

9. Reuse Plan

Reclamation and rehabilitation of mining areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. All equipment, buildings and structures for which no future use is contemplated shall be removed from the mining area

within six months after termination of mining or excavation activity. Substantial completion of all other reclamation and rehabilitation actions shall be affected no later than one year after termination of mining or excavation activity (inactivity for a twelve-month consecutive period shall constitute termination of mining activity).

10. Access and Circulation

The following access and circulation requirement shall apply:

a. Per ORC 303.141(B)(1), specific roads to be used as the primary means of ingress to and egress from the proposed activity shall be determined by recommendation of the County Engineer, and approved by the Board of County Commissioners. The Board of Township Trustees may send written notice of appeal of the decision of the County Commissioners within ten days after the County Commissioners' action.

b. All rights-of-way used for the purpose of ingress and egress shall be kept dust free by hard topping with cement, bituminous substance or chemical treatment. Trucks shall be cleaned on site before using public rights-of-way. Sweeping equipment must be used and kept on site.

c. In no case shall overburden deposit interfere with safe roadway sight distance, as determined by the Zoning Inspector.

d. No more than two access drives shall be permitted directly from any public right-of-way. If the site fronts on two or more roads, the driveways shall be located as far from the road intersections as possible.

e. Truck parking areas, maneuvering lanes and access ways to public rights-of-way shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.

f. At no time shall an emergency vehicle be restricted from access to a public right-of-way for any reason including but not limited to: on road parking, deliveries, business operations, moving of equipment, etc.

g. As provided for under ORC 1514.024, the applicant shall deposit a bond with the Trustees for the repair and maintenance of Township rights-of-way used for hauling equipment or materials brought to or taken from the site.

h. No material shall be hauled to the site, except for materials as may be necessary to adequately pave roads for ingress and egress to the site.

11. Noise

Noise shall be kept to a minimum and shall in no case exceed the maximum sound levels set forth in **Section 211.5** of this Resolution.

Mufflers must be maintained on all equipment. The use of compression release engine brakes shall be prohibited on or near the site.

12. Hours of Operation

Operations, including blasting operations and the start-up and/or warm-up of any extraction, processing, or related equipment, shall not commence before 8:00 a.m. local time, and shall terminate no later than 5:30 p.m. local time. Operations on Sundays and recognized Federal holidays shall be prohibited.

13. Erosion Control and Backfilling

The following erosion control and backfilling requirements shall apply:

a. Silt and sediment shall not be permitted to leave the site. The smallest practicable area of land shall be exposed at any one-time during operations and for the shortest practicable period of time. Sediment basins, debris basins, desilting basins, silt traps, and other methods shall be installed to control sediment from runoff.

b. Wherever feasible natural vegetation shall be retained and protected.

c. The slopes of the banks of the excavation shall in no event exceed seven feet horizontal and one foot vertical.

d. All excavations shall either be graded and/or backfilled with materials approved by the OEPA or appropriate authority to ensure that the excavated area will not collect and retain stagnant water.

e. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible.

f. No topsoil shall be removed from the site, and all topsoil shall be redistributed properly upon completion of the extraction activities, or phase thereof.

g. Increased runoff from operations shall be controlled by appropriate storm water management facilities, both during and after operations.

14. Lake Creation

Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrological studies that the water can be maintained in a non-polluted condition, and that the applicant meets any requirements of the State. If such mining area is left as a permanent lake, all sides must be sloped to no greater than one foot vertical to three feet horizontal extending to a six-foot depth, or a stable bank be established.

15. Explosives

The use of explosives, if applicable shall conform to the following standards:

a. The operation of stationary, mobile equipment, and explosives, if applicable, shall not cause vibrations in excess of that which is permitted by **Section 211.6** of this Resolution. In the event that State requirements set forth in ORC 1514.12(B), as now existing or hereafter amended, are stricter than Township requirements, the more stringent standard shall apply.

b. Blasting shall be done in accordance with and conform to the requirements of ORC 1514.12 and shall be carried out by persons certified to be knowledgeable and competent in the sizing and placing of the explosive to be used for blasting.

c. The operator shall maintain complete records on a daily basis of all blasting operations including records of the time, the date, the location, and complete description of weather conditions such as time, temperature, humidity, and wind velocity relating to each such blast. Such records shall be made available to the Zoning Inspector upon request.

d. All properties within two thousand five hundred feet of a blast shall be notified twenty-four hours in advance of a planned blast when the blast is within five hundred feet of a high pressure gas pipeline. The operator shall provide a blasting schedule to the Township and Fire Department having jurisdiction over the site.

16. Water

The following requirements related to preservation of surface and ground water quality shall apply:

a. In order to protect water wells and the water supply of the Township and County, the pumping or drainage of water from such mining operations is absolutely prohibited.

b. The quality of water leaving the site of an extraction activity shall not be degraded due to the activities.

c. During mining and reclamation, drainage shall be controlled so as to prevent flooding, landslides, and flood hazards to adjoining lands resulting from the mining. Ponds shall be left in such condition as to avoid their constituting a hazard to adjoining lands.

d. Ground water testing to the requirements and specifications of the Tuscarawas County General Health District, the OEPA, or appropriate authority shall be performed annually after the date of approval of the conditional use certificate, if granted, or as required by the Tuscarawas County General Health District, OEPA, or appropriate authority. Permanent groundwater testing wells shall be established by the applicant to a depth determined by the Tuscarawas County General Health District, the OEPA, or appropriate authority.

e. During mining and reclamation, contamination of ground water supplies shall be prevented. Materials contaminating to ground water shall not be used for filling or grading at any time.

f. If the mining operation causes the water table to drop and prevents an adequate supply of water to surrounding properties or causes existing wells to become contaminated, the owner and/or the operator of the land and/or operation shall be responsible for the cost of drilling new wells or for providing a source of water to the properties deprived of water.

17. State and Federal Requirements

Proof of all required outside agency approvals or permits, including but not limited to those referenced below, shall be provided to the Township prior to the start of work on the site.

a. In addition to the requirements of this Resolution, all mining operations shall be subject to and in conformance with ORC Chapter 1514 and ORC 1563.11. The applicant shall provide a complete copy of the surface or in-stream mining permit application required by ORC 1514.02(A) and any amendments thereto.

b. A copy of the Annual Report required by the ORC 1514.03 shall be provided to the Zoning Inspector on an annual basis within thirty days of its filing with the Chief of the Ohio Division of Mineral Resources.

c. A copy of the bond or acceptable financial guarantee as required by the ORC 1514.04 shall be provided to the Zoning Inspector, within thirty days of its filing with the Chief of the Ohio Department of Mineral Resources.

18. Enforcement

Per ORC 1514.023, the requirements of this Section shall be subject to the enforcement provisions of **Section 1002** of this Resolution. In the event that it is established as a matter of fact that there has been a failure to adequately comply with the provisions of this Section, said operators shall take immediate steps to provide full compliance herewith. In the event the operator does not comply, the Ohio Division of Mineral Resources shall be notified of the violation and nonconformance with the Township Zoning Resolution.

B. Recycling Facilities and Junkyards

1. Recycling facilities and junkyards, if approved by the Board of Zoning Appeals, shall be located no closer than two hundred feet to any R-District and/or public street right-of-way line, and shall otherwise have front, side and rear setbacks of at least one-hundred-foot-wide strip in the two hundred foot setback shall be planted for camouflaging purposes according to the following specifications:

2. The one-hundred-foot-wide strip shall be planted with evergreens or other plants of similar screening value.
3. Said trees shall be planted on a staggered pattern with no more than ten feet between trees.
4. Trees should be planted that are at the optimum transplanting size and age while still being as large as possible.
5. A minimum of ten acres shall be required for this use.
6. Recycling Facilities and junkyards are prohibited in all Residential Districts.
7. There shall be no burning of refuse, garbage or other waste materials.
8. The area of use shall be completely enclosed by a six-foot-high fence with openings no greater than ten percent of the fence area.
9. Every portion of the property used for buildings shall be located not closer than one hundred feet to any "R" District; at least fifty feet (nearest the residential zone) of the one hundred feet shall be landscaped and orderly fashioned and a solid board fence, masonry wall, or other type fence approved by the Board shall be constructed along the interior line of the required landscaped area to a height of six feet effectively screening truck loading, unloading, and maneuvering activities from the view of any abutting "R" zone.
10. Access for motor freight vehicles shall be by way of streets of adequate width, construction, and existing or planned function according to the Land Use and Thoroughfare Plan of current adoption. In additional to adequate area within the site for docking, manipulation and maneuvering of motor freight vehicles, a reservoir of parking area for motor freight vehicles waiting to be loaded or unloaded, shall be provided at the rate of one parking space sufficient to park a motor freight vehicle for every four loading docks.
11. The site shall be designed in such a manner as to permit forward movement of all vehicles both upon entering and upon leaving the site. The number, location and width of entrances to and exits from the site shall be determined by the Board. The Board may obtain expert opinion on the specific site proposal.

C. Transportation Terminal, Truck Terminal and Waste Transfer Stations

1. There shall be no burning of refuse, garbage or other waste materials.
2. The area of use shall be completely enclosed by a six-foot-high fence with openings no greater than ten percent of the fence area.
3. Every portion of the property used for buildings shall be located not closer than one hundred feet to any "R" District; at least fifty feet (nearest the residential zone) of the one hundred feet shall be landscaped and orderly fashioned and a solid board fence, masonry wall, or other type fence approved by the Board shall be constructed along the interior line of the required landscaped area to a height of six feet

effectively screening truck loading, unloading, and maneuvering activities from the view of any abutting "R" zone.

4. Access for motor freight vehicles shall be by way of streets of adequate width, construction, and existing or planned function according to the Tuscarawas County Access Management Regulations.
5. In addition to adequate area within the site for docking, manipulation and maneuvering of motor freight vehicles, a reservoir of parking area for motor freight vehicles waiting to be loaded or unloaded, shall be provided at the rate of one parking space sufficient to park a motor freight vehicle for every four loading docks.
6. The site shall be designed in such a manner as to permit forward movement of all vehicles both upon entering and upon leaving the site. The number, location and width of entrances to and exits from the site shall be determined by the Board. The Board may obtain expert opinion on the specific site proposal.
7. Transfer terminals and Transfer Stations are prohibited in all residential districts.

D. Gas and Oil Regulations

1. Purpose

Lawrence Township is known to be the location of gas and oil reserves. This section sets forth requirements to ensure that any operation incidental to exploration, production or storage of gas and oil takes place in a manner not endangering public health, safety and welfare and consistent with zoning and land use regulations in the Township. In the event of conflict between these regulations and Ohio Revised Code Chapter 1509, the Ohio Administrative Code, and applicable Federal Regulations, the most stringent regulations shall apply.

2. Definitions

The following definitions apply only to **Section 601.13D** of the Lawrence Township Zoning Resolution:

a. Well – any borehole, whether drilled or bored, within the Township, for production, extraction or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.
b. Oil – crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but do not include hydrocarbons that were originally in a gaseous phase in the reservoir.
c. Gas – all-natural gas and all other fluid hydrocarbons not defined above as oil, including condensate.
d. Waste -
    1. Physical waste, as such term is generally understood in the oil and gas industry

2. Inefficient storing of oil or gas
3. Locating, drilling, equipping, operating or producing an oil or gas well in a manner that reduces or tends to reduce the quality of oil or gas ultimately recoverable under prudent and proper operation from the pool into which it is drilled, or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas
4. Other underground or surface waste in the production or storage of oil, gas or condensate, however caused

e. Owner – the person who has the right to drill on a tract or drilling unit and to drill into the produce from a pool and to appropriate the oil or gas that he produces therefrom either for himself or for others

f. Pool – an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.

g. Drilling Unit – the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.

h. Tract – A single, individually taxed parcel of land appearing on the tax list.

i. Brine – All saline geological formation water resulting, obtaining or produced in connection with the exploration, drilling, or production of oil and gas.

3. Filing Requirements

Not less than seven days prior to any drilling operation, the driller shall file and deposit with the Zoning Inspector:

a. There shall be four copies of the Draft Plan submitted to the Board of Zoning Appeals for approval, and all other pertinent information per **Section 203.6**, "Architectural and Landscaping Review". The 'Draft Plan' must also fully evaluate all of the potential impacts to water supplies, including from "hydrofracking", including but not limited to water and chemical usage in 'hydrofracking' fluids; risks associated with casing and cementing well bores; all risks associated with 'hydrofracking' not just those occurring during pressurized fracturing operations; impacts on ground water and surface water consumption; pre- and post-monitoring of groundwater and drinking water for residents; risks associated with seasonal weather patterns; wastewater generation, treatment and disposal; land disturbance and the addition of impervious surfaces, and storm water runoff.

The plat, drawn to normal engineering scale, showing the location of:

1. Ingress and egress points
2. The well
3. All known wells within one thousand feet
4. Storage tanks
5. Separator units
6. Power shut-offs
7. Transmission lines
8. Oil flow shut-offs
9. Permanent and temporary pits
10. Access roads
11. All dikes and swales for erosion control and spill prevention

b. A list of emergency telephone numbers of all parties responsible for any work on the tract

c. A copy of the state permit

d. A copy of the state-approved brine and waste disposal plan. The plan shall include a description of the method of disposal of brine, frac-water, sludge and any other oil field wastes, the name, address and telephone number of the person, corporation or firm other than the owner disposing of the waste, the location of the disposal site being used and the name, address and telephone number of the owner of the disposal site and proof of liability insurance carried by the person, corporation or firm disposing of the waste and a copy of registration certificate required of brine transporters by the State of Ohio, ODNR, Division of Oil and Gas.

e. A copy of the Spill Prevention, Control, and Counter-measure Plan (SPCC) as required by Title 40 Code of Federal Regulations, Part 112.

f. A schedule of the proposed drilling operation

g. Proof of liability insurance for all operations related to drilling, production, storage and transmission of all products, byproducts and wastes.

h. A bond for overweight vehicles in the amount of five thousand dollars and in the form of a bank check or money order made payable to Lawrence Township to be held and disposed of as herein provided.

i. A copy of certified test results from the Tuscarawas County Health Department of private water supplies that are located within one thousand feet radius of the drilling site.

4. Minimum Distances

No gas well, oil well, storage tank or separator unit shall be placed within Three hundred feet of any building except storage sheds at the drilling site, or within five hundred feet of any known source of water.

5. Placing of Equipment
   No equipment shall be placed within one hundred feet of any property line unless both properties are part of the same drilling unit. In no case shall any equipment be placed directly on the property line.
6. Clearing
   The immediate areas surrounding all permanent production facilities shall be kept mowed and cleared of combustible materials for a distance of fifteen feet in all directions and shall be enclosed by a chain link fence not less than six feet in height topped with a double outward strand of barbed wire.
7. Shut-Off Valves
   All shut-off valves shall be painted the same conspicuous color for ease of identification in emergencies.
8. Burial of Lines
   All gas and oil lines shall be buried at a minimum depth of thirty inches. The location of such lines shall be drawn on a map and a copy deposited with the Township Zoning Inspector and Township Fire Department.
9. Flaring
   All non-commercial shows of natural gas shall be flared through a flow line at least sixty feet long into a separate flare pit. The flare pit shall contain a smudge pot which shall remain lit at all times. The flow line shall be directed away from all inhabited structures. No gas shall be flared into storage and/or brine pits or into any lined drilling pits.
10. Access Roads
    Prior to the beginning of drilling, all access roads shall be paved with slag, gravel, crushed stone or other suitable material and shall be a minimum of ten feet wide. All access roads shall be clearly marked and shall have a paved turnaround of sufficient size for rescue vehicles used by the Township. All access roads shall be kept in repair and maintained at all times and shall be kept plowed and free of snow to allow access by safety vehicles. Where access roads cross natural or man-made drainage channels, culverts shall be installed. Culverts shall be installed as per "Tuscarawas County Access Management Regulations", and maintained from the road to the well site and to any storage facility from which a natural resource will be removed from the site. Erosion rills, gullies, and tire ruts that are four inches deep or deeper shall be immediately repaired to a level surface, or as instructed by the township. Roadside drainage, including culverts, shall be maintained, cleaned, and repaired when approximately one third of their capacity is lost or whenever

instructed to do so by a representative of Lawrence Township or the Tuscarawas County Engineer's office.

11. Fence and Locks

All gates, storage tank manholes, discharge valves, fill valves, shut-off valves and fence gates shall be locked. All locks at a given well shall utilize a master key. A master key marked with the well number shall be provided to the Zoning Inspector, the Fire Chief and the Tuscarawas County Sheriff. The owner shall provide a master key for each of its wells located in the Township. All well facilities – service, storage, and otherwise – shall be enclosed by an eight-foot-high chain link fence, and shall conform to all applicable rules in **Section 204.10** (Fencing). All facilities must meet appeals board restrictions.

12. Signs

Prior to the beginning of drilling, a permanent, weatherproof sign shall be posted and maintained at the site at all times. Said sign shall use letters and numerals at least five inches in height and shall show:

a. Access street name, number, or both
b. Owner
c. Lease name
d. Well number
e. Permit number
f. All emergency telephone numbers as required by Subsection C and all local emergency numbers including, but not limited to, Bolivar Volunteer Fire Department, Tuscarawas County Sheriff, etc.

13. Parking

All truck loading and parking areas shall be located outside of any road right-of-way.

14. Storage Pits and Liners

All cuttings and fluids produced during drilling operation must be contained in storage pits. Cuttings and fluid storage pits shall be either equipped with a baffle to deflect cuttings or constructed to submerge cuttings as they enter the pit in order to preserve the integrity of the pit liner during the entire drilling process. All gas and oil production storage and brine storage pits shall be surrounded by perimeter dikes to prevent contamination of surface or ground water. All gas and oil production storage and brine storage pits shall be liquid tight and constructed and maintained so as to prevent escape of any produced brines or waters. All storage pits shall have at least two layers of liner. Such liners shall be reinforced, a minimum of six millimeters thick, single piece and defect free. Each liner shall be separated by a minimum two-inch layer of clay. The liners shall be laid in opposite directions to assure their

integrity. Dikes surrounding storage facilities shall have a capacity three times that of the storage vessel.

15. Diversity Swales
In locations where dikes may be damaged by storm runoff, a diversity swale shall be constructed to prevent damage to the containment dikes.

16. Subsurface Drainage
If, during construction of any temporary or permanent pit or containment dike, a subsurface drainage system is encountered, said subsurface drainage system shall be removed to a distance of twenty feet from the pit or containment dike and shall be plugged at that point.

17. Storage Tanks
If a well is located on a steep slope or in a flood plain, storage tanks shall be used; no open storage pits shall be used. All tanks shall be adequately and permanently anchored to resist slippage or flotation. All tanks shall be liquid tight. Storage tanks, both at and off the well site, shall be located on a prepared site and shall be diked or otherwise designed, constructed, and maintained so as to prevent any seepage or drainage beyond a five-foot distance from each tank. Such seepage or drainage shall, under no circumstances, be allowed to enter upon adjacent property or any road drainage ditch, natural watercourse, or natural or man-made body of water.

18. Pollution of Water and Disposal of Wastes
No person shall conduct any well drilling, production or transmission operation that contaminates or pollutes the land surface or any surface or subsurface water. No saltwater (brine), sludge, frac-water or any other oil field wastes shall be deposited or discharged in the Township for any purpose. No person shall vary or change the waste disposal plan or method initially submitted without prior approval of the Zoning Inspector. The owner shall maintain a record at the drill site of the name, address and telephone number of the person, corporation or firm disposing of the waste, the location of the disposal site, and the method of disposal being used and the date, time and license plate number of the last vehicle to have left the drill site hauling waste.

19. Plats
The owner and/or operator of all transmission lines shall provide the Zoning Inspector with a plat drawing to scale of all transmission lines within one thousand feet of the well. All transmission lines buried or above ground, shall be marked with permanent markers. All lines crossing public highways shall be marked with permanent markers at each side of the right-of-way.

20. Damage to Township Roads
Prior to drilling, the Lawrence Township Road Supervisor and a representative of the owner shall inspect all township roads in the vicinity of the drilling site and over which the owner expects to move equipment and/or vehicles. Upon the completion of drilling, any and all damage to township roads shall be assessed by the Road Supervisor and a representative of the owner and the estimated cost of repairs, if any, shall be deducted from bond deposited with the Zoning Inspector. At the end of each twenty-four-hour period during drilling operations, the driller shall keep all township roads in the vicinity of the drilling site and over which the driller expects to move equipment and/or vehicles, free from accumulations of mud. In the event that the amount of bond exceeds the estimated cost of repairs required; the remainder of the bond shall be returned to the owner.

21. Cleaning of Pits and Disposal of Liners
All gas and oil production liquid wastes, including but not limited to brine sludge, frac-water and/or all fluids contained in gas and oil production storage and brine storage pits and all pit liners shall be removed and disposed of as soon as practical after the completion of the drilling operation or within two weeks after completion of the drilling operation, which is sooner. None such wastes shall be disposed of or deposited in Lawrence Township for any purpose.

22. Lightning Rods
Each permanent production structure, including but not limited to separator units and storage tanks shall be equipped with property grounded lightning rods.

23. Zoning Inspection
The Lawrence Township Zoning Inspector may inspect oil and gas wells and storage facilities at any time to ensure compliance with local zoning regulations. The Zoning Inspector may order any storage tanks, or supports, guys, braces, anchors, or any other articles or furnishings, to be painted or refurbished at least once each year. All storage tanks shall be maintained in a safe condition.

24. Fire Inspection
The Chief Fire Prevention Officer of Lawrence Township may inspect oil and gas wells and storage facilities at any time to ensure compliance with local fire regulations.

25. All applicable township zoning regulations must be followed, including but not limited to:
    a. Storm Water Management per **Section 210**
    b. Environment Performance Standards per **Section 211**
    c. Floodplain regulations per **Section 311**

E. Granny Cottage (Accessory Dwelling Unit)

1. Purpose

The purpose of these regulations is to provide flexible household living arrangements, expand affordable housing opportunities, and provide a variety of housing types to meet the needs of residents while maintaining the aesthetics and residential use, compatible with homes in the neighborhood. The establishment of an accessory dwelling unit in existing single-family dwellings shall be allowed as specified in the Residential District sections of this Resolution, subject to specific development, design and owner-occupancy standards.

2. Establishment

An accessory dwelling unit may be established by any one of the following methods:

a. Alteration of interior space of an existing dwelling
b. Conversion of an attic, basement, garage or other previously uninhabited portion of a dwelling
c. Addition of a separate unit onto an existing dwelling
d. Construction of a free-standing unit.

3. Standards and Criteria

No accessory dwelling unit may be established unless it complies with the following standards:

a. An accessory dwelling unit may only be constructed on a lot whose area is equal to or greater than the minimum lot area required in the zoning district.
b. The accessory dwelling unit shall be a complete, separate housekeeping unit (including kitchen and bathroom facilities) that functions as a separate unit from the original unit.
c. Only one accessory dwelling unit may be created within or added to an existing single-family residence.
d. The accessory dwelling unit shall be clearly a subordinate part of the single-family dwelling. It shall be no greater than nine hundred square feet of floor area.
e. The development standards, front yard, rear yard and side yard setbacks, and height limits for the attached accessory dwelling unit shall be the same as those required for the principal single-family dwelling unit.
f. The principal single-family dwelling unit and the accessory dwelling unit shall be under single ownership at all times. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the property owner at all times. A notarized affidavit certifying that the owner is and will remain an occupant of either the principal or the accessory dwelling unit shall be submitted as part of the application for a Conditional Use Zoning Certificate and

said statement shall become a deed restriction for this use. Proof of filing said deed restriction shall be provided to the Zoning Inspector after the BZA has approved the conditional use.

g. The accessory dwelling unit shall be designed so that, to the degree reasonably feasible, the appearance of the building with the principal dwelling unit or use as a separate entrance. However, a separate entrance shall only be located on the rear or side of the principal dwelling.

h. The accessory dwelling unit shall comply with applicable health standards and shall be approved by the Tuscarawas County Health Department.

i. One additional off-street parking space shall be required for the accessory dwelling unit. The additional space requirement may be met by using the garage, carport or driveway of the principal dwelling unit as long as the off-street parking requirements can be maintained for the principal dwelling in compliance with **Article V.**

F. Adult Group Homes

1. Adult group homes, small, shall be permitted in any Residential District.
2. Adult group homes, large, shall be conditionally permitted in an R-2 or R-3 Residential district subject to compliance with the following conditions:
   a. An adult group home shall be located on a lot of at least one acre in area in an R-2, and R-3 Residential districts; and at least two acres when located in an R-4 Residential district.
   b. All activities, programs, and other events shall be directly related to the conditional use permit so granted, and shall be adequately and property supervised as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or the community in general.
   c. No such group home shall be located within a one thousand feet radius of another residential facility for the developmentally disabled licensed under OAC Section 523.2-3.
   d. Signage for an adult group home shall conform to the requirements of **Article IV.**
   e. Adult group homes shall maintain in all respects, the exterior appearance of a single-family home in the R-1 and R-4 Residential districts
   f. Adult group homes shall comply with all applicable licensing requirements, building code requirements, fire code requirements and health requirements.
   g. If not specifically addressed in this Section, all buildings shall conform in all other ways to the requirements of the zoning district in which they are located, and be compatible with

adjoining land uses and the residential character of the neighborhood.

h. Parking spaces shall be provided in accordance with **Article V** of this Resolution.

i. Parking areas and access drives shall be paved with an impervious material such as asphaltic concrete or asphalt.

j. All refuse areas shall be enclosed.

k. Safety Inspection:

1. An adult group home shall comply with the requirements of the ICC, National Fire Prevention Code, and any amendments thereto and all other applicable safety codes.
2. Inspection, for the purpose of fire safety, shall be conducted by the Bolivar Volunteer Fire Department prior to occupancy by residents and periodic, unannounced inspections shall be conducted a minimum of one time per year thereafter.
3. Owners shall display proof of such inspection and compliance in a conspicuous place.
4. Emotionally disturbed, alcohol or chemically dependent individuals/adults are prohibited.

G. Recycling Plant and Transportation Terminals shall comply with the following:

1. The collection and/or storage of automobiles, trucks, major household appliances, and any self-propelled type vehicles, or parts thereof, shall be prohibited.
2. Vehicular approaches to the property shall be so designed to not create an interference with traffic on surrounding public streets or roads.
3. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved, improved with gravel, concrete, asphalt, or equivalent. Paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of ten (10) vehicles or less capacity, and two-way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.
4. Such uses should be located on an arterial street, adjacent to nonresidential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.

H. Congregate Living Facility shall comply with the following:

1. The following type of residential facilities may be included within the Congregate Living Facility and must have common social, recreational, dining and food preparation facilities:

a. Independent living with congregates dining facilities,

b. Congregate Living,
c. Assisted Living,
d. Nursing Home.

2. Such use should not be located on a local residential street.
3. The development plan shall indicate the parking and emergency entrances or exits and other safety precautions.
4. The maximum height of the building shall be one story, not to exceed twenty (20) feet, in the R districts.
5. Screening with a minimum of ten (10) feet shall be provided around the perimeter of the property where it abuts a 'C' or 'I' district. Screening shall comply with Section 209 of these regulations and shall be implemented within six (6) months of completion of each building or phase of the development which abuts a common boundary. A building phase or parking area shall be considered complete the day it is first used for the purpose intended. Changes thereto shall be approved by the Zoning Inspector prior to completion.

I. Congregate Living Development shall comply with the following:

The development must contain a Congregate Living Facility and Single Family detached or Single Family attached dwelling units and complies with the following:

1. Congregate Living Facility:
   a. The Congregate Living Facility shall comply with the criteria per **Section 601.13(H).**
   b. The minimum front, side, and rear building setback for the Congregate Living Facility from a newly constructed interior public or private street shall be 25 ft.
   c. The minimum front, side, and rear parking setback for the Congregate Living Facility from a newly constructed interior public or private street shall be 10 ft.
2. Single Family detached and single family attached dwelling units:
   a. In an R district the maximum number of units permitted to be attached shall be two (2).
   b. Must have common social and recreational facilities.
   c. Density shall not exceed the maximum number of units set forth for the district in which it is located. The total number of dwelling units permitted shall be calculated by multiplying the total project area set aside for single family detached or single family attached dwelling units exclusive of land area devoted to public right-of-way existing at the time an application is submitted.

   d. Minimum front building setback from an existing road right-of-way:
      1. Must comply with the district in which it is located in.
   e. Minimum building setbacks from project boundary:

1. Thirty-five (35) feet to a project boundary that abuts a 'C' or 'I' district.
2. Twenty-five (25) feet to a project boundary that abuts any other district.

f. Minimum building setback from an interior street:
1. Twenty-five (25) feet to a newly constructed public right-of-way.
2. Twenty (20) feet to the pavement of a private street.

g. Minimum distance between buildings. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by at least the minimum distance specified, below:
1. Twenty (20) feet between two detached single-family units.
2.. Thirty (30) feet between a detached single-family unit and attached single-family units and between two attached single-family units.

h. Each dwelling unit must have at least two off-street parking spaces.

3. Circulation shall be provided for the project in compliance with the following:
a. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved with concrete, asphalt, or equivalent.
b. At dead ends, turnarounds shall consist of forty-four (44) foot paved radius, measured from the center of roadways, for adequate movement of safety vehicles.
c. If the development has more than fifty (50) dwelling units at least two (2) access points to public streets shall be provided.

4. The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas and curb cuts shall conform to and be substantially constructed in accordance with the approved development.

5. Screening with a minimum of ten (10) feet shall be provided around the perimeter of the property where it abuts a 'C'or 'I' district. Screening shall comply with **Section 209** of these regulations and be implemented within six (6) months of completion of each building or phase of the development which abuts a common boundary. A building phase or parking area shall be considered complete the day it is first used for the purpose intended. Changes thereto shall be approved by the Zoning Inspector prior to completion.

J. Licensed Group Homes for Handicapped Persons shall comply with the following:

1. Such homes shall be licensed according to ORC 5123.19 and evidence shall be presented indicating that the facility meets the certification, licensing, or approval requirements of the appropriate state agency.

2. All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
3. No such group home shall be located within a thousand (1,000) foot radius of another residential facility for the developmentally disabled licensed under ORC 5123.19.
4. The architectural design and site layout of a group home licensed under ORC Section 5123.19 and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.

K. Institutional Housing

1. The maximum density of institutional housing shall be 7 units or 7 beds per acre, whichever is less.
2. In a residential district, there shall be a maximum of 21 units or beds per site
3. All buildings shall be set back 50 feet from all lot lines.
4. All units shall be rented or sold to the elderly, the handicapped, or the disabled in order to qualify as institutional housing. Mixed development, such as a retirement village with some independent living, shall be built under the multi-family dwelling regulations or as part of a planned development.
5. No part of a parking area shall be closer than 5 feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback areas shall be landscaped with grass and planting areas and shall be well maintained

L. Day Care Center, Adult or Child and Family Day Care Type A shall comply with the following:

1. The development plan shall indicate the dimensions of the day-care home, or center, open space areas, parking and emergency entrances or exits and other safety precautions.
2. Property shall be maintained in a neat, orderly and safe condition.
3. All activities shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised to prevent any hazard, disturbance or nuisance.
4. Sixty (60) square feet of outdoor open space and thirty-five (35) feet of indoor open space per occupant shall be provided.
5. All outdoor activity areas shall be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet. An entry gate shall be securely fastened.
6. Additional regulations for Family Day Care Type A.

a. There shall be a minimum of 600 feet between one Type A family day care home and another Type A family day care home.
b. There shall be no more than one (1) on-premises sign that shall not exceed four square feet in area.

7. Additional regulations for day care center. No portion of a day-care center site may be located within 600 feet of gasoline pumps, underground gasoline storage tanks, or any other storage area for explosives or hazardous materials.

~~*M. Group Dwelling Developments in an R-2 District shall comply with the following:*~~ **REVISED**

~~*1. Projects with more than one building shall:*~~

~~*a. Be considered as one (1) building for the purpose of determining front, side and rear yard setback requirements.*~~

~~*b. In an R-2 District, provide a minimum of twenty (20) feet of open space between single-family detached dwellings and a minimum of thirty (30) feet of open space between all two-family dwellings and between single-family detached dwellings and two-family dwellings. Such spacing shall be measured from the building foundation or building overhang or attached permanent structure, whichever is the lesser distance.*~~

~~*2. Circulation shall be provided for the project in compliance with the following:*~~

~~*a. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved with concrete, asphalt, or equivalent.*~~

~~*b. Vehicular approaches to the property shall be designed to not create an interference with traffic on surrounding public streets or roads.*~~

~~*c. At dead ends, turnarounds shall be in compliance per the Ohio Fire Code Appendix D for access roads for adequate movement of safety vehicles.*~~

~~*d. Any group dwelling development with more than fifty (50) dwelling units shall provide at least two (2) access points to public streets.*~~

~~*3. Trash dumpsters shall not be placed between garages causing a separation of less than twenty (20) feet spacing.*~~

~~*4. The development plan shall include adequate provisions for the screening of parking areas, service areas, and active recreation areas from surrounding properties by landscaping and/or ornamental wall or fence. Active recreation areas may include, but are not limited to, picnic pavilions, tennis and basketball courts, swimming pools and similar recreational facilities.*~~

~~*5. A bufferyard shall be provided around the perimeter of the property where it abuts R-1, R-3, or R-4 Districts. The bufferyard plan shall comply with Sec. 203.6 and 209.6of these regulations and shall be implemented within six (6) months of the completion of each building or phase of development. A building phase or parking area shall be considered complete the day it is first used for the purposes intended. Changes thereto shall be approved by the Zoning Inspector prior to completion.*~~

~~*6. In parking areas of fifty (50) parking spaces or more, visual relief shall be provided through the use of trees or shrubs planted along the perimeter of the parking areas.*~~

~~*7. The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and recreation areas shall conform to and be substantially constructed in accordance with the approved development plan.*~~

M. Agricultural Uses

As provided in ORC 519.21, the following provisions are established to regulate agricultural uses on lots less than five (5) acres:

1. On lots of one acre or less, a minimum setback of fifty (50) feet from all property lines is required for all buildings, structures, and pasture/feeding areas for agricultural animals and storing areas incidental to the use of land for agricultural purposes, including apiary (Bee Keeping). Buildings and structures must comply with the building height and size regulations for an accessory building or structure applicable to the district in which it is located. Fencing for agricultural animals shall be 50 ft. from all property lines and the maximum height shall not exceed 8 ft.
2. On lots greater than one acre but not greater than five (5) acres, all buildings or structures incidental to the use of land for agricultural purposes shall comply with the required building setback lines, height and size regulations for an accessory structure applicable to the district in which the use is located. Fencing for agricultural animals shall be a minimum of 10 ft. from all property lines and the maximum height shall not exceed 8 ft.
3. A pasture/feeding area that is provided for agricultural animals shall be completely surrounding by a fence that is adequate to contain the animal(s).
4. For the purpose of this Section, an agricultural animal is a domestic animal, including, but not limited to, a horse, cow, llama, goat, hog, mink, and fowl, but does not include an animal commonly kept indoors as a household pet, such as a dog or cat.
5. A township zoning resolution, or an amendment to such resolution, may in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Revised Code that are

contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

a. Agriculture on lots of one acre or less;

b. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines; height; and size;

c. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code. After thirty-five per cent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Revised Code.

Division (B) of this section (519.21) confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

N. Bed and Breakfast Facilities

Bed and Breakfast facilities including inns and residential bed and breakfast shall comply with the following:

1. Guestrooms shall not contain cooking facilities. A common lounge area may be provided for guests.
2. Only retail sales customary to overnight facilities shall be permitted.
3. Bed and Breakfast, Inn facilities shall comply with the following:
   a. Shall have a minimum of four (4) and a maximum of eight (8) guestrooms.
   b. Shall contain a commercial kitchen and shall obtain all required health department food service permits.
4. Bed and Breakfast, Residential facilities shall comply with the following:
   a. The building shall be compatible with surrounding land use and shall not exceed three (3) guestrooms.
   b. Food or laundry deliveries shall be made at the rear of the building and shall be conducted during daytime hours.
   c. The building shall not contain a commercial kitchen.

O. Clubs shall comply with the following:

1. All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any

disturbance or nuisance to surrounding properties, residents or to the community in general.

2. No outdoor activities shall be permitted.

P. Community Facilities such as Church and Other Places of Worship, Private Elementary and Secondary Schools and Related Facilities, Libraries and Museums shall comply with the following:

1 Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.

2. All outdoor children's activity areas shall be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet. An entry gate shall be securely fastened.

3. Churches and other places of worship may be erected to a height not to exceed seventy-five (75) feet, except as provided for in **Sec. 203.5B2b**, if the building is set back from each lot line one (1) foot for each foot of additional building height in excess of the district limitation.

4. All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.

5. The development plan shall indicate the parking and emergency entrances or exits and other safety precautions.

Q. Landscaping Business shall comply with the following:

1. Vehicles and Equipment used in conjunction with the business may be stored on the property.

2. Dismantled or inoperable vehicles or equipment shall not be maintained or stored on the property, unless in compliance with **Sec. 203.4E2**.

3. Outdoor storage areas shall be located in the side or rear yard in compliance with **Sec.203.8 and 308.5**.

4. Materials, such as mulch or topsoil, may be stockpiled on the site provided:

   a. The materials are maintained in compliance with all Tuscarawas County Health Department regulations.

   b. Such materials shall not be processed on the site.

   c. Such materials shall not emit any odor that is discernible on adjoining property.

   d. Outdoor retail sales shall comply with **Sec.203.8 and 308.5** and shall not be conducted in required parking or landscaping areas.

R. Landscaping and Construction Vehicle and Equipment Storage when not used in conjunction with an onsite business shall be permitted to be stored in compliance with the following:

1. Dismantled or inoperable vehicles or equipment shall not be maintained or stored on the property, unless in compliance with **Sec. 203.4E2**
3. Minor repair of vehicles or equipment shall be permitted.

S. Mini-Storage Facilities:

1. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved, improved with gravel, concrete, asphalt or equivalent.
2. The maximum size of individual storage compartments shall be ~~*800*~~ *500* square feet. **REVISED**
3. Such uses should be located on an arterial street, adjacent to nonresidential uses or in sparsely settled residential areas.
4. The spacing of storage buildings shall comply with **Section 306.6, 307.6, 308.7 or 309.6.**

T. Parking Lots

Parking lots as principal uses shall be located in areas least disruptive to pedestrian, bicycle or vehicular traffic.

U. Porches, Decks, Patios, and Sidewalks:

1. Accessory structures such as porches, balconies and decks, as part of the principal or accessory building shall meet the setbacks of the principal or accessory building.
2. Accessory structures such as porches, patios, and decks with a roof, and balconies as part of a principal or an accessory building shall be counted as part of the square footage for the principal or the accessory building.
3. The installation sidewalks shall not be regulated and do not require a permit.
4. Freestanding Decks (detached from principal or accessory building) as an accessory to a boat dock shall be a minimum of 5 ft. from the side property line. Freestanding decks as an accessory to a boat dock that are greater than 120 sq. ft. shall be a minimum of 10 ft. from the side property line.
5. Freestanding Decks (detached from principal building or accessory building) or decks as an accessory to an above ground swimming pool shall be a minimum of 10 ft. from the side and rear property line.

V. Automobile, Truck, Boat, Trailer and Farm Implement Storage or Repair, shall be operated so that all activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, said vehicle shall be entirely within a building.

W. Swimming Pool - Commercial.

Swimming pools, hot tubs or whirlpools shall be either contained in a completely enclosed building or surrounded by a fence with a minimum height of eight (8) feet. Fences shall be installed in conjunction with pool construction**.**

X. TEMPORARY STORAGE POD/ Portable Storage Container

1. No more than 1 portable storage container having a storage capacity no greater than 1088 cubic feet shall be permitted on a zoning lot.
2. Up to 3 storage containers may be allowed on a zoning lot, provided that each individual container has a storage capacity of no greater than 350 cubic feet.
3. One sign no more than 6 square feet may be displayed on any portable storage container.
4. No container shall be located closer than 5 feet to any side or rear lot line or on any portion of a zoning lot, except behind the nearest portion of the principal building adjacent to a public street.
5. On lots where there is no principal structure, the containers shall comply with the front yard setback for that zoning district. (Mostly applies to sites under construction.)
6. No portable storage container shall have dimensions greater than 16 feet in length, 8 feet in width, or 8 ½ feet in height.
7. If site conditions prevent locating portable containers in conformity, containers may be placed in a driveway provided the 2 required parking spaces are unobstructed and the container is closer than 10 feet to the paved portion of any street. However, if site conditions prevent these requirements from being met, the portable container may be placed on any portion of the driveway.
8. Permit Requirements
    a. Portable storage containers shall be allowed only upon issuance of a permit by the Zoning Inspector, except when used in connection with an agricultural activity in an agricultural zoning district.
    b. Containers are allowed for a period not to exceed 16 consecutive days in a 6-month period.
    c. During construction, reconstruction, alteration, or renovation of a principal structure 24 hours before and after of such activity, containers will be allowed for a period not to exceed 30 days within a 6 month period.
    d. Permits shall be displayed on the outside of the container in plain view from the nearest street.
    e. Permits cost subject to **Section 1001.4A.**
    f. No permits will be required for containers located on a zoning lot less than 72 hours. However, the container companies will be responsible for displaying a permit card on the container, which must include the delivery and removal dates on the permit card.
9. Agricultural Zoning District
    a. No permit shall be required for containers placed on a lot where the principal use is a bonafide agricultural activity.

b. On lots where the principal use is other than an agricultural use, the requirements of a residential district shall apply.

10. Business and Industrial Districts

a. Containers shall be allowed pursuant to a conditional use permit for bulk storage per the district regulations, unless the following occurs:

1. A bonafide construction activity on a site and/or within a structure, whereas, portable containers shall be allowed for a period of 24 hours before and after such activity.
2. When used in connection with moving or relocation of a commercial establishment, containers shall be allowed for a period not exceeding 16 days.
3. A permit shall be required for each container placed on the site.
4. There are no limitations as to the number of containers.

b. Under no circumstances are portable containers allowed to obstruct required parking spaces for any use(s) on a site.

c. Shall not block fire lanes.

d. Permit required for each pod.

e. Not to exceed six (6) months per permit.

Y. Shipping containers

1. It is the intent of this chapter to limit, except as provided herein, the placement and use of any shipping container as an accessory building, storage building, or living unit on residentially zoned and other zoned land where residential uses are established. This limitation is to protect the public health and safety and the aesthetic quality of the township.
2. No person shall place or cause to be placed or use or permit the use of any shipping container as an accessory building, storage building, or living unit on residentially zoned land and/or land used for residential purposes. Licensed and bonded contractors may use shipping containers for temporary housing of equipment and materials during construction as authorized by a township Conditional Use permit per Article VI
3. All shipping containers shall be covered or hidden from view by a fence at least as high as the shipping container in any Commercial or Industrial zoned district

Z. Drive-thru Facilities shall comply with the following:

1. Such facilities shall be located on an arterial or collector street in an area least disruptive to pedestrian or vehicular traffic.
2. Any proposed loud speaker system shall be approved as part of the development plan.

AA. Bulk storage Yard

In addition to general requirements, the following special requirements and limitations shall apply to bulk storage yards in districts in which they are generally permitted:

1. Fencing. The storage yard shall be completely enclosed, except for necessary openings for ingress and egress, by a fence not less than six (6) feet in height, or the necessary height to hide the units, except where prohibited.
2. Lighting. All outdoor lights shall be shielded to direct light and glare onto the premises; said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.
3. No sale or processing of scrap, salvage, or secondhand material shall be permitted in such yards; and, provided further that additional requirements as listed.

Sec. 601.14 Dangerous, Exotic and Wild Animals

The owning, harboring, keeping or breeding of any dangerous, exotic or wild animal may be considered within the I-1 Industrial District on lots five acres or greater. The owning, harboring, keeping or breeding of any dangerous, exotic or wild animal shall not be permitted in other zoning districts. For the purpose of this Section "Dangerous, Exotic and Wild Animals" shall be defined in accordance with Section 935.01 of the Ohio Revised Code.

A. All animals must be kept within a fenced area that is adequate to contain the animal(s).
B. The keeping, harboring or breeding of animals, including buildings in which animals are kept, shall be located no closer than two hundred feet to any C-1, C-2, or C-3 District, or one thousand feet to any residential district, church, park, preschool or school. If a church, park, preschool or school is located in the C-1, C-2, or C-3 District the one thousand feet setback shall apply.
C. The keeping, harboring or breeding of animals, including buildings in which animals are kept shall be located no closer than fifty feet to any property line within an I-1 Industrial District.
D. The keeping of dangerous, exotic and wild animals as a pet is prohibited in all residential, C-1, C-2, and C-3 Districts.
E. Such animals may be temporarily displayed in any zoning district during a special event such as a circus or carnival, or during educational visits to schools, nursing homes, or other institutions, upon application and issuance of a zoning permit.
F. For the purpose of this Section a dangerous, exotic or wild animal shall not include any domestic animal including, but not limited to, a horse, cow, llama, goat, hog, mink, fowl or an animal commonly kept indoors as a household pet, such as a dog or cat.
G. The provisions of this Section shall not apply to the keeping of dangerous, exotic and wild animals in the following cases:

1. Animals in zoos or zoological parks operated by political subdivision of the State of Ohio.
2. Animals in a bona fide, licensed veterinary hospital for treatment.
3. Law enforcement agencies and on-profit animal protection organizations housing an exotic animal at the written request of the animal control authority to keep a dangerous wild animal or restricted snake.

H. Shall comply with Ohio Revised Code 935 (S.B. 310) and show proof of State Certification.

Sec. 601.15 Small Wind Farm

A. The purpose of this Section is to establish general guidelines for the location of wind turbine generators (sometimes referred to herein as "WTG") and anemometer towers in Lawrence Township, Tuscarawas County, Ohio (the "Township"). This Section is consistent with the stated primary purpose of the Lawrence Township Zoning Resolution: "Protecting the public health, safety, comfort and general welfare" of the Lawrence Township residents. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the Township. The Township also recognizes the need to protect the scenic beautify of the Township from unnecessary and unreasonable visual interference, noise radiation, and that wind turbine generators may have negative health, safety, welfare and aesthetic impacts upon adjoining and neighboring uses. As such, this Section seeks to:

1. Protect residential and agricultural areas from potential adverse impact of wind turbine generators.
2. Permit wind turbine generators in selected areas, subject to the terms, conditions and provision hereof.
3. Ensure the public health, welfare and safety of the Township's residents in connection with wind turbine generators; and
4. Avoid potential damage to real and personal property from the wind turbine generators or anemometer towers or the failure of such structures *and related operations.*

B. Procedure

Any proposed construction, erection or siting of a commercial wind turbine generator or anemometer would result in characterization of the subject real property as an I-1 District. Therefore, such proposed use shall be a permitted use in the I-1 Industrial District, or by issuance of a Conditional Use Permit in accordance with **Article VI** of this Resolution, as amended hereof in the R-4 Residential District.

C. Application

In addition to the requirements set forth in **Section 601** of the Zoning Resolution, every application for conditional use for a commercial wind turbine generator or anemometer tower permit shall be made in writing

to the Chairperson of the Board of Zoning Appeals on the forms provided by the Zoning Board and shall be accompanied by any and all filing fees prescribed by the Township Zoning Resolution and this Section. The permit application shall include but is not limited to the requirements set forth in **Section 601** and the following information:

1. Name and address of the applicant
2. Evidence that the applicant is the owner of the property involved or has written permission of the owner to make such application
3. A plot and development plan drawn in sufficient detail to clearly describe the following proposed details:
    a. Physical dimensions of the property, existing structures, and proposed structures
    b. Location of existing and proposed structures
    c. Location of existing and proposed electrical lines and facilities
    d. Existing topography
    e. Proposed grading and removal of natural vegetation
    f. Wind resource study as described in Section **601.15(D) (1)**
    g. Setbacks as described in **Section 601.15(D) (3)**
    h. Ingress and egress identifying location and distance to the nearest County and Township maintained road
4. A description of the access route from the nearest County and Township maintained road to include:
    a. Road surface material stating the type and amount of surface cover
    b. Width and length of access route
    c. Dust control procedures
    d. A road maintenance schedule and program
5. Utilization of the property under the requested permit
6. Utility interconnection data and a copy of written notification to any utility of the proposed interconnection
7. Specific information of the type, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each WTG mode, tower and electrical transmission equipment
8. A soil boring report as described in **Section 601.15(D)(17)**
9. A location map to scale of all dwellings within two miles of the boundary of the property upon which the WTG's are to be located
10. An analysis and written proposal to reduce air navigation clutter on airport radar facilities
11. One or more detailed computer or photographic simulation drawings showing the site fully developed with all proposed WTG's and accessory structures

12. A copy of written notification to the Federal Aviation Administration
13. Any proposed WTG's which are located within two miles of any microwave communications link shall be accompanied by a copy of a written notification to the operator of the link
14. Any proposed WTG's which are located within a one hundred year flood plain area shall be accompanied by a detailed report which shall address the potential for wind erosion, water erosion, sedimentation and flooding, and which shall propose mitigation measures for such impacts. A permit is required from the County Floodplain office.
15. A separate application for conditional use permit shall be submitted for each proposed WTG or anemometer tower.
16. A cost budget for the proposed project, together with estimates/proposals from third parties for the services or materials to substantiate the budget, including without limitation the following:
    a. The costs of site preparation, excavation, access roads or drives, and clearing of vegetation
    b. The cost of the sub-grade materials, equipment and material costs for the foundation of the proposed structure
    c. The costs of the structure, including labor, equipment and materials
    d. The costs of all ancillary equipment, connection devices, lines and related matters for the project

D. Wind Turbine Generators and Anemometer Towers

Wind turbine generators and anemometer towers shall comply with all of the following standards as a condition precedent for a conditional use permit to be issued:

1. Sufficient Wind Resources

   The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of two years. Said study shall comprehensively articulate the long-term commercial economic viability of the project. Anemometers to be placed shall be calibrated regularly to ensure a measurement of error of one percent or less. All anemometers shall be placed at the expected hub height of the wind turbine to be used. Sufficient wind resources, as described by the U.S. Department of Energy, include areas with a wind power class

four or higher. The Township shall retain the services of an independent expert to review the results of the wind resource study prior to acting on the application for conditional use permit. All costs incurred by the Township for the services of the independent expert shall be borne by the applicant and shall come from the requisite deposit mandated under **Section 601.15(D) (26)** hereof.

2. Minimum Site Area
   The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be the number of acres required to meet the required Adjoining Lot Line setbacks set forth in **Section 601.15(D)(3)**and any other provisions of this Section.
3. Setbacks
   For health, safety and welfare purposes, each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
   a. Adjoining Lot Lines – Each proposed wind turbine generator shall be setback from any and all adjoining lot lines a minimum distance of nine hundred fifty feet. The Zoning Board of Appeals may reduce this setback no less than eight hundred feet from any and all adjoining lot lines; provided, however, the amount of setback relief approved by the Board of Zoning Appeals will be based on data provided by the applicant establishing that the lesser setback from an adjoining lot line shall not adversely affect the health, safety or welfare of any person or animal. Such data shall be subject to review by the Township's independent expert. All cost incurred by the Township for the services of the independent expert shall be borne by the applicant and shall come from the requisite deposit mandated under Section **601.15(D) (26)** hereof.
   b. Building or Structures – Each proposed WTG shall be setback from any building or structure, as those terms are defined under the Township Resolution at **Article II,** a minimum distance of one thousand four hundred fifty feet.
   c. Road of Right-of-Ways – In addition to the above, a wind turbine generator shall, in all cases, be setback from a public or private road right-of-way or easement a minimum distance equal to four times the height of the proposed wind turbine generator or anemometer tower as defined in this Section. This requirement is to further promote health, safety and welfare as "shadow flicker" could affect driver visibility on roads in the Township.
4. Wind Access Buffer

For any newly proposed wind turbine generator or anemometer tower, a Wind Access Buffer equal to a minimum of five rotor diameters shall be observed from any existing off-site wind turbine generator tower.

5. Sensitive Environment Areas
   Sensitive environmental areas shall have a setback of a specified distance that is determined by the Township Zoning Board and the Ohio Department of Natural Resources.
6. Scenic Areas
   Scenic areas, including parks, highways, recreational areas and others as determined by the Township, shall have a setback of not less than one mile; the specific distance of the setback shall be determined by the Township.
7. Maximum Height
   The maximum wind turbine generator or anemometer tower height from the base to the tip of the blade at its highest point shall not exceed two hundred feet. The Zoning Board may approve an increased height for a wind turbine generator tower, not to exceed two hundred sixty feet from the base to the tip of the blade, if all of the following conditions are met:
   a. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
   b. The increased height will not result in increased intensity on lighting of the tower to FAA requirements.
8. Minimum Rotor Wind Vane or Blade Clearance
   The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than eighty feet measured from the highest point of the terrain within one blade radius from the base of the tower.
9. Maximum Noise Levels
   The audible noise radiation due to wind turbine operations shall not be created which causes the noise level at the boundary of the proposed project site to exceed thirty dBA for more than five minutes out of any one hour time period or to exceed thirty five dBA for any time period; provided, however, if the Natural Ambient Noise Level without the commercial wind turbine generators is greater than thirty dBA, the audible noise radiation shall not exceed five dbA above the Natural Ambient Noise Level. A commercial wind energy facility shall not be operated so that impulsive sound below twenty Hz adversely affects the habitability or use of any

dwelling unit, hospital, school, nursing home, or other sensitive noise receptor.

10. Maximum Vibrations
    Any proposed wind turbine generator shall not produce vibrations humanly perceptible beyond the boundaries of the property on which it is located.
11. Endangered or Threatened Species
    Development and operation of a commercial wind energy facility shall not have a significant adverse impact on the endangered or threatened fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Department of Natural Resources and/or the studies of the U.S. Fish and Wildlife Service. Commercial wind energy facilities must adhere to the guidelines set forth by the U.S. Fish and Wildlife Service, "Guidelines to avoid and Minimize Wildlife Impacts from Wind Turbines", Federal Register: July 10, 2003 (Volume 68, Number 132).
12. Migratory Birds
    Development and operation of a commercial wind energy facility shall not have an adverse impact on migratory bird species.
13. Transmission Lines
    All electrical transmission lines connecting any wind turbine generator to the public utility electricity distribution system shall be located underground.
14. Electromagnetic Interference
    Any wind turbine generators shall be constructed and operated so that they do not interfere with television, telephone (including cellular and land line), microwave, navigation, or radio reception to neighboring areas. The applicant and/or operator of the facility shall be responsible for the full cost of any remediation necessary to correct any problems, including relocation or removal of the facility, caused or exacerbated by the operation of such equipment and any and all related transmission lines, transformers, and other components related thereto. The applicant for commercial wind turbine generators shall pay for testing of the above reception for all properties within two miles prior to construction and will pay to correct reception for landowners with degradation of these signals. The entity or agency that conducts the test shall be selected by the Zoning Board. The cost incurred by the Township for such tests shall be borne by the applicant and shall come from the requisite deposit mandated under **Section 601.15(D) (26)** hereof.
15. Landscaping

Each proposed wind turbine generator or anemometer tower erected prior to a wind turbine generator shall meet the following landscaping requirements:

a. The base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property use for residential purposes. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the facilities.

b. Existing natural land forms on the site which effectively screens the base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator from adjacent property used for residential purposes shall be preserved to the maximum extent possible.

c. Landscaping shall be designed to counter the effects of "shadow flicker" on any neighboring residences or roadways caused by the rotor rotation in the sunlight.

d. To insure compliance with these landscaping standards, the Zoning Board may require additional lan*dscaping on* the site after the installation of the wind turbine generator or anemometer tower.

16. State or Federal Requirements

Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the F.A.A., the Public Utilities Commission of Ohio, National Electric Safety Code, U.S. Fish and Wildlife Service and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the conditional use permit is applied for.

17. Soil Conditions

A proposal for any wind turbine generator or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings, prepared by a firm which specializes in soil borings and is approved to perform such work in the State of Ohio. The report shall include soil and geologic characteristics of the site based upon on-site sampling and testing. The soil boring reports and the proposed plans for the foundation shall be certified by a registered Professional Engineer licensed in the State of Ohio, who is practicing in his or her area of competency.

18. Aesthetics and Lightening

Any proposed wind turbine generator or anemometer tower shall meet the following requirements:

a. Each wind turbine generator or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the F.A.A., be painted a neutral color so as to reduce visual obtrusiveness and shall be so maintained as to be in continuous compliance with this paragraph and to prevent any visible oxidation or corrosion.

b. Each wind turbine generator, including all accessory structures or anemometer tower shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings. A medium gray shade is the preferred color for any wind generator or anemometer tower; however, the Zoning Board may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.

c. Each wind turbine generator or anemometer tower shall not be artificially lighted, unless required by the F.A.A. or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
    1. Shall be the lowest intensity allowable under F.A.A. regulations
    2. Shall not be strobe lighting or any other intermittent white lighting fixtures, unless expressly required by the F.A.A. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the F.A.A. and the Township
    3. Shall be a red stop light that does not pulsate or blink
    4. All tower lighting required by the F.A.A. shall be shielded to the extent possible and acceptable to the F.A.A. to reduce glare and visibility from the ground
    5. Each wind turbine generator or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on view corridors from adjacent properties
    6. Each wind turbine generator or anemometer tower shall be a monopole or monotube style construction

(as distinguished from a lattice-style tower) and shall not utilize guide wires

19. Sign
A sign no more than four square feet in area displaying an address and toll-free telephone number, answered by a person twenty-four hours per day, seven days per week, for emergency calls and information inquiries shall be posted at the proposed wind turbine generator or anemometer tower erected prior to a wind turbine generator. No wind turbine generator tower or anemometer tower or site shall include any advertising sign.

20. Maintenance
The owner or operator of the WTG shall furnish an operation and maintenance report to the Township on an annual basis. Any physical modification to the WTG that alters the mechanical load, mechanical load path, or major electrical components shall require re-application for conditional use under this Section. Like-kind replacements shall not require re-application. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall request, in writing, a determination from the Township Board of Zoning Appeals whether the physical modification requires re-application for conditional use permit. The Board of Zoning Appeals shall, in its sole and absolute discretion, make such determination.

21. Local Fire Department
The applicant, owner or operator shall submit to the local Fire Department a copy of the site plan. Upon request by the local Fire Department, the owner or operator shall cooperate with the local Fire Department to develop the Fire Department's emergency response plan. Nothing in this Section of this Section shall alleviate the need to comply with all other applicable fire laws and regulations. Upon request by the local Fire Department, the owner or operator shall on a yearly basis, participate in High Angle Rescue using the WTG tower.

22. Hazard Planning
An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:

a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard shall be signed by a registered Professional Engineer licensed in the State of Ohio, who is practicing in his or her area of competency.

b. The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.

c. The following shall be submitted with the application for a conditional use permit for a wind turbine generator:

1. A listing of any hazardous fluids that may be used on site shall be provided.
2. Certification that the turbine has been designed to contain any hazardous fluids shall be provided. This certification shall be signed by a registered Professional Engineer licensed in the State of Ohio, who is practicing in his or her area of competency.
3. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released or leaked from the turbine or any other equipment or appurtenances on the site.
4. A Hazardous Materials Waste Plan, complying with all federal, state and county laws and regulations shall be prepared and filed. Approval by all of the above parties shall be a condition to be met prior *to* the issuance of any permit. Further, approvals or waivers, by the state Department of Environment Quality, and the state Department of Natural Resources and/or the Corp. of Army Engineers shall also be submitted prior to the issuance of any permit.

23. Decommissioning Plan

The applicant must formulate and submit a Decommissioning Plan to ensure that the WTG project is property decommissioned. The Decommissioning Plan shall include:

a. Provision describing the triggering events for decommissioning the WTG project.
b. Removal of structures, debris, access roads, and electrical cabling, including transmission lines below the soil surface, as specified in each individual WTG contract with the landowner(s).
c. Provisions for the restoration of the soil and vegetation.
d. An estimate of the decommissioning costs certified by a Professional Engineer approved by the Lawrence Township Trustees.

e. A cash bond secured by the owner/operator, for the purpose of adequately performing the decommissioning, costs plus anticipated inflation.
f. Identification of and procedures for Township access to the cash bond.
g. A provision that the terms of the Commissioning Plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.

24. Removal of Abandoned Wind Turbine Generators or Anemometer Towers

Any wind turbine generator or anemometer tower that is not operated for continuous nine months shall be considered abandoned and the owner of such wind turbine generator or anemometer tower shall remove the same within ninety days of receipt of notice from the Township. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower. Any foundation associated with a wind generator or anemometer tower shall be totally removed and the site restored to its original state including the planting of any grasses or cover crops, which may have been present prior to construction. Any and all transmission equipment, buildings and fences shall also be removed. Failure to remove an abandoned wind turbine generator or anemometer tower within the ninety day period provided in this subsection, or in the event that the owner or operator of the wind turbine generator or anemometer tower is no longer financially capable, or fails to respond to mail sent to its last address on file with the Township, shall be grounds for the Township to remove the wind turbine generator or anemometer tower structure and all associated equipment or appurtenances at the owner's expense. The Township may sell any salvageable material, deducting the balance due from the cash bond, which the Township shall require.

25. Cash Bond

The Township shall further require the applicant to post a cash bond equal to fifty percent of the original cost of the above-grade tower structure and attendant structures to assure the removal of such abandoned structures and remediation of any toxic or hazardous materials left on the site as a condition of a special use permit given pursuant to this section. This shall be in addition to the amount referred to in **Section 601.15(D) (17)** Soil Conditions. In the event that a surety bond is to be substituted for a cash bond, it shall be

prepaid for a period of five years, with the insurance carrier instructed to notify the Township of any delinquency in payment within thirty days of the occurrence of such delinquency. Such delinquency shall be considered abandonment and full and sufficient grounds for the Township to terminate the conditional use permit and dispose of the equipment and appurtenances as stated above.

26. Security Deposit for Expenses and Fees
The applicant shall deposit, with the Township, a sum of twenty five thousand dollars cash as partial payment for the Zoning Board expenses in hiring consultants and experts as the Zoning Board shall, at its sole discretion, deem desirable. If at any time the balance of this fund shall fall below ten thousand dollars, the applicant shall submit an additional fifteen thousand dollars so that the Township's full and actual expenses of examining and verifying the data presented shall be covered in total by the applicant. This deposit shall accompany the initial application and be considered a part thereof. If at any time the balance of this fund shall fall below ten thousand dollars for a period of thirty days, the application shall be considered to have been withdrawn. The applicant shall be entitled to no refund or reimbursement for any monies expended by the Zoning Board in connection with the application; if, however, the application is withdrawn, rejected or denied, applicant shall be entitled to receive the balance of any unused deposit funds as set forth herein, provided applicant requests same in writing within ninety days of withdrawal, rejection or denial of the application.

27. Infrastructure Deposit
The applicant shall deposit, with the Township, a sum of eighty thousand dollars cash as security and anticipated partial payment for any damage to Township infrastructure, including roads, bridges and overpasses. If at any time the balance of the deposit falls below sixty thousand dollars, the applicant shall submit an additional twenty thousand dollars to the Township as security for maintenance and repair of infrastructure. This deposit shall accompany the initial application and be considered a part thereof. An application will not be accepted if the security deposit is not tendered therewith. If at any time the balance of this fund shall fall below sixty thousand dollars for period of thirty days, the application shall be considered to have been withdrawn. The applicant shall be entitled to receive the balance of any unused deposit funds as set forth herein, provided applicant requests same in writing within ninety days of withdrawal, rejection or denial of the application.

28. Severance Clause
If any section, clause, or provision of the Section is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the

remainder of the Sections as whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

29. Agriculture
Nothing in this Section is intended to limit agriculture.

30. Default and Remedies
The applicant's, owner's or operator's failure to materially comply with any of the above provisions, including any conditional use permit granted, shall constitute a default under this Section. The appropriate Township body shall provide written notice to the owner and operator, setting forth the default(s). Such written notice shall provide the owner and operator a reasonable time period, not to exceed sixty days, to cure the default and make full restitution, as mandated by the appropriate Township body. If the Township determines in its sole and absolute discretion, that the default has not been timely cured or full restitution timely made. Any costs incurred by the Township relative to a default shall come out of the cash security deposit under **Section 601.15(D) (25).**

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ARTICLE VII
NONCONFORMING USES AND STRUCTURES

Sec. 700 Regulations

The provisions of this Article are intended to regulate the continued existence of structures and uses of land and buildings established prior to the effective date of this Resolution that no longer conform to the regulations of this Resolution. Such structures and uses of land and buildings may be continued although such use does not conform with the provisions of this Resolution, provided the following conditions are met:

Sec. 701.1 Alterations

A nonconforming building or structure may be altered, improved, or reconstructed, but not enlarged or extended, provided such work does not exceed in aggregate cost fifty percent of the total replacement value of the building or structure.

Sec. 701.2 Extensions

A. A nonconforming use of land or buildings shall not be enlarged or extended to occupy a greater land or building floor area, or altered or moved in whole or in part to any other portions of the lot. No additional structures shall be constructed to house a nonconforming use, but the extension of a use which conforms with the provisions of this Resolution to any portion of a nonconforming structure shall not be considered an extension of a nonconforming use.

B. No nonconforming structure shall be moved, extended, enlarged or altered in a way which increases their nonconformity. Such structures may be extended, enlarged, or altered where such work does not increase their nonconformity.

Sec. 701.3 Construction Approved Prior to Resolution

Nothing in the Resolution shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Resolution, provided that construction is commenced within ninety days after the issuance of such permit; that construction is carried on without interruption for a continuous period in excess of thirty days; and that the entire building shall have been completed within one year after the issuance of said building permit.

Sec. 701.4 Displacement

No nonconforming use shall displace a conforming use.

Sec 701.5 Discontinuance or Abandonment

Wherever a nonconforming use has been discontinued for a period of one year or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At the end of the one year period of

abandonment the nonconforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Resolution.

Sec. 701.6 Restoration

Any nonconforming building which has been destroyed or damaged by fire, explosion, Act of God, or by public enemy to the extent of fifty percent or more of its' assessed valuation, exclusive of the foundation at the time such damage occurred, shall thereafter by made to conform with the provisions of this resolution. If such damage is less than fifty percent of its assessed valuation before said damage occurred, exclusive of the foundation, then such structure may be restored to the same nonconforming use as existed before such damage, provided that such restoration shall be subject to the approval of the Board of Appeals. Said restoration shall be completed within one year of the date of such partial destruction.

Sec. 701.7 Zoning Certificate for Nonconforming Uses

A Zoning Certificate shall be required for all nonconforming uses. Application for the Zoning Certificate for nonconforming uses shall be filed in accordance with the provisions of **Article X**. Such zoning certificates shall be used to establish the legality of such nonconformity as of a specified date. It shall be the burden of the owner of a nonconforming use to show that the nonconformity lawfully exists under the provisions of this resolution.

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ARTICLE VIII
AMUSEMENT ARCADES

Sec. 801 Purpose and Findings

Sec. 801.1 Purpose

That the purpose of this Article is to establish reasonable and uniform regulations to minimize and control the negative effects of amusement arcades within the Township in order to promote health, safety and welfare of the citizens of the Township. It is not the purpose or intent of this Article to restrict or deny access to recreational and skilled-based amusement machines.

Sec. 801.2 Findings

A. The State of Ohio currently allows certain games of skill while games of chance are deemed illegal. Based upon experience within the County, certain arcades identified as operating games of skill, have generated various complaints by citizens involving thefts, questionable pay practices, considerable sums of cash being transacted, food management concerns, fire code and access, and other issues of compliance with local and state laws.

B. These businesses could be located throughout the Township in general business districts, in areas that attract adults and children. It is the specific finding that games of skill operated electronically may easily be altered to illegal games of chance. Further, that the Township has a duty to its citizens to require businesses open to the public to maintain safe ingress and egress, to maintain adequate security where a considerable volume of cash is transacted, and to otherwise operate within the bounds of the law.

Sec. 802 A. Definitions

As used in this Article, except where the context clearly indicates a different meaning:

1. Amusement arcade means any place of business where three or more amusement devises are located for the use or entertainment of persons patronizing the place of business.
2. Amusement device means any machine, device, or instrument which either may be activated for play by a third party, person or device, or upon the insertion of paper money, a coin, token, slug, or card, operates or may be operated as a game, contest, or test of skill, or other amusement of any kind. Amusement device does not include vending machines.
3. Game machine means any amusement device.
4. Good moral character means not having been convicted of a crime involving moral turpitude within five years next proceeding the date of the application.
5. Malfunction means failure to operate in accordance with design.
6. Moral turpitude means a conviction for a theft offense, fraud, falsification, drug offense, sex offense, an offense involving gambling, or a felony.

7. Operator means any individual, corporation, or other entity conducting the business of an amusement arcade.
8. Owner means any individual, corporation or other entity owning title to any amusement device or the real property at which an amusement arcade is operated.
9. Playing area means that portion of the premises where the primary use is for customer play on amusement devices.
10. Skill-based amusement machine means a skill-based amusement device such as a mechanical, electronic, video, or digital device, or machine, whether or not the skill-based amusement machine requires payment for use through a coin or bill valuator or other payment of consideration or value to participate in the machine's offering or to activate the machine, provided that all of the following apply:
    a. The machine involves a task, game, play, contest, competition, or tournament in which the player actively participates in the task, game, play, contest, competition, or tournament.
    b. The outcome of an individual's play and participation is not determined largely or wholly by chance. For purposes of this Article "largely or wholly" means at least by fifty one percent.
    c. The outcome of play during a game is not controlled by a person not actively participating in the game.
    d. The machine only charges one price to play a task, game, play, contest, competition, or tournament.

B. All of the following apply to any machine that is operated as described **in Article VIII** hereof:
1. As used in this Section, task, game and play mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single task, game, play, contest, competition, or tournament may be awarded prizes based on the results of play, the prizes or rewards shall be established prior to the individual placing a wager, and the individual shall be aware of what prize or reward will occur prior to the start of play.
2. Advance play for a single task, game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.
3. To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date, and is open to participants in competition for scoring and ranking results toward the awarding of prizes without payment of additional consideration.
4. No machine shall have a guessing game at the end of a successfully completed task, game, play, contest, competition, or tournament.

Sec 802.1 Operation; License Required

A. No individual, corporation or other entity shall be an operator of an amusement arcade at any place of business unless such operator holds a valid amusement arcade license for the place of business where such amusement arcade is operated.

B. No individual, corporation or other entity shall permit or cause to be permitted any amusement machine, game machine, or amusement device to be operated, placed into operation, moved onto the area of play, or played, without a current and valid license for that machine displayed thereon.

C. No individual, corporation, or other entity shall play any amusement device unless it is validly licensed by the township.

Sec. 802.2 Application Information

The original and renewal application for an amusement arcade license and the license for each skill-based amusement machine, game machine, or amusement device shall be upon a form prescribed by the Zoning Commission and shall set forth therein information such as the name and address of the operator, the address of the place of business which is to be the licensed amusement arcade, the year for which the license is sought, the number of skill-based game machines or amusement devices located at such place of business, the name and address of the owner of each machine, a detailed explanation of the machine operation, applicable software license authorization, player skills, and training required qualifying each machine as a game of skill, and such other information as the Zoning Commission reasonably requires. The application shall be signed by the operator in whose name the Township licenses are to be issued as well as the owner of the real property.

Sec. 802.3 Corporations, Trusts, and Partnerships

A. If the operator filing the application for a license under this Article is a corporation, the application shall list the names and addresses of all officers and directors and any individual, corporation or other entity owning twenty five percent or more of the issued and outstanding shares of every class of stock of such corporation.

B. If the operator filing the application for a license is a partnership, the application shall list the names and addresses of all partners.

C. If the operator filing the application for a license is a trust, the application shall list the names and addresses of all trustees and/or co-trustees.

D. The listing required of any corporation, trust, or partnership shall be repeated an further repeated for any corporation, partnership or other entity who or which appears as a shareholder, trustee, co-trustee, or partner on the application

Sec. 802.4 Affidavit Required

The application for a license under this Article shall be submitted on forms provided by the Zoning Inspector and be accompanied by an affidavit attesting that the operator and

all employees and agents of the operation have not been convicted of a crime of moral turpitude and to the truth of the matters set forth in such application. No person shall swear falsely in any affidavit required to be filed under this section.

Sec. 802.5 License Issuance; Effective Period; Fee

The Zoning Inspector is hereby authorized to issue amusement arcade licenses and amusement and/or game machine licenses, in such form as he or she determines to be appropriate, for a period of up to one year, upon satisfaction of all the following conditions:

A. The operator of the amusement arcade has properly filed the application required by this Article. The owner of the game machines and the real property owner shall sign the application.
B. The operator or any employee of the operator has not been convicted of a crime of moral turpitude within the past five years.
C. The Zoning Inspector has determined that no other reasonable cause exists to deny the issuance of such license.
D. Compliance with **Section 802.7.**
E. License fees are non-refundable except upon approval by this Board.
F. Current fees are available at the township building at the fiscal officer's office.

Sec. 802.6 License Administration

A. It shall be the duty of the Zoning Inspector or his designee to administer the licensing regulations of this Article.
B. The Zoning Inspector is hereby empowered to enforce such rules and regulations relating to any matter or thing pertaining to the issuance, administration, and enforcement of this Article.
C. The burden shall rest on the owner, applicant, operator, and/or agent of the operator, owner, or applicant to timely produce the complete, accurate, and true records, documents, programs source codes or other data or objects necessary to substantiate the licensing requirements of this Article. Absent such substantiation, the decision of the Zoning Inspector shall be final subject to **Section 802.13.**
D. A license shall be issued within forty five days of receipt of complete application and compliance with this Article.
E. No arcade license shall be issued until all individual amusement devices are licensed.

Sec. 802.7 Submission of Source Code for Approval

A. Each applicant, within forty five days of submitting an application for an amusement arcade license, shall submit to the Zoning Inspector:
    1. A written report prepared by an independent laboratory satisfactory to the Zoning Commission stating that the specific amusement device, including but not limited to the source code, has been tested and

examined under the requirements of the Ohio Revised Code and this Article and the specific amusement device is largely or wholly a game of skill.

2. A report must be prepared for each amusement device to be licensed.
3. An exact and sealed copy of the source code for each device shall accompany the report. Such sealed code shall be deemed proprietary and shall be held by the Zoning Inspector or his designee until the license is expired, revoked, or there are reasonable grounds to believe a violation of this Article occurred. If reasonable grounds exist, the sealed source code will be provided to law enforcement for investigation. Otherwise, the source code will be returned to the licensee.

B. The Zoning Inspector shall provide the names of at least two laboratories deemed satisfactory.

Sec. 802.8 License Validity and Display

Each license under this Article shall be valid for only so long as the amusement arcade is operated by the operator listed on such license, at the place of business listed thereon. Each skill-based amusement machine and/or amusement device shall be valid for operation or use only so long as the game machine and/or amusement device has displayed on it a current license, or until the license is revoked by the Township or until such machines are determined to be games of chance or otherwise deemed illegal by the State of Ohio or a court of competent jurisdiction.

Sec. 802.9 Operation of Arcade

A. No person under the age of eighteen years shall be permitted on the premises.
B. No door shall be locked preventing ingress or egress by members of the public while patrons are on the premises.
C. The operator shall adopt and enforce a “No Loitering” policy on the premises.
D. The premises of every amusement arcade shall be equipped with exterior lights of sufficient intensity to illuminate every means of ingress and egress and adjacent parking area.
E. Each arcade shall be maintained so that it is handicap accessible throughout.
F. Each existing arcade shall be a “No Smoking” area.
G. Each arcade shall be operated with a glass storefront allowing full visibility at the sidewalk or right-of-way from the front through the playing area to the rear of the facility, exclusive of restrooms. No machines shall be placed in restrooms.
H. Windows shall be clear and free of tint. No obstructions shall prevent observing at least fifty percent of the arcade games from outside the front door.
I. The operator shall maintain a record of each game machine taken out of play for any reason, including but not limited to, machine malfunction. The record shall include, but not be limited to the following: name of operator taking the device out of play, name and address of player who last played, the amount reflected a won but not paid or lost by the arcade, a description of the malfunction, a

description of how the game machine was designed to operate, time and date of removal from play, make, model, and serial number of the game machine. Said record shall be maintained on the premises for at least two years from date of removal. Further, the record shall be available for inspection to the Zoning Inspector, his agents, and designee during regular business hours.

J. No arcade shall operate during the hours of 1:00 a.m. to 7:00 a.m.

K. Each operator shall maintain a record of the full name, address, telephone number, date, tax identification number, and gross value amount for each player receiving consideration or anything of value exceeding two hundred dollars. This record shall be filed with the Township Fiscal Officer for Lawrence Township at least quarterly. Further, such record shall be available during regular business hours for a period of two years.

L. Each operator shall clearly post in a conspicuous place all circumstances in which a player may not "cash out", be reimbursed, or receive a cash payment for the value of winnings, credits, rewards, or prepayments.

M. Each operator, employee, and agent thereof shall wear a full name identification nameplate during working hours.

N. All on premises food service shall comply with state and local health regulations.

O. Each operator shall conspicuously display by posting with each skill-based amusement machine the established prize or reward for each play. This information shall be posted so that the player can observe it prior to and during play.

P. Each operator shall make available and have on display forms as prescribed by the Zoning Inspector for the recovery of losses pursuant to O.R.C.3763.

Q. No weapons, firearms, or dangerous ordinances are permitted on the premises.

R. No arcade shall operate within one thousand feet from the boundaries of a parcel of real estate having situated on it a school, child day care center, church, library, governmental park, another arcade business or property zoned R-1 through and including R-4 or otherwise zoned residential, or C-1 under the Lawrence Township Zoning Code, or within one hundred feet of the boundaries of a real estate parcel or on the same real estate parcel containing a bar, tavern or other business serving or selling liquor, beer, wine or other alcoholic beverages.

Sec. 802.10 License Revocation

It shall be cause for revocation of any license required under this Article, by the issuing authority, or for non-renewal of such license, for an operator or operator's officers, directors, agents, or employees, trustee, twenty five percent of the shareholders of an operator, or any other person to:

A. Operate an amusement arcade without a valid license.

B. Operate or permit to be operated an amusement device or game machine without a valid license for that machine or device.

C. Fail to display any license required by this Article.

D. Provide any false or misleading information in the material submitted during the application process.
E. Permit any violation of:
   1. A Resolution or regulation of the Township
   2. Regulation of the County, including but not limited to rules of the Tuscarawas County Department of Health
   3. Statue of the State, any for which a criminal penalty may be invoked, to take place at any amusement arcade operated by such operator.
F. Knowingly allows gambling on the premises.
G. Transfer or altar any license issued under this Article.
H. Failure to comply with any provision of this Article.
I. Be convicted of a crime involving moral turpitude.

Sec. 802.11 Revocation Process

A. The Zoning Inspector shall notify the licensee in writing, at the address of the amusement arcade, of the reason for revocation. Service shall be made by regular first class mail with proof of service or personally.
B. When the Township revokes a license, the licensee shall not be issued another license for one year from the date the revocation became effective. If the Township finds, subsequent to revocation, that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the date the revocation became effective.

Sec 802.12 Transfer of License

A. An amusement arcade license is not transferable from one licensee to another or from one location to another. Any purported transfer of an amusement arcade license shall automatically and immediately revoke that license.
B. A skill-based amusement machine or amusement device license is not transferable from one machine or device to another or to a machine or device moved to a different location. Any purported such transfer of a license shall automatically and immediately revoke that license.

Sec. 802.13 Inspection

A. The Sheriff's Department shall, from time to time, inspect that portion of the arcade business open to the public licensed hereunder in order to assess compliance with the provisions of this Article.
B. The Zoning Inspector shall, from time to time, request the Tuscarawas County Health Department to inspect that portion of each arcade business open to the public and licensed hereunder, in order to assess compliance with the provisions of this Article and relevant Health Department regulations.
C. That the Fire Marshall and Building Official shall, from time to time, and at least four times a year, inspect that portion of the arcade business open to the

public and licensed hereunder in order to assess compliance with all applicable fire, building, and zoning code regulations.

Sec. 802.14 Nuisance

A violation of this Article shall constitute a nuisance and is subject to civil proceedings, including an injunction, in addition to prosecution for criminal violations of the State of Ohio and the Zoning Resolution of Lawrence Township.

Sec. 802.15 Effect of Partial Invalidity

If any section, subsection, or clause of this Article shall be deemed to be unconstitutional or otherwise invalid, the validity and enforcement of the remaining sections, subsections, and clauses shall not be affected.

Sec. 802.16 Fee Collected

All license fees collected shall be used for criminal investigations, police weapons, training and equipment, electronic and gaming experts, consultants, and other costs related to gaming activities. Up to twenty five percent of such fees collected shall be allocated to the Fire Department for training.

Sec. 802.17 Penalty

Whoever violates or fails to comply with any of the provisions of this Article, for which no penalty is otherwise provided, is guilty of a second degree misdemeanor and shall be subject to the penalties set forth in O.R.C. Section 2929. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs.

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ARTICLE IX

WELLHEAD PROTECTION OVERLAY DISTRICTS

Sec. 900 "WP-1" INNER ZONE OVERLAY DISTRICT

Sec. 900.1 Purpose

The "WP-1" Inner Zone Overlay District is designed to safeguard the public health, safety, and welfare of citizens and institutions that are customers of the Tuscarawas County Metropolitan Sewer District (hereinafter referred to as County) – Wilkshire Hills Community water system by regulating future land use and storage, handling, use, or production of regulated substances within the zone of influence. The intent of this designation is to protect the community's potable water supply against contamination. This zone consists of land within the one-year time of travel zone as designated by the Ohio Environmental Protection Agency and shown on the Wellhead Protection Zone map located in the official Zoning Maps, held at the Lawrence Township offices. Also see **Appendix B.**

Sec. 900.2 Permitted Uses

The permitted uses within the "WP-1" Inner Zone Overlay District are restricted to public utilities, roads and county water supply and treatment facilities.

Sec. 900.3 Conditional Use

The conditional uses within the "WP-1" Inner Zone Overlay District are:

A. Agriculture
   Use is restricted based on crops grown, tillage practices, and chemicals used for fertilizer, herbicides and pesticides. All proposed conditional uses must be approved by the County.

B. Residential housing
   Use restricted to dwelling units where public water and sewer service is utilized.

Sec. 900.4 Lot, Height, Bulk, Yard, and Buffer Regulations

The lot size requirements, bulk regulations and buffer strip requirements for the "WP-1" Inner Zone Overlay District shall conform to the requirements of the use permitted.

Sec. 901 "WP-2" Outer Zone Overlay District

Sec. 901.1 Purpose

The "WP-2" Outer Zone Overlay District is designed to safeguard the public health, safety, and welfare of citizens and institutions that are customers of the county water system by regulating the land use and the storage, handling, use, and production of regulated substances. The land within the outer protection zone is described as the land area within Lawrence Township which lies within the five year and ten year

time of travel areas as designated by the Ohio Environmental Protection Agency (OEPA) and shown on the Wellhead Protection Zone (WP-2) map located in the Zoning maps held at the Lawrence Township offices. The intent of this designation is to protect the community's potable water supply against contamination. Also see **Appendix C**.

Sec. 901.2 Applicability to Underlying Zoning Districts

The provisions of **Section 901.1 through 901.10**, inclusive, shall be applicable to all lands shown as being located within the boundaries of the "WP-2" Outer Zone Overlay District on the zoning map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this section are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

Sec. 901.3 Permitted Uses, Bulk and Yard Regulations

The permitted uses bulk and yard regulations within the "WP-2" Outer Zone Overlay District shall be those of the underlying zoning district.

Sec. 901.4 Conditional Uses

The following uses are conditional uses within the "WP-2" Outer Zone Overlay District:

A. The conditional uses with the "WP-2" Outer Zone Overlay District shall be those of the underlying zoning district, except as specified **in Sections 901.1 and 901.5.**

B. The excavation, extraction, mining, or processing of sand, gravel, and limestone from the earth for resale shall remain as Conditional Uses in the "WP-2" Outer Zone Overlay District subject to Board of Zoning Appeals approval of an excavation and facilities plan, prepared in accordance with all applicable requirements of OAC 1501:14 and ORC Title 15, Chapter 1514, that includes, but is not limited to:

1. An existing site plan with topographic detail at two feet contour intervals, all planimetric information, depth to ground water and flood plain characteristics where applicable.
2. The proposed extent and depth of excavation.
3. Slope angle of excavation walls (any final slopes shall be at the angle of repose for the remaining material).
4. Use and disposition of the soil and/or overburden materials from the excavations including a landscaping and vegetation plan to stabilize any disturbed material.
5. Surface drainage plan:
   a. Drainage into on-site excavations from proximate off-site transportation facilities such as roadways and roadbeds and off-site watercourses is prohibited unless the applicant provides a plan which otherwise protects the excavations from off-site waterborne regulated substances
   b. The final on-site grading shall minimize all surface drainage in the excavations

6. A post-excavation and operation land use plan; or restoration of site to conditions at a minimum similar to those prior to mining activates
7. A security plan (unauthorized access shall be strictly prohibited as long as any excavations remain on-site)

C. Oil and gas wells
1. Existing gas and oil wells must be maintained in compliance with the requirements of OAC 1501:9 and ORC Title 15, Chapter 1509:1
2. Installation of new oil and gas wells shall remain as conditional uses in the "WP-2" Outer Zone Overlay District subject to Board of Zoning Appeals approval of a facilities plan, prepared in accordance with all applicable requirements of OAC 1501:9 and ORC Title 15, Chapter 1509.1.

Sec. 901.5 Prohibited Uses

A. Sanitary landfills, construction demolition and debris landfills and their facilities as defined per OAC 3745, underground injection wells, drywells, or other non-approved matter, junkyards and new or replacement underground fuel/chemical storage tanks (UST) are prohibited within the "WP-2" Outer Zone Overlay District. Existing USTs are permitted so long as their construction, leak detection and maintenance programs meet all local, state, and/or federal UST rules and regulations.

B. The bulk storage of any hazardous material except if used for agricultural purposes, in which case it may not be stored for a period greater than thirty days. The storage of any hazardous material must be reported to the County.

Sec. 901.6 Best Management Practices and Exemptions

A. To the maximum extent practical, owners and operators within all Wellhead Protective Overlay Districts shall implement best management practices (BMPs) to reduce risk of release and pollution of the environment. BMPs are defined as "schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the risk of a release".
1. BMPs include, but are not limited to, the following:
   a. Treatment techniques
   b. Operating Procedures
   c. Practices to control runoff, spills, and leaks
2. Spill control measures shall include, but are not limited to, the following:
   a. Secondary and tertiary containment systems, including the use of containment during chemical storage, transfer, and use. The containment system shall be designed to meet the most recent requirements of the state or federal government.
   b. Adopting standardized spill response protocols and providing training to employees to help insure response protocols are enacted if a spill or release occurs.

c. Drums and other types of containers holding Regulated Substances and wastes of such substances shall be stored within secondary containment.

B. Exiting containment systems and procedures shall not be removed, nor shall their ability to contain spills be compromised, so long as regulated substances are stored, transferred or used within the containment areas. Containment systems shall be maintained in good working order. Improvements and/or additions to containment systems may be performed so long as the ability to contain a spill is not compromised. Temporary approved containment systems may be required during maintenance and/or improvement activities.

C. The following types of products and volumes are exempt from BMP requirements within the "WP-1" Inner Zone Overlay District:

1. Cleaning agents packaged for personal or household use
2. Prescription medications for individual use
3. Construction materials stored at or being transported to a permitted construction site which do not pose real or present danger of causing contamination
4. Office supplies packaged for personal or office use
5. Refrigerants contained in on-site cooling equipment or contained in household appliances, including refrigeration repair service storage vessels
6. The through transport of a regulated substance, so long as the transporting vehicle is not stopped within the "WP-1" Inner Zone Overlay District for longer than two hours or the "WP-2" Outer Zone Overlay District for longer than twelve hours.
7. Properly maintained liquid filled transformers
8. Motor vehicle fuels and other liquids that are stored on and are an integral part of an operable motor vehicle or boat and used specifically and solely for the operation of the vehicle in which the substances are contained in conjunction with permitted or approved conditional use. This does not include the tanker portion of a tractor-trailer or similarly purposed vehicle.
9. Heating oil for residential uses stores in tanks with a total capacity of less than five hundred gallons per residential lot
10. Agricultural BMP per tillage practices, crop and/or
11. Fertilizer, Herbicide, Pesticide

D. Substances to be regulated, hereinafter referred to as regulated substances, are chemicals and mixtures of chemicals, which are health hazards. Regulated substances include:

1. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepotoxins, nephrotoxins, neurotoxins, agents which act on the

hematopoietic system and agents which damage the lungs, skin, eyes, or mucous membranes.

2. Mixtures of chemicals, which have been tested as a whole, and have been, determined to be a health hazard.
3. Ingredients of mixtures prepared within the "WP-1" Inner Zone Overlay District in cases where such ingredients are health hazards but comprise less than one-tenth percent of the mixture (on a weight per unit weight basis) if carcinogenic or less than one percent of the mixture (on a weight per unit weight basis) if noncarcinogenic.
4. Petroleum and nonsolid petroleum derivatives (except non-PCB dielectric fluids).

E. Wastewater Disposal.

All uses within the Wellhead Protective Overlay Districts shall be connected to the public wastewater disposal system, if or when available. If not available, all on-lot wastewater disposal systems shall be inspected and approved by the Tuscarawas County General Health District to meet criteria for on-lot wastewater disposal systems located within a wellhead protection area.

NOTE: THIS REGULATION DOES NOT RESTRICT THE USE OF AGRICULTURAL CHEMICALS APPLIED IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES AND/OR LABEL DIRECTIONS. THE AVAILABLE BEST MANAGEMENT PLAN MUST BE SUBMITTED FOR REVIEW BY THE COUNTY ANNUALLY.

Sec. 901.7 Enforcement

A. Enforcement Provisions

The enforcement provisions within **Section 901.7 through Section 901.10**, inclusive, of this Zoning Resolution are incorporated herein by reference and apply to all land within the "WP-1" Inner Zone Overlay District and the "WP-2" Outer Zone Overlay District, as defined.

B. Management of Regulated Substances

No person shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as "handle", any regulated substance on public or private property within the "WP-2" Outer Zone Overlay District except as provided by law, statue, ordinance, rule or regulation. With the exception of single-family or two-family residences wherein the regulated substances are for the normal and customary maintenance of the residence or vehicles under control of the occupant, the use of any land, building, or structure in the "WP-2" Outer Zone Overlay District or the "WP-1" Inner Zone Overlay District in which any regulated substances are handled and for which an occupancy certificate has not been issued is hereby determined to be a nuisance and must be abated.

C. Public Water Supply Protection Authority

1. If any activity or use of regulated substance is deemed by the Zoning Inspector to pose a real and present danger of contaminating surface and/or groundwater, which would normally enter the public water supply, the Zoning Inspector, is hereby authorized to:
   a. Cause cessation of said activity or use of the regulated substances
   b. Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or
   c. Cause the provision of pollution control and/or abatement activities.
2. When considering the exercise of any of the above authorities or actions, the Zoning Inspector shall consult with the County Sanitary Engineer and/or Director. Such consultation shall determine what measures need to be taken to ensure the public water supply is reasonably and adequately protected from contamination for the present and the future. The Zoning Inspector may take into consideration any evidence represented by the entity regarding cost effectiveness and the economic effectiveness and the economic impact imposed by the requirements or actions.

D. Inspections

Subject to applicable provisions of law, the Zoning Inspector or authorized designee bearing proper identification shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this section. Upon request of the entity which is the subject of the inspection, and if permitted by the state public records law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the Zoning Inspector, the Zoning Inspector may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property; but no consent is necessary for entry into areas then open to the public or to customers.

E. Technical Consultants

Upon application for a zoning certificate and/or occupancy certificate for a use within this outer protection zone, the Zoning Inspector may employ such technical expertise as needed, which may include, but not limited to, geologists, hydro-geologists, engineers, agronomists and soils scientists, to ensure compliance with the provision of these regulations. All reasonable costs, as determined by the Lawrence Township Zoning Board, incurred in the compliance review process shall be passed through to the applicant and shall be in addition to those fees normally charged to review an application for a zoning certificate and/or occupancy certificate.

Sec. 901.8 Reporting Regulated Substance Spills, Leaks, or Discharges

A. Notification Required

Any person with direct knowledge of a spill, leak or discharge of a regulated substance, in any volume, that escapes containment or contacts a pervious ground surface within either of the Wellhead Protection Zone Overlay Districts and such spill, leak or discharge is not immediately and completely remediated, shall give notice to the County by telephone within thirty minutes. The notification shall include at a minimum, a location of the incident, name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, state, and federal reporting obligations as required by law.

B. Application of Agriculture Chemicals Not a Spill, Leak or Discharge

The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. used in routine agricultural operations, including plant nutrients and crop protection materials, applied under Best Management Practices as indicated by soil tests, agricultural experts, or label directions approved by the United States EPA or the Ohio Department of Agriculture, shall not be considered a spill, leak, or discharge subject to the reporting provisions of this paragraph.

C. Liability and Required Documentation

Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by the County in response to such an incident, in addition to the amount of any fines imposed on account thereof under state and federal law. Said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than one hundred eighty days after the incident.

D. Falsifying Information

No person shall make any false statement, representation, or certification in any report or other document filed or required to be maintained pursuant to this section. Any person who knowingly withholds relevant information will be subject to prosecution.

Sec. 901.9 Exemption of Regulated Substances

The Zoning Inspector is authorized to exclude certain regulated substances that pose no threat to ground water, from the provisions of these regulations. Prior to authorizing the exemption of any regulated substance, the Zoning Inspector shall have such request for exemption reviewed by the County.

Sec. 901.10 Clean Closure Requirements

Except in the case of a seasonal discontinuation of operation, the owner or operator of any non-residential property that becomes unoccupied or has discontinued operation for a period of ninety consecutive days shall remove all regulated substances from the property other than those used exclusively for heating, cooling, and providing electrical lighting for the premises within ninety days after the date upon which the property initially became unoccupied or the operation discontinued per OAC 3745-352 and ORC 3752, Cessation of Regulated Operation (CRO). The County will be provided with OEPA inspection reports documenting applicable CRO regulations have been met. Except as noted above, regulated substances that are excluded from reporting requirements shall be removed by the date specified above. The owner or operator shall secure the regulated substances on the property until they have been removed. The owner or operator shall notify the County Sanitary Engineer in writing of the date of the cessation of operation or the property becoming unoccupied no later than the day upon which the operation actually ceases or the property becomes unoccupied, and such notification shall include the owner's name, phone number, and address and the operator's name, phone number and new address.

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ARTICLE X

ADMINISTRATION AND ENFORCEMENT

Sec. 1001 Administration

Sec. 1001.1 Zoning Inspector

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. If the zoning inspector shall find that any of the provisions of this resolution are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alternations, or structural changes discontinuance of any illegal work being done; or shall take any other action authorized by this resolution to ensure compliance with or to prevent violation of its provisions.

Sec. 1001.2 Submission of Application

All applications for zoning certificates shall be submitted to the Zoning Inspector who may issue zoning certificates when all applicable provisions of this Resolution have been met. All applications for Conditional Use Zoning Certificates shall be made to the Zoning Inspector and submitted to the Board of Zoning Appeals which may issue Conditional Use Zoning Certificates in accordance with **Article VI** of this Resolution.

Sec 1001.3 Zoning Certificates Required

A. Before constructing, changing the use of, or altering any buildings, or changing the use of any premises, application shall be made to the Zoning Inspector for a zoning certificate. Failure to obtain a zoning certificate shall be a violation of this resolution. The application shall include the following information:
   1. A plot plan drawn to scale showing the exact dimension of the lot to be built upon including size and location of any existing structures.
   2. The location, dimensions, height and bulk of structures to be erected.
   3. The intended use.
   4. The yard, open area and parking space dimensions.
   5. Evidence that the responsible health authority has approved the proposed sanitary sewage disposal facilities for the use for which the zoning certificate has been requested.
   6. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.
   7. For commercial and industrial facilities, two complete sets of building plans stamped and approved by the State of Ohio shall be provided when applying for a building permit.

B. No zoning certificate shall be granted to build any structure within the confines of the unincorporated area of the Township which has ingress and egress to the highway until the owner of such property has secured a permit from the State Department of Transportation, the county Engineer, or the proper Township official (whichever authority has jurisdiction), for permission to install a culvert of the proper size and specifications required by said State Department of Transportation, County Engineer, or proper local Township official, (whichever authority has jurisdiction).

C. Within ten days after receipt of application the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee as indicated in **Section 1001.4.**

D. The zoning certificate shall become void at the expiration of twelve months after date of issuance unless construction is started. If work is not completed within one year of start of construction, a new permit must be obtained.

Sec. 1001.4 Fees

A. Any application for an amendment to this resolution, request for a zoning certificate, review of a planned development proposal, request for a variance, or other request for other action pursuant to the regulations set forth in this resolution shall be accompanied by a fee. Fees shall be established by resolution of the Board of Trustees.

B. Fees for a conditional zoning certificate shall be established by the Board of Trustees in consultation with the Board of Zoning Appeals.

C. Current fees are available at the township building at the Fiscal Officer's office.

D. The fees for a nonconforming zoning certificate shall be determined by the Township Trustees.

E. When a Board or Commission finds it necessary to maintain a strict record of public hearing procedures, or when a Board or Commission had deemed it necessary to require special studies to be made, the applicant shall bear all direct and related costs.

F. Failure to Acquire Zoning Certificate. An amount equal to double the normal schedule fee shall be assessed for failure to acquire any or all Zoning Permit(s) as required by this resolution.

Sec. 1001.5 Board of Zoning Appeals

The Board of Township Trustees of any township proceeding under Sections 519.01 to 519.99 of the Ohio Revised Code shall create and establish a Township Board of Zoning Appeals. The Board of Zoning Appeals shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the board. The Board of Township Trustees may appoint two alternate members to the township Board of Zoning Appeals, for terms to be determined by the Board of the Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of

the township Board of Zoning Appeals, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

A. Powers and Duties

The Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 519.01 to 519.99 inclusive of the Revised Code, or of this Resolution which is adopted pursuant thereto.
2. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owning to special condition, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
3. To grant Conditional Use Zoning Certificates for the use of land, buildings or other structures if such certificates for specific uses are provided for in the Zoning Resolution.

   In exercising the above-mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly or may modify the order, requirements, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.
4. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken and on due cause shown.

B. Appeals and Applications

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by an officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty days after the decision, by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution, and shall set forth the interpretation that is claimed by the Board, the details of the variance that is applied for and the grounds on which it is

claimed that the variance should be granted as the case may be. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals by case number under one or another of the following headings:

1. Interpretation
2. Conditional Use Zoning Certificates
3. Variance

C. Variances

To authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. A variance from the terms of this resolution shall not be granted by the board of zoning appeals unless and until:

1. A written application for a variance is submitted demonstrating:
    a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district
    b. That literal interpretation of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution
    c. That the special conditions and circumstances do not result from the actions of the applicant
    d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this resolution, to other lands, structures, or buildings in the same district
2. Notice of public hearing shall be given as in **Section 601.4E** of this resolution.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
4. The Board of Zoning Appeals shall make findings that the requirements of **Section 1001.5D or 1001.5E** have been met by the applicant for variance.
5. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
6. The Board of Zoning Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this resolution and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

D. Use Variance Standard: Unnecessary Hardship

1. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district.
2. The hardship condition is not created by actions of the applicant.
3. The granting of the variance will not adversely affect the rights of adjacent owners.
4. The granting of the variance will not adversely affect the public health, safety, or general welfare.
5. The variance will be consistent with the general spirit and intent of the zoning code.
6. The variance sought is the minimum which will afford relief to the applicant.
7. There is no other economically viable use which is permitted in the zoning district.

E Non-Use Variance Standard: Practical Difficulty

1. The property in question will not yield a reasonable return without a variance or there cannot be any beneficial use of the property without the variance.
2. The variance is not substantial.
3. The essential character of the neighborhood is not substantially altered and the adjoining properties will not suffer substantial detriment as a result of the variance.
4. The variance will not adversely affect the delivery of governmental services.
5. The property owner's predicament feasibly cannot be obviated through some method other than a variance.
6. The spirit and intent behind the zoning requirement is observed and substantial justice done by granting a variance.

F. Stay of Proceedings

An appeal to the Board of Zoning Appeals prevents further enforcement of the decision that is being appealed, unless the Zoning Inspector certifies to the Board of Zoning Appeals after the notice of appeal is filed that by reason of facts stated in writing to the Board of Zoning Appeals that a stay, would, in the opinion of the Zoning Inspector, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an injunction granted by the court of Common Pleas.

Sec. 1001.6 Zoning Commission – Powers and Duties

The Board of Township Trustees of any township proceeding under Sections 519.01 to 519.99 of the Ohio Revised Code shall create and establish a Township Zoning Commission. The Commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the board. The Board of Township Trustees may appoint two alternate members to the township Zoning

Commission, for terms to be determined by the Board of the Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the township Zoning Commission, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

A. Develop the Zoning Resolution and Map

1. The Township Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the zoning commission for the carrying out by the board of township trustees of powers, purposes, and provisions set forth in Section 519.01 to 519.99, inclusive, of the Revised Code, including additions to territory in which a township zoning plan is in effect.
2. The Zoning Commission, may within the limits of the money appropriated by the Board for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary. The Zoning Commission, shall organize, adopt rules for the transaction of its business and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board may approve and provide. No township trustee shall be employed by the zoning commission of his township.
    a. The Zoning Commission shall make use of such information and counsel as is available from appropriate pubic officials, departments, and agencies and such officials, departments, and agencies having information, maps and data pertinent to township zoning shall make them available for the use of the zoning commission.
    b. In any county where there is a county or regional planning commission, the Zoning Commission may request such planning commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps, for the unincorporated area of the township or any portion of the same.

B. Hold Public Hearings on Zoning Amendments and Make Recommendations to the Trustees

Before certifying its recommendations of a zoning plan to the Board of Township Trustees, the township Zoning Commission shall hold at least one public hearing, notice of which shall be given by one publication in one or more newspapers of general circulation in the township at least thirty days before the date of such hearing. The notice shall state the place and time at which the text and maps of the proposed zoning resolution may be examined.

C. Review Matters Referred by the Board of Trustees
Amendments to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the township trustees require such a fee, it shall be required generally for each application. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

D. Make Reports on the Operation of the Zoning Resolution.

E. Approve Proposed Development within Planned Unit Developments

1. A township zoning resolution or amendment adopted in accordance with this article may establish or modify planned-unit developments. Planned-unit development regulations shall apply to property only at the election of the property owner and shall include standards to be used by the Board of Township Trustees, or if the board so chooses, by the Township Zoning Commission, in determining whether to approve or disapprove any proposed development within a planned-unit development. The planned-unit development shall further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development. Within a planned-unit development, the township zoning regulations, where applicable, need not be uniform, but may vary in order to accommodate unified development and to promote the public health, safety, morals and other purposes of this section.
2. Pursuant to Section 519.12 of the Revised Code, the Board of Township Trustees may adopt planned-unit development regulations and amend the zoning map to rezone property as planned-unit developments. Any other zoning regulations and zoning district that exist at the time a planned-unit development district is established under this division continue to apply within the planned-unit development district unless the Board or the Township Zoning Commission approves an application of an owner of property within the district to subject the owner's property to planned-unit development regulations under this division. Such an application shall be made in accordance with the planned-unit development regulations and shall include a development plan that complies with the planned-unit development regulations. Upon receiving such an application, the Board of Township Trustees or Township Zoning Commission, as applicable, shall determine whether the application and

plan comply with the planned-unit development regulations. The Board's or Commission's determination shall not be considered to be an amendment to a township zoning resolution for purposes of Section 519.12 of the Revised Code, but may be appealed pursuant to Chapter 2506, of the Revised Code. If the Board or Commission makes a final determination that the plan included in the application complies with the planned-unit development regulations or, if the Board's or Commission's final determination is one of non-compliance then if a court of competent jurisdiction makes a final non-appealable order finding compliance, the Board or Commission , as applicable, shall approve the application and upon approval shall cause the zoning map to be changed so that any other zoning district that applied to the property that is the subject of the owner's application no longer applies to that property. The removal of the prior zoning district from the zoning map is a ministerial act and shall not be considered to be an amendment or supplement to a township zoning resolution for the purposes of Section 519.12 of the Revised Code and may not be appealed pursuant to Chapter 2506 of the Revised Code.

F. Similar Use Provision

1. Where there is a proposed use that is not currently listed in this Resolution, the Zoning Commission may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.
2. The Zoning Commission should consider the nature, operation, and function of the use in its determination of an appropriate district and user's similarity to other uses permitted in the respective Zone District.
3. The Zoning Commission may find that the use is not compatible with any existing zoning district and not permit the use under the current Resolution or, as an alternative, the Zoning Commission may request that a new district or new provisions be adopted, through the zoning text and map amendment procedure, pursuant to **Section 1001.8**.

Sec. 1001.7 Board of Trustees – Powers and Duties

A. Adopt the Zoning Resolution

After receiving the recommended zoning plan from the township zoning commission and hold the public hearing provided for by Section 519.08 of the Revised Code, the Board of Township Trustees shall consider such recommendations and vote upon the adoption of the zoning regulations.

B. Adopt the Zoning Text and Map Amendments

1. No change in or departure from the text or maps, as certified by the Township Zoning Commission, shall be made by the Board of Township Trustees unless it is first resubmitted to the commission for approval, disapproval, or suggestions. Upon receipt of the recommendations of the Township Rural Zoning Commission regarding the proposed changes, the

Board of Township Trustees shall hold a second public hearing, at least ten day notice of the time and place of which shall be given by one publication in one or more newspapers of general circulation in the township affected. If such changes are disapproved by the Zoning Commission, the provision so disapproved must receive the favorable vote of the entire membership of the Board of Township Trustees in order to be adopted.

2. Within twenty days after such public hearing, the board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification of them. If the Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.
3. Such amendment adopted by the Board shall become effective in thirty days after the date of such adoption, unless, within thirty days after the adoption of the amendment, there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight percent of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary if its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Revised Code.

C. Set Permit and Application Fees

The Township Trustee shall set the permit and application fees as needed. These fees shall be kept in the Township Clerk's office, and may be reviewed there. These fees may be amended as needed without prior notice.

D. Appoint Zoning Commission and Board of Zoning Appeals Members

1. The Board of Township Trustees of any township proceeding under Sections 519.01 to 519.99 of the Revised Code shall create and establish a Township Zoning Commission. The Commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the Board. The Board of Township Trustees may appoint two alternate members to the Township Zoning Commission, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Township Zoning Commission, according to procedures prescribed

by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

2. The Board of Township Trustees of any township proceeding under Section 519.01 to 519.99 of the Revised Code shall create and establish a township Board of Zoning Appeals. Refer to **Section 1001.5** of this resolution to see the powers and duties of the Board of Zoning Appeals.

Sec. 1001.8 Amendments

A. Amendments or supplements to this Resolution may be initiated by:
   1. Motion of the Township Zoning Commission
   2. Passage of a resolution by the Board of Township Trustees
   3. Filing of an application by one or more of the owners or leases of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission
   4. At the time that an application for a change of zoning districts is filed with the Zoning Commission, as provided herein, a fee shall be paid to Lawrence Township for investigation, legal notices, and other expenses incidental to the determination of the zoning change. Said fee shall be for one lot or part of one lot. An additional fee shall be deposited for each additional lot or part of an additional lot or part of a lot to be adjacent to each other.
   5. The fee schedule shall be posted at the township office.

B. Upon the adoption of such motion, certification of such resolution or filing of such application the Township Zoning Commission shall pursuant to Chapter 519 of the Ohio Revised Code:
   1. Set a date for public hearing, which date shall be not less than twenty days or more than forty days after adopting, certifying or filing the initiating actions
      a. Notice of said hearing shall be given by the Township Zoning Commission by publication in one or more newspapers of general circulation in the Township at least ten days before the date of the hearing.
   2. If the property to rezone or redistrict is less than ten parcels of land, notice shall be mailed by first class mail to all property owners within, contiguous to, or across the street or roadway from the area proposed to be changed at least ten days prior to the date of the hearing. Said notice shall be mailed to such owner at the addresses appearing on the current tax duplicate of the county. The failure of delivery of such notice shall not invalidate any amendment or supplement.

3. Within five days after the adoption, certification or filing for amendment of supplement, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto, to the Regional Planning Commission.
   The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing on the proposed amendment or supplement. Failure of the Planning Commission to make a recommendation shall in no way invalidate the proposed amendment or supplement.

C. After such hearing, the Township Zoning Commission shall within thirty days, recommend approval or denial of the proposed amendment or supplement or the approval of some modification thereof and certify such recommendation together with the motion, resolution, application, and text and map pertaining thereto and the recommendation of the Regional Planning Commission to the Board of Township Trustees.

D. The Board of Township Trustees shall upon receipt of such recommendation:
   1. Set a date for public hearing on such proposed amendment or supplement that shall be not more than thirty days from receipt thereof.
   2. Give notice of such public hearing by publication in one or more newspapers of general circulation in the township at least ten days before the date of such hearing in accordance with Section 519.12F and 519.12G of the Ohio Revised Code, as applicable.
   3. Within twenty days after such public hearing, the Board shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Zoning Commission; a unanimous vote of the Board shall be required.

E. Effective Date, Referendum
   1. The amendment or supplement as adopted by the Board of Trustees shall become effective thirty days after the date of such adoption unless within thirty days after its adoption there is presented to the Board of Township Trustees a petition signed by a number of qualified voters residing in the unincorporated area of the Township or part of that unincorporated area included in the Zoning Plan equal to not less than eight percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amended or supplement at the next primary or general election.

2. No amendment or supplement for which a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment or supplement.
3. Upon certification by the Board of Election that the amendment has been approved by the voters, it shall be effective immediately.

SEC. 1001.9 Permitted Use Certificate

A. Prior to the occupancy of any nonresidential structure or nonresidential portion of an otherwise residential structure, a Permitted Use Certificate shall be obtained from the Zoning Inspector. Any change in use from one use to another, addition of a new use or from one owner/tenant to another shall require a new Permitted Use Certificate. A Permitted use Certificate shall be issued when all aspects of the building, structure or use comply with the zoning certificate previously issued.

B. It shall be unlawful to use, occupy, or permit the use or occupancy of any building, premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Use is issued by the Zoning Inspector stating that the proposed use, structure, or land conforms to the requirements of this resolution

Sec. 1002 Enforcement

Sec. 1002.1 Violations

Buildings erected, altered, moved, razed, converted, or any use of land or premises carried on in violation of any provision of this Resolution is declared to be a nuisance per **Section 203.3**.

Sec 1002.2 Inspection

The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions that are found to be in violation of this Resolution.

Sec. 1002.3 Correction Period

All violations shall be corrected within a period of thirty days after written order is issued or for a longer period of time as indicated by the Zoning Inspector. Any violations not corrected within a specified time period shall be reported to the County Prosecutor who shall initiate prosecution procedures.

Sec. 1002.4 Penalties

The owner or owners of any building or premises or part thereof where anything in violation of the Resolution shall be placed or shall exist, and any tenant or occupant of such building or premises, and any architect, builder, or contractor who shall assist in the commission of any such violation, any person who shall violate any of the provisions of this Resolution or fail to comply therewith shall for each violation of noncompliance is

deemed to be guilty of a misdemeanor and upon conviction thereof, per O.R.C. statute. Each day such violation or failure to comply shall exist shall constitute a separate offense.

Sec. 1002.5 Prevention of Violations

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is proposed to be used in violation of Section 519.01 to 519.99, inclusive, of the Revised Code of Ohio, or any regulation or provision adopted by the Township Trustees or Township Boards, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition 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. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

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ARTICLE XI

VALIDITY AND SEPARABILITY

It is hereby declared to be the legislative intent that, if any provision or provisions of this Resolution, or the application thereof to any zoning lot, building, or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effectiveness of such decision to be invalid or ineffective, or to the zoning lot, building, or other structure, or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

ARTICLE XII

REPEALER

REPEAL OF CONFLICTING ORDINANCES, EFFECTIVE DATE: All or parts of resolutions in conflict with this zoning resolution, or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect. This resolution shall become effective from and after the date of its approval and adoption, as provided by law.

AMENDED 4-8-2021
Date

Chairman of Board of Township Trustees

ATTEST: Township Fiscal Officer

ARTICLE XIII

EFFECTIVE DATE

This Resolution shall take effect and be in full force and effective from 04 APRIL 2021 which is the earliest period allowed by law.

Recommended by the Township Zoning Commission

George Downes
Chairman, Township Zoning Commission

Date: 4-8-2021

Adopted by the Lawrence Township Trustees

Chairman, Lawrence Township Trustee

Trustee

Trustee

Date: 4-8-2021

Attest by the Fiscal Officer of the Township

Fiscal Officer

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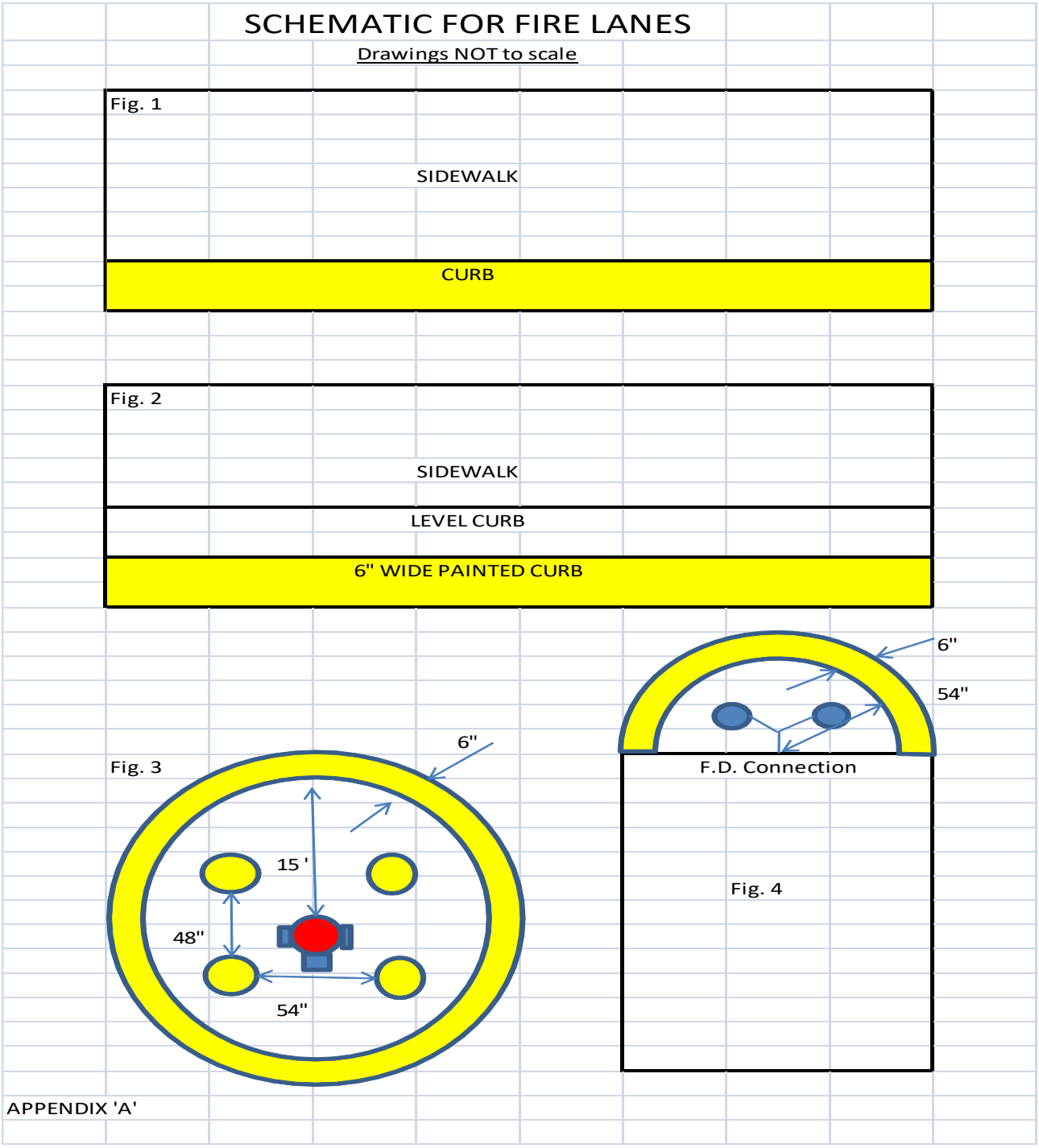
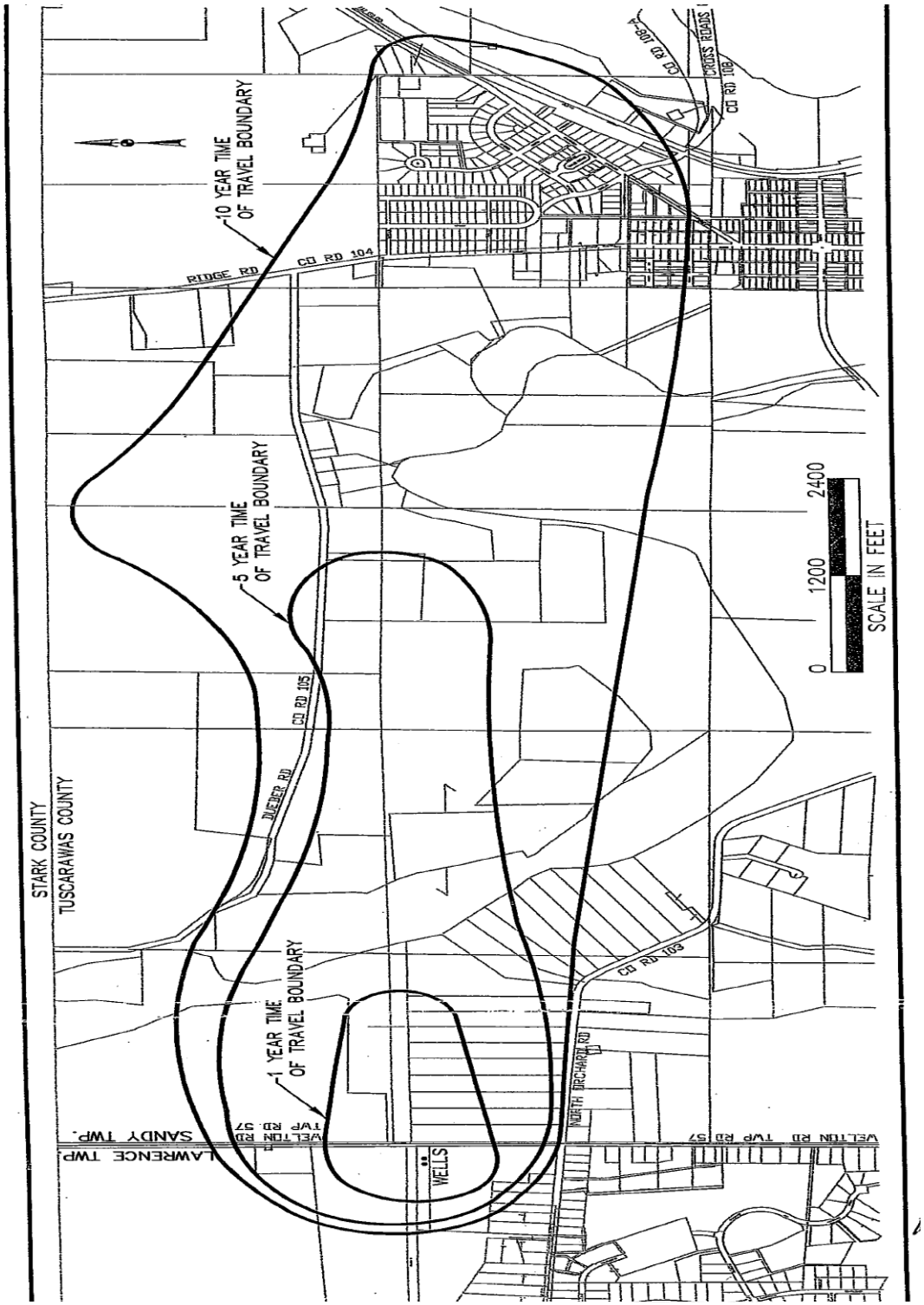
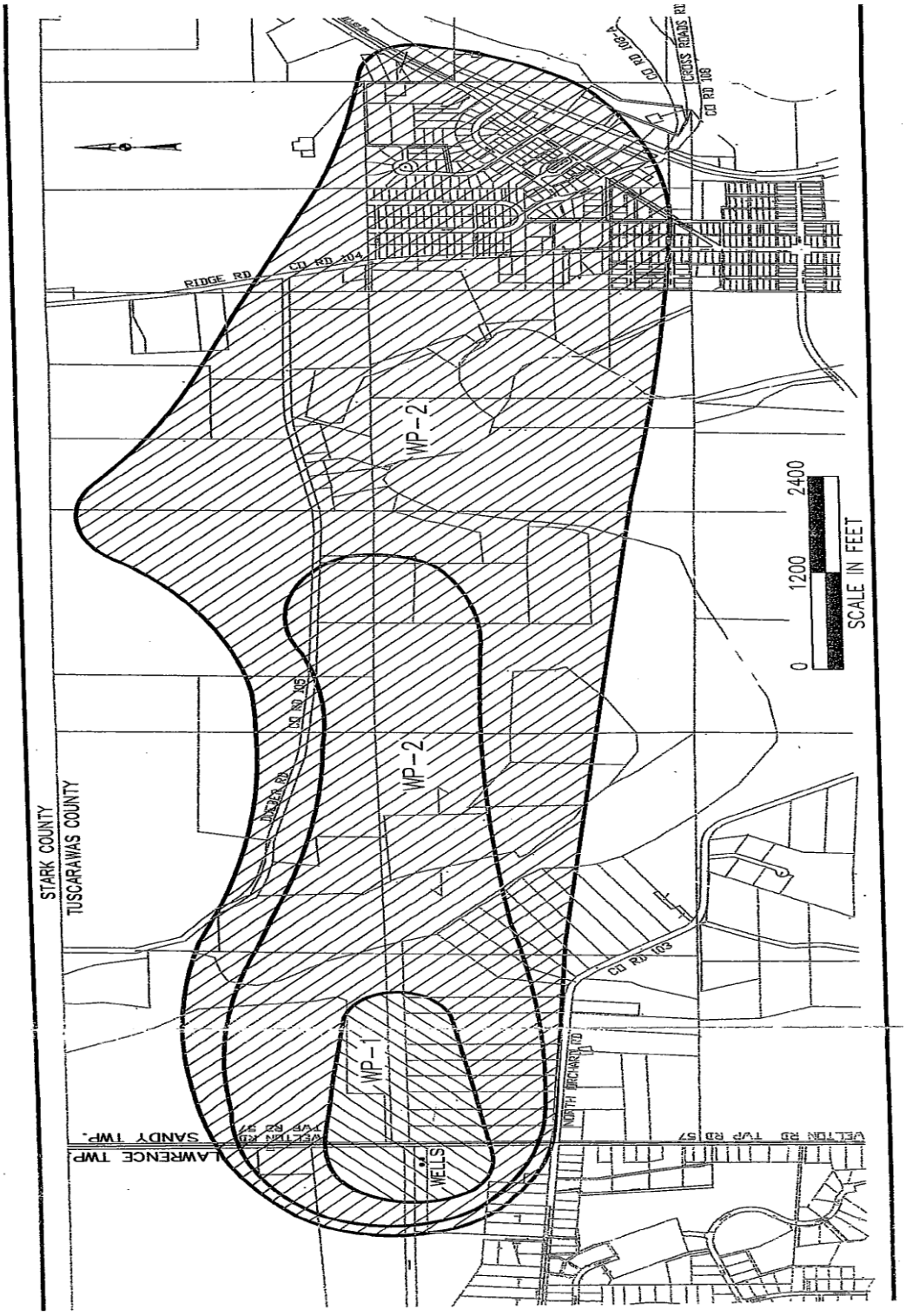
APPENDIX 'A' - SCHEMATIC FOR FIRE LANES



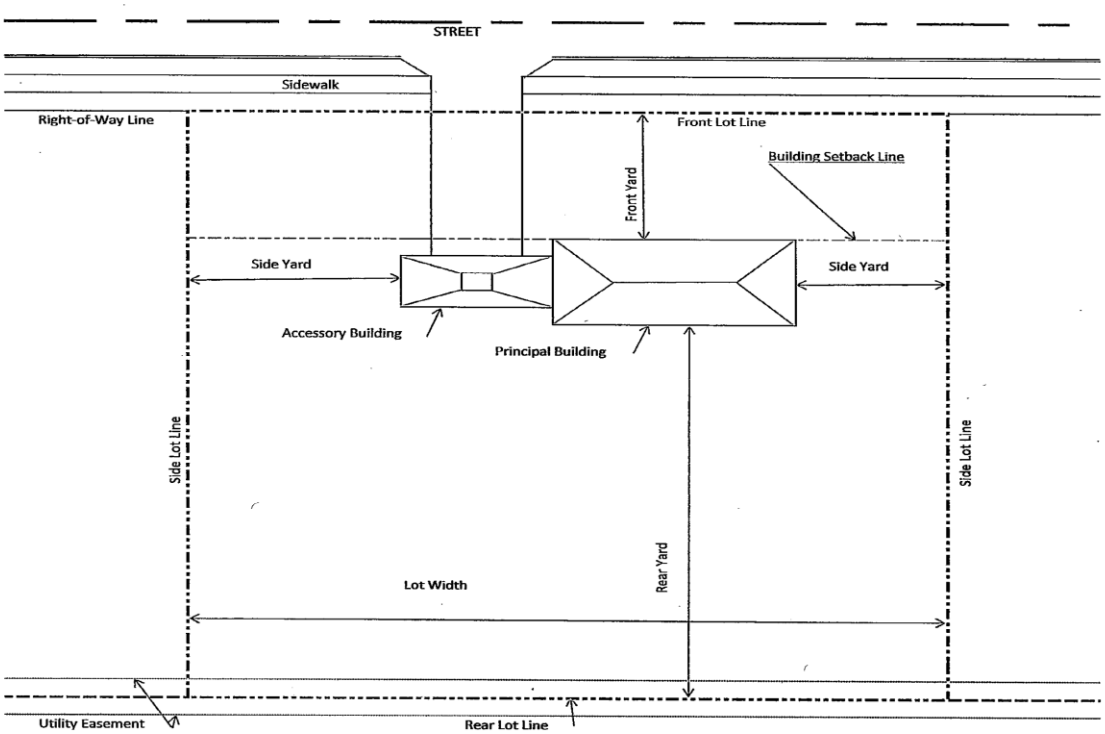
APPENDIX 'B' - WP-1



APPENDIX 'C' - WP-2



APPENDIX 'D'
- LOT AREAS

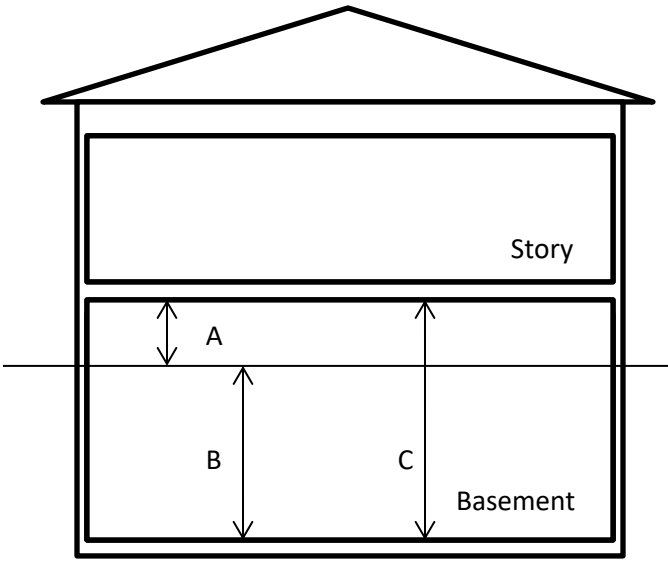


Lot Area= TOTAL HORIZONTAL AREA

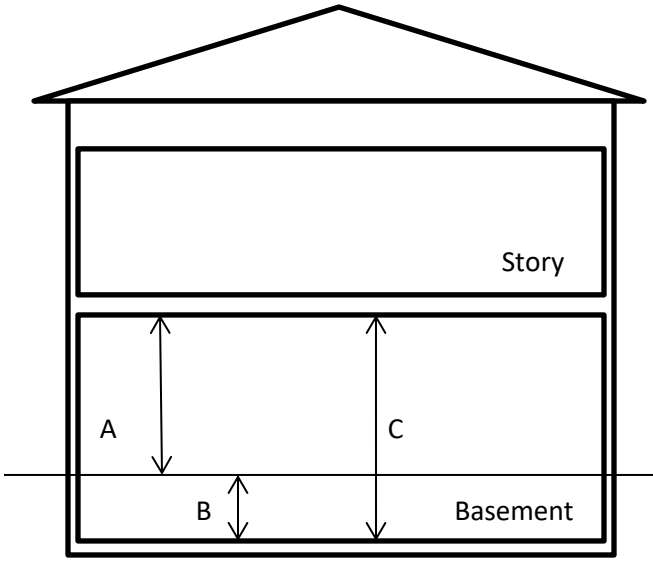
Lot Coverage= PERCENT OF LOT OCCUPIED BY BUILDING

LOT AREAS

APPENDIX 'G' - BASEMENT & STORY

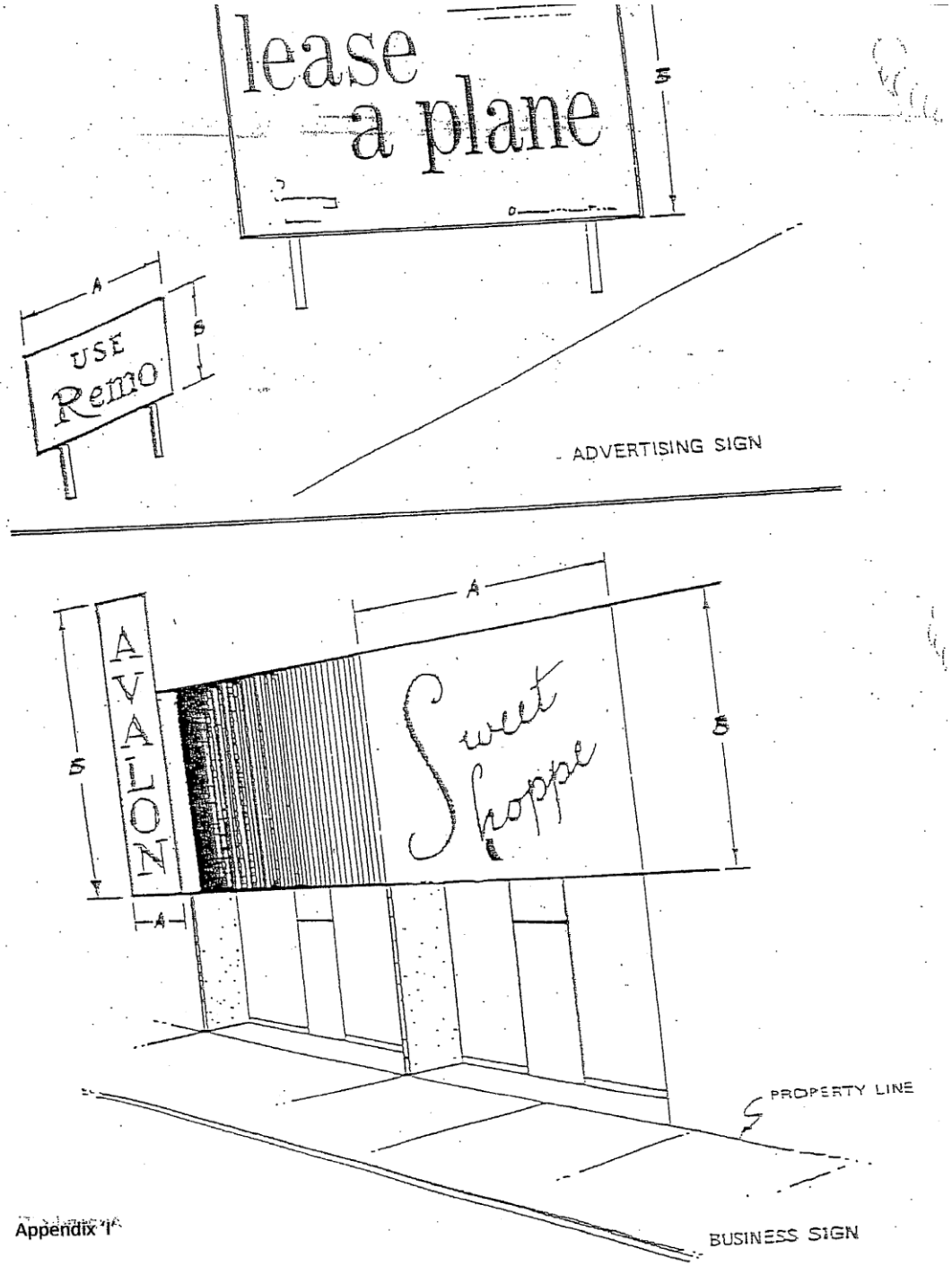


When "A" is less than "B",
"C" is a Basement.



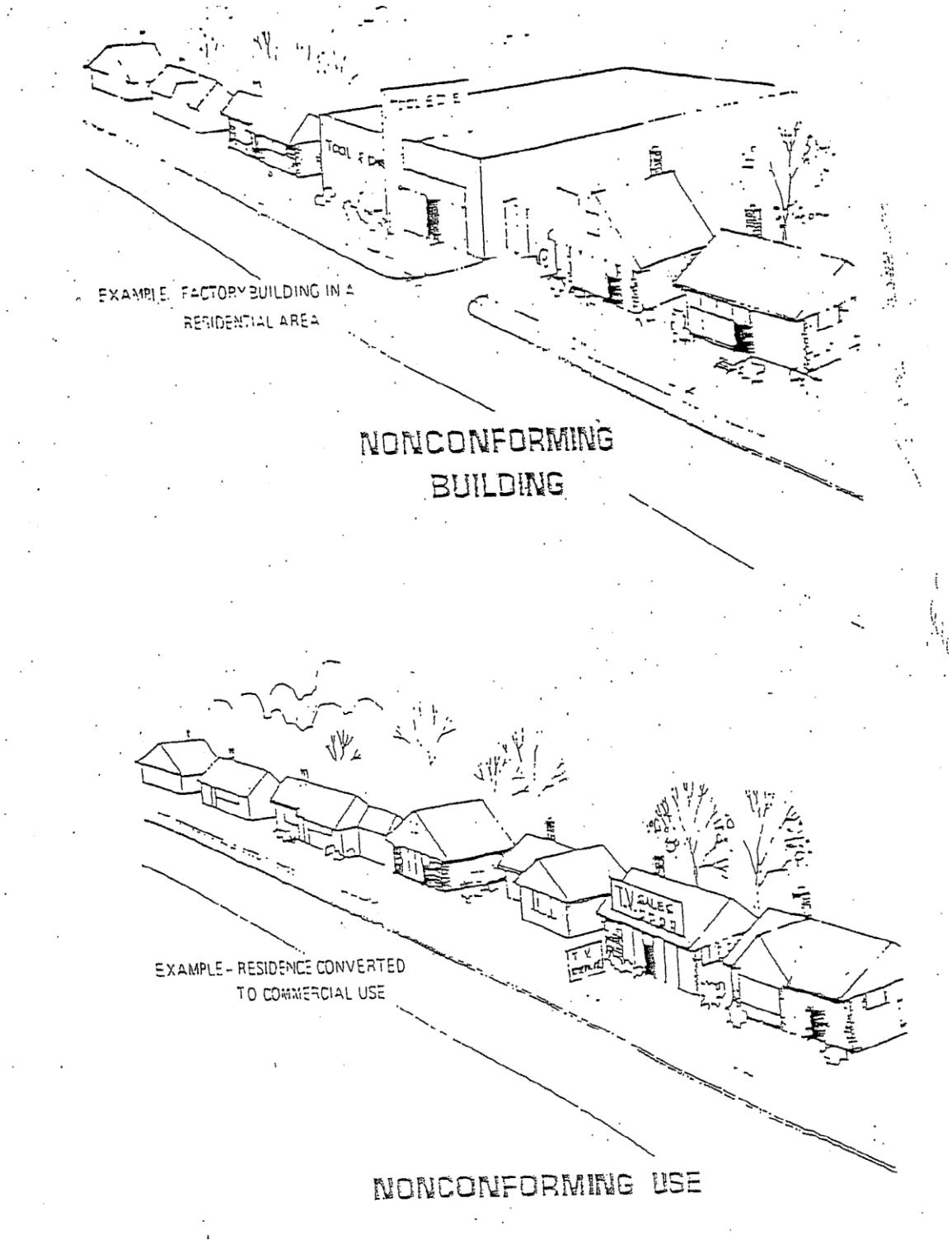
When "A" is greater than "B",
"C" is a Story

APPENDIX 'I' - TYPES OF SIGNS



TYPES OF SIGNS

APPENDIX 'J' - NONCONFORMING USE



Appendix "K"

Official Schedule of District Regulations of Lawrence Township

	R-1 LOW DENSITY	R-2 MEDIUM DENSITY	R-3 HIGH DENSITY	R-4 RURAL RESIDENTIAL		C-1 SERVICE DISTRICT	C-2 LOCAL COMMERICIAL	C-3 HIGHWAY	I-1 LIGHT INDUSTRIAL	F-1 FLOOD PLAIN
Minimum Lot Size (WITHOUT CENTRAL SEWAGE TREATMENT)	PROHIBITED	PROHIBITED	PROHIBITED	65,340 sq. ft.		40,000 sq. ft.	NONE	NONE	Two (2) Acres	(15)
Minimum Lot Size (WITH CENTRAL SEWAGE TREATMENT)	11,250 sq. ft.	10,800 sq. ft. (3,4)	7,500 sq. ft. (5)		13,600 sq. ft.	30,000 sq. ft.	NONE	NONE	Two (2) Acres	(15)
Minimum Lot Size (CORNER LOT W/OUT CENTRAL SEWAGE))	PROHIBITED	PROHIBITED	PROHIBITED	65,340 sq. ft.		60,000 sq. ft.	NONE	NONE	Three (3) Acres	(15)
Minimum Lot Size (WITH CENTRAL SEWAGE TREATMENT)	16,875 sq. ft.	16,200 sq. ft. (3,4)	11,250 sq. ft. (5)		20,400 sq. ft.	45,000 sq. ft.	NONE	NONE	Three (3) Acres	(15)
Minimum Lot Width at Building	75'		60' (6)	150'	85'	NONE	NONE	NONE	100'	(15)
Minimum Lot Width at Street	50' (1)	50'	50' (7)	75' (9)	50'	NONE	NONE	NONE	80'	(15)
Minimum Lot Width at Street (Corner Lot)	90'	90'	90'	105'	90'	NONE	NONE	NONE	80'	(15)
Minimum Front Yard Depth from Street Right-of-Way	30' (2)	30'	Ref. 303.3D	70' (10)	30' (2)	Equal to Immediate Vicinity "R" District	NONE (11)	50'	50'	(15)
Minimum Side Yard (One Side)	10'	10'	8'	20'	10'	None: Except 30' Adjacent to "R" District	None: Except 30' Adjacent to "R" District	None: Except 30' Adjacent to "R" District	25' (14)	(15)
	25'	25'	20' (8)	50'	25'					(15)
Minimum Rear Yard	40'	40'	40'	40'		25'	25'	NONE	25'	(15)
Minimum Floor Area	1200 sq. ft.	Ref. 302.4F	Ref. 303.3H	1200 sq. ft.		1200 sq. ft.				(15)
Maximum Height Principle Building	35'	35'	50'	35'		50'	50'	50'	50'	(15)
Number Permissible Stories	2.5			2.5						(15)

Appendix "K"

Official Schedule of District Regulations of Lawrence Township

	R-1 LOW DENSITY	R-2 MEDIUM DENSITY	R-3 HIGH DENSITY	R-4 RURAL RESIDENTIAL		C-1 SERVICE DISTRICT	C-2 LOCAL COMMERICIAL	C-3 HIGHWAY	I-1 LIGHT INDUSTRIAL	F-1 FLOOD PLAIN
Accessory Building (s)	1200 sq. ft. Max	1200 sq. ft. Max	1200 sq. ft. Max	Not to exceed 40% of lot size minus principle building size						(15)
Maximum Height	20'	20'	20'	20'	20'	20'	20'	20'	20'	(15)
Side Yard Set Back	10'	10'	10'	10'	10'	10'	10'	10'	10'	(15)
Rear Yard Set Back	10'	10'	10'	10'	10'	10'	10'	10'	10'	(15)
Principle Building Set Back	15'	15'	15'	15'	15'	15'	15'	15'	15'	(15)
Maximum Lot Coverage (percentage) Principle and Accessory Buildings	40%	40%	50%	40%		40%	50%	70%	50%	(15)

(1) Cul-De-Sac 45'

(2) 60' Non-Established Right-of-Way

(3) Single Family Individual Lot

(4) 8,000 sq. ft. Single Family Attached

(5) Two Family 10,000 sq. ft.; Three Family 12,000 sq. ft.; Four or more Family 2,500 sq. ft. per Family

(6) Two Family 80'; Multi-Family 100'

(7) Cul-De-Sac 40'

(8) Multi-Reference 303.3 E2 & 3

(9) Cul-De-Sac 50'

(10) 100' Non-established Right-of-Way

(11) 40' Non-Established Right-of-Way

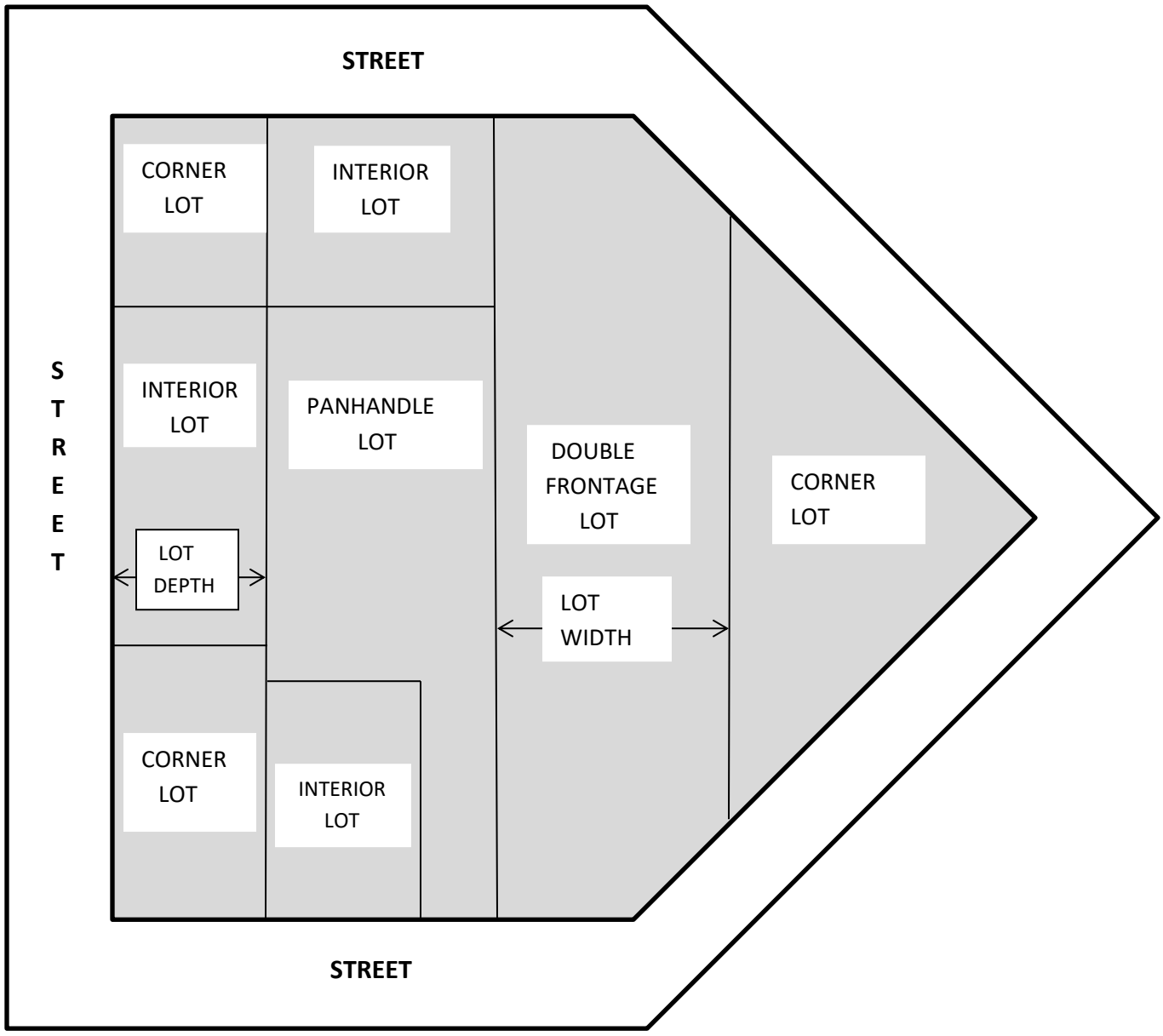
(12) 60' Non-Established Right-of-Way

(13) 90' Non-Established Right-of-Way

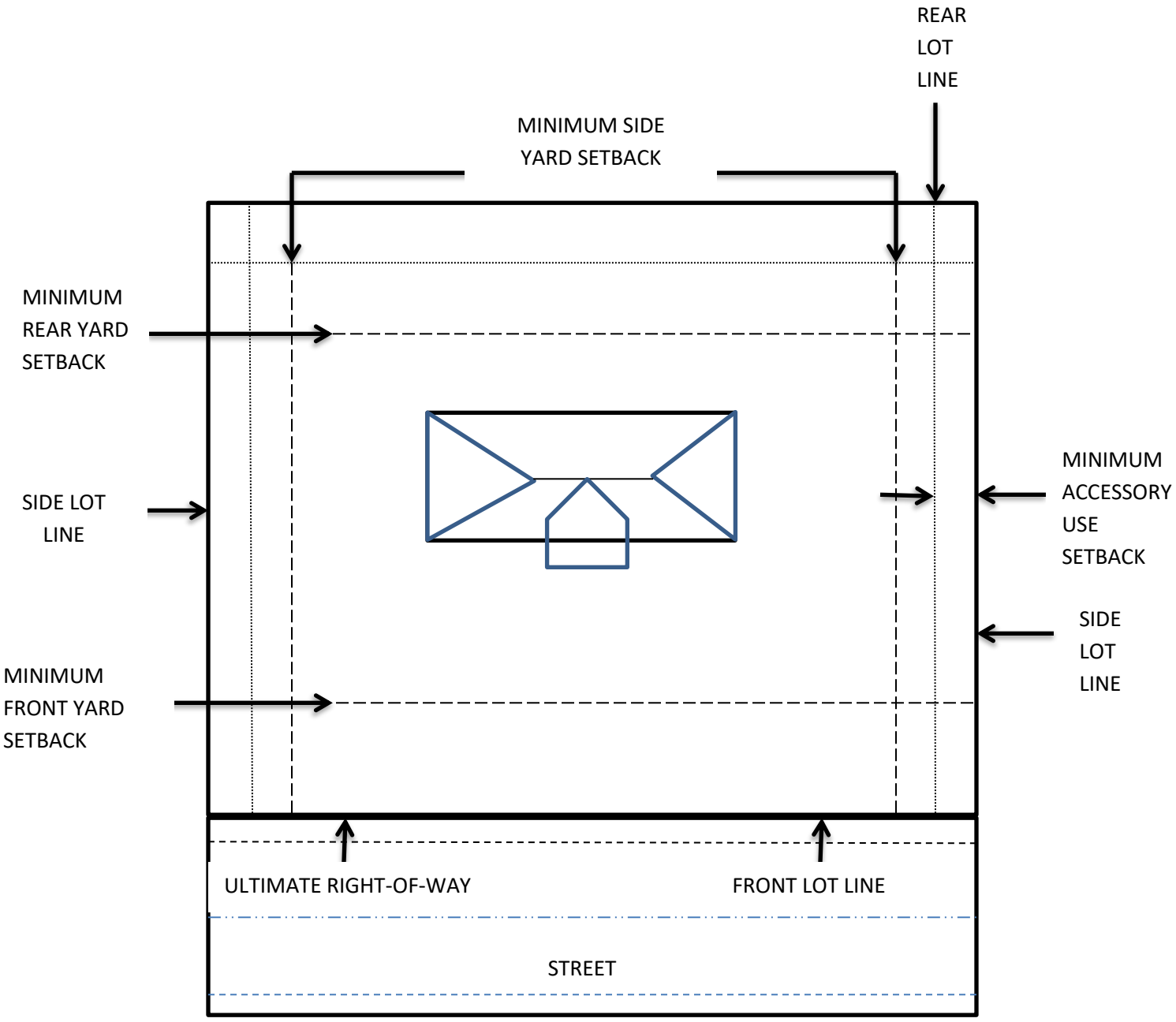
(14) 40' Non-Established Right-of-Way

(15) In Accordance With Army Corps of Engineers and Parcel Deed Restrictions

APPENDIX "L" – LOT TYPES



APPENDIX "M" – LOCATION OF LOT LINES AND SETBACKS/YARD ON A TYPICAL LOT



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DEFINITIONS

For the purposes of this Resolution, certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory; the word "building" shall include the word "structure"; the word "used" shall include the words "arranged", "designed ","constructed" ,"altered" ,"converted", or "intended to be used" and a "person" shall mean, in addition to an individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings.

A

ABANDONED CELLULAR COMMUNICATION TOWER: A tower erected for cellular communications which is no longer being used for that purpose, and which has not been used for that purpose for uninterrupted period of one hundred and eighty days or more.

ABANDONDED VEHICLE:

1. Any vehicle left on a public right-of-way for more than seventy-two hours (or less, depending on the weight of the vehicle and its location) or
2. on private property without the consent of the property owner.

ACCESSORY BUILDINGS OR USE: A subordinate building for use customarily incidental to and located upon the same lot occupied by the main building and use.

ACRE: Land area, equal to forty three thousand five hundred and sixty square feet, measured on the horizontal plane, and including land occupied by all natural and manmade features of the landscaping.

ADJOINING LOT LINE: The property boundary lines between the real property for the proposed sitting of a wind turbine generator or anemometer tower subject of the application and real property owned by another person, persons or entity.

ADULT CARE FACILITY: An adult family home or an adult group home. For the purposes of this Resolution, a residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services, is an adult care facility regardless of how the facility holds itself out to the public. Adult Care Facility does not include:

1. A facility operated by a hospice care program licensed under Section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;

2. A nursing home, residential care facility, or home for the aging as defined in Section 3721.01 of the Revised Code;
3. A community alternative home;
4. An alcohol and drug addiction program as defined in Section 5119.01 of the Revised Code;
5. A residential facility for the mentally ill licensed by the Department of Mental Health under Section 5123.19 of the Revised Code;
6. A facility licensed to provide methadone treatment under Section 5119.391 of the Revised Code;
7. A residential facility licensed under Section 5123.19 of the Revised Code or otherwise regulated by the Department of Mental Retardation and Developmental Disabilities;
8. Any residence, institution, hotel, congregate housing project, or similar facility that provides personal care services to fewer than three residents or that provides, for any number of residents, only housing, housekeeping, laundry, meal preparation, social or recreational activities, maintenance, security, transportation, and similar services that are not personal care services or skilled nursing care;
9. Any facility that receives funding for operating costs from the Department of Development under any program established to provide emergency shelter housing or transitional housing for the homeless;
10. A terminal care facility for the homeless that has entered into an agreement with a hospice care program under Section 3712.07 of the Revised Code;
11. A facility approved by the veterans administration under Section 104(a) of the Veterans Health Care Amendments of 1983, 97 Stat. 993, 38 U.S.C.A. 630, as amended, and used exclusively for the placement and care of veterans;
12. Until January 1, 1994, the portion of a facility in which care is provided exclusively to members of a religious order if the facility is owned by or part of a nonprofit institution of higher education authorized to award degrees by the Ohio Board of Regents under Chapter 1713 of the Revised Code.

ADULT DAY CARE FACILITY: An establishment that during any part of the normal business day provides supervised educational, recreational and social activities to elderly and/or handicapped adults, but not including person suffering from acute or chronic alcoholism or other drug dependence and persons who regularly require restraint.

ADULT FAMILY HOME: A residence or facility as defined and regulated in Chapter 5119 of the Ohio Revised Code, which provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults.

ADULT FAMILY HOME – MANAGER: The person responsible for the daily operation of an adult care facility. The manager and the owner of the facility may be the same person.

ADULT FAMILY HOME – OWNER: The person(s) who owns the business and who ultimately controls the operation of an adult care facility and to whom the manager, if different from the owner, is responsible.

ADULT GROUP HOME – LARGE: A resident or facility, as defined and regulated in Chapter 5119 of the Ohio Revised Code, which provides accommodations to at least nine but not more than sixteen unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

ADULT GROUP HOME – SMALL: A residence or facility, as defined and regulated in Chapter 5119 of the Ohio Revised Code, which provides accommodations to at least six but not more than eight unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

ADULT RETIREMENT COMMUNITY: A residential facility to provide for the needs of individuals who are elderly or handicapped, who do not require medical care and the intensive services of a nursing home, but desire the security and safety of a residential environment of peers, which can accommodate productive care and independent living. The facility shall consist of independent residential dwelling units designed specifically for the elderly or handicapped, and have common social, recreational, dining and food preparation facilities. Any change in use of such a facility shall require the issuance of a new zoning permit by the Zoning Inspector after review by the Zoning Inspector for determination that the parking required for such other use is met.

ADVERTISEMENT: The act of using the techniques of radio, television films, handbills, etc.

ADVERTISING: The use of text, logos, art, the spoken word, or any other device for the purpose of offering a good, product, or service for sale, trade or barter. The provisions of this section shall not restrict vehicles from featuring advertising, but shall prohibit the use of those vehicles as unpermitted permanent or semi-permanent stationary signs.

AGRICULTURE: The science and art of farming, the work of cultivating soil, producing and marketing crops, and the raising of livestock.

AGRICULTURAL USE: Farming, ranching, aquaculture, alga culture meaning the farming of algae, apiculture and related apicultural activates, production of honey, beeswax, honeycomb, and other related products; horticulture; viticulture, winemaking, and related activates; 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, fruit, vegetables,

nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; 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; and any additions or modifications to the foregoing made by the director of agriculture by rule adopted in accordance with Chapter 119 of the ORC.

AGRICULTURE PUBLIC PARK: Where there is the teaching and displays of agriculture, natural resources, and land management. This can be accomplished through seminars, hands on experience, and guidance to educate in such areas as, but not limited to, horticulture, land management, turf grass management, agricultural science, small animal care, machine and shop classes, health and nutrition, livestock management, biology courses, etc.

ALLEY: A public or private right-of-way affording secondary means of access to abutting property.

ANEMOMETER: An instrument for measuring and recording the speed of the wind.

ANEMOMETER TOWER: A structure, including all accessory facilities, temporarily erected for no more than two years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

ANIMAL HUSBANDRY: The keeping or raising of domestic animals incidental to the use of land for agricultural purposes permitted under the above definition of agriculture.

APARTMENT: A self-contained housing unit that occupies only part of a building, commonly referred to as an apartment building or apartment house.

APARTMENT HOUSE: The building containing individual living spaces know as apartments.

APPLICANT: The entity or person who submits to the Chairperson of the Township Board of Zoning Appeals and application.

ARTERIAL THOROUGHFARE: A highway primarily for through vehicular traffic usually on a continuous route. This thoroughfare provides for through traffic movement between areas across the county and to and from expressways. Arterial streets shall be as designated in the records of Tuscarawas County Regional Planning Commission, including any amendments thereto.

AUTOMOTIVE HULK: Any wrecked, dismantled or inoperative motor vehicle or part thereof which cannot be made an operative motor vehicle without the addition of vital parts or mechanisms and the application of substantial amount of labor to effect repairs.

AUTOMOTIVE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

AUTOMOBILE SERVICE STATION: A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

AUTOMOTIVE WRECKING, SALVAGE, OR JUNK FACILITIES: The dismantling or wrecking of vehicles at a facility as defined and regulated in ORC Section 4738. Such uses may include the storage or sale of junk vehicles, inoperable vehicles, or parts.

B

BAKERY: The processing, assembling, packaging, and distributing of baked goods.

BASEMENT: A story having more than one-half of its height below average grade. A basement shall not be counted as a story for the purpose of height regulations.

BED AND BREAKFAST: A home where the owner lives yet offers a tourist bed room in that home to stay for a short period of time. The owner prepares a breakfast for the tourist.

BERM: A continuous, raised earthen mound with flattened top and sloped sides, used especially as a site, sound and dust barrier, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this zoning resolution.

BILLBOARD: Same as “Outdoor Advertising Sign”, See **Section 401.2B**.

BOARD: The Board of Zoning Appeals as created by the Resolution.

BOARDING HOUSE: A building other than a hotel or motel where for compensation by the week or month, meals and/or lodging are provided for at least three but not more than twenty persons.

BUFFERYARD: A strip of ground at least ten feet in width running along the property line between adjacent districts designed to improve the quality of the district and to protect any adjacent neighbor from offensive, unsafe or unhealthy conditions.

BUILDING: Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals or chattels.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINES: The line defining the minimum front, side, and yard requirements outside of which no building or structure may be located, except as otherwise provided herein.

BUILDING, PRICIPAL: The building on a lot used to accommodate the primary use to which the premises are devoted.

BUILDING, SIGNS: A sign which identifies the business or profession conducted or the principal products sold upon the premises.

C

CARPORT: A covered vehicle parking space not completely enclosed by walls or doors. A carport shall be subject to all the provisions prescribed in these regulations for a private garage or accessory building.

CEMETERY: Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

CENTRAL SEWER SYSTEM*/CENTRAL SEWAGE TREATMENT:* ~~*A system where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.*~~ *A system of pipes and associated facilities for the collection and disposal of sewage from more than one lot.* **REVISED**

CERTIFICATE OF OCCUPANCY: Certificate required to be obtained from the Zoning Inspector before the occupancy or change of occupancy of and use is permitted in the business or industrial district of Lawrence Township.

~~*CHILD DAY-CARE: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by person other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty four hour day in a place or residence other than the child's own home. The following are child day-care facilities:*~~

~~*TYPE A: Seven to twelve children (or four to twelve if four children are under two years of age) cared for in the provider's home. The provider's own children six years of age and under must be included in the total count.*~~

~~*TYPE B: Homes serving children through the publicly funded child care program. One to six children cared for in the provider's personal home. No more than three children may be under the age of two. The provider's own children under six years of age must be included in the total count. Type B homes are only inspected by ODJFS if they serve, or intend to serve, children through the publicly funded child care program. (It should be noted anyone can operate a Type B home without a license.)*~~ **REVISED**

CHILD DAY-CARE CENTER: Any place in which child day-care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided for seven to twelve children at one time. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. "Child day-care center" and "center" do not include a place located in and operated by a hospital, as defined in ORC §3727.01, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under ORC Chapter 4731 or a registered nurse licensed under ORC Chapter 4723, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured. "Child day-care center" and "center" do not include any child day camp. **REVISED**

CHURCH: A fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person. (ORC§5709.07) **REVISED**

CLINIC: Any building or other structure devoted to the medical diagnoses, treatment, and care of human outpatients.

CLUB: A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws. **REVISED**

CO-LOCATION: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

COMMEMORATIVE PLAQUE: To serve as a memorial.

COMMERCIAL VEHICLE: Any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

(1) Has a gross vehicle weight rating (GVWR) (Can be located on the Vehicle Identification Plate on the driver's door of most vehicles) or gross combination weight rating, or gross vehicle weight or gross combination weight of four thousand five hundred thirty-six kg (ten thousand and one pound) or more, whichever is greater, or

(2) Is designed or used to transport more than eight passengers (including the driver) for compensation; or

(3) Is designed or used to transport more than fifteen passengers, including the driver, and is not used to transport passengers for compensation; or

(4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5013 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, Subtitle B, Chapter I, Subchapter C.

COMMISSION: The Township Zoning Commission.

COMMUNICATIONS TOWER: Any tower used for the purpose of communications.

COMPLEX STRUCTURES: Two or more primary business uses within a single structure located in C-1, C-2, C-3 or I-1 Districts.

CONDITIONAL USE: A use permitted within a district other than principally permitted use, requiring a conditional use certificate and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed.

CONDOMINIUM: A form of real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property.

CONGREGATE LIVING DEVELOPMENT: A residential development that consists of a congregate living facility (See definition of congregate living facility) and single family detached and/or single family attached dwelling units to provide for the needs of individuals who are elderly or handicapped with common social and recreational facilities.

CONGREGATE LIVING FACILITY: A residential facility consisting of independent units, congregate living, assisted living and/or nursing home within the facility itself, designed specifically to provide for the needs of individuals who are elderly or handicapped, and have common social, recreational, dining and food preparation facilities.

COURT: An open, unoccupied space other than a yard on the same lot with a building, unobstructed from the lowest level to the sky.

D

DANGEROUS, EXOTIC & WILD ANIMALS: As defined in the Ohio Revised Code, Section 935.01.

DECORATIVE WALL: A wall made from stone, concrete, or bricks designed for decorative purposes.

DEDICATED PRIVATE DRIVE: A dedicated private drive provides legal access to a tract of land where the dedicated privates drive fonts upon or abuts an existing public road. The dedicated private drive shall be located in an area that can be developed for access by emergency equipment (fire trucks, ambulances). A dedicated private drive provides legal access to land. A dedicated private drive may be used as an alternate to pipe stem lots.

DEMOLITION MATERIALS: Waste materials removed from the alteration, construction, destruction or repair of any man-made physical structures including, but not limited to houses, buildings and industrial or commercial facilities or roadways. This does not exclusively include paving materials, or materials recycled on the premises. This does not include solid wastes or hazardous wastes as pursuant to ORC 3734.

DENISTY: The number of families residing on, or dwelling units developed on, an acre of land.

DESIGNATED DRIVEWAY: Clearly defined roadway leading from the street which is surfaced by asphalt, concrete, gravel or similar material not to exceed twenty four feet in width or such width as may be allowed in any other development standards adopted by Lawrence Township, accordingly to **Article V** of the Zoning Resolution.

DEVELOPMENTAL DISABILITY: As defined in ORC 5123.011(Q), means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of metal and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of Section 5122.01 of the Revised Code.

(2) It is manifested before age twenty-two.

(3) It is likely to continue indefinitely.

(4) It results in one of the following:

a. In the case of a person under three years of age, at least one developmental delay or a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay;

b. In the case of a person at least three years of age but under six years of age, at least two developmental delays;

c. In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency.

(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

DISCARDED MOTOR VEHICLES: Any inoperable motor propelled vehicle or accessory to same, which is in the process of being wrecked, dismantled or stored and which does not have a license thereon which is valid or was valid not more than six months previous.

DISTRICTS: A section or sections of the unincorporated territory of Lawrence Township for which the regulations governing use of building and premises or the height and areas of buildings are uniform.

DOUBLE PARKING: The standing or stopping of a vehicle within the line of traffic for purposes other than observing normal traffic laws and regulations:

(1) On the roadway side of a parked vehicle; or

(2) On the roadway side of the space in which a vehicle may be parked.

DRIVE-THRU FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include a "drive-up" and "drive-in."

DWELLING: Any building, or structure, or portion thereof, which is designed or used primarily for residence purposes, including one-family, two-family, and multi-family, manufactured, modular and factory-built homes, but not including house trailers, mobile homes, basement dwellings, hotels, motels, boarding houses, lodging houses, and tourist dwellings. An attached garage shall be considered part of the dwelling. All such dwellings, whether built onsite or off premises, shall be constructed in accordance with local and/or state building codes and shall be certified for permanent residential purposes.

DWELLING GROUP: More than one dwelling, whether single-family, two-family or a combination thereof, located on one lot or tract of ground and having common open space and/or parking and driveway facilities.

DWELLING, INDUSTRIALIZE UNIT: An assembly of materials or products comprising all or part of a total 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, and including a modular or sectional unit but not a mobile home.

DWELLING, SINGLE-FAMILY: A dwelling designed for or used exclusively for residence purposes by one family.

DWELLING, STUDIO UNIT: A small apartment consisting typically of a main room, kitchenette and bathroom.

DWELLING, TWO-FAMILY: A building designed and used exclusively by two families living independently of each other.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

E

EMPLOYEE: A person who works for another person or company in exchange for pay, and will also include volunteers and interns.

ENFORCEMENT OFFICER: Lawrence Township Zoning Inspector, his or her designee, or a Tuscarawas County or Lawrence Township Deputy Sheriff.

ESSENTIAL SERVICES: Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure and for the public health, safety and general welfare. These services include underground, surface, overhead gas, electrical, steam, water, transmission or distribution system, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

EVERGREEN SHRUBS: A shrub that remains green throughout the year and does not lose its leaves or needles.

EVERGREEN TREE: A tree that remains green throughout the year.

EXCAVATION: The process of altering the natural grade/elevation by cutting, filling, or moving the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

EXCAVATION – PRELIMARY: Earth moving activity which does not exceed either:

(1) five feet in vertical depth at its deepest point; or

(2) a total of one-half acre of work area.

EXOTIC ANIMALS: As defined in Section 935.01 of the Ohio Revised Code.

F

FACTORY BUILT HOUSING: A residential dwelling unit designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery, to and installation upon a site. For the purpose of this Resolution, "factory-built housing" shall include manufactured home and/or modular home.
FAMILY: One or more persons occupying a dwelling and living as a single housekeeping unit, provided that unless all members are related to each other by blood, adoption, or marriage, no such family shall contain over five persons.

FAMILY DAY-CARE HOME: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by person other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than the child's own home. The following are child day-care facilities:

TYPE A: Seven to twelve children (or four to twelve if four children are under two years of age) cared for in the provider's home. The provider's own children six years of age and under must be included in the total count.

TYPE B: Homes serving children through the publicly funded child care program. One to six children cared for in the provider's personal home. No more than three children may be under the age of two. The provider's own children under six years of age must be included in the total count. Type B homes are only inspected by ODJFS if they serve, or intend to serve, children through the publicly funded child care program. (It should be noted anyone can operate a Type B home without a license.) (ORC§5104.01)

REVISED

FAMILY HOME: Means a residential facility that provided room and board, personal care, habilitation services and supervision in a family setting for not more than eight persons with developmental disabilities. ORC 5123.

FARM MARKET: See Roadside Stand

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal, vinyl, or other manufactured material or combination of material erected to enclose, screen, or separate areas.

FENCE – BARBED WIRE: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing or animals. The term "barbed wire" as used herein excludes razor ribbon.

FENCE – CHAIN LINK: An open mesh fence made entirely of wire woven in squares of approximately one and one half inches with vertical supports not less than one and one half inches in diameter spaced not less than six feet, and not more than eight feet, apart.

FENCE – DECORATIVE: A designed open or solid fence or wall that meets all of the following:

(1) It contributes to the identification and beauty of the principal use;
(2) It is not erected to satisfy any other provision of this code;
(3) It does not act as a retaining structure;
(4) It is not a privacy or stockade fence;
(5) A fence hedge used for decorative purposes only and not used to confine or enclose an area.

FENCE – FUNCTIONAL: A barrier fence or hedge used to confine or enclose an area.

FENCE – HEIGHT: The height above the horizontal property grade that represents not less than sixty percent of the property line.

FENCE – PRIVACY: A fence no more than six feet in height intended to inhibit public view and provide seclusion. When viewed at right angles has less than sixty six percent of its area open to light and air. Examples of privacy fences include but are not limited to:

(1) Basket weave or woven fences – made of interwoven strips or slats of flexible material in which the pattern has the appearance of a "basket weave".
(2) Louver or ventilating fences – Made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its plane.
(3) Board on board fence – A fence made of vertical wood planks supported by horizontal framing with the vertical planks usually mounted on alternating sides of the framing. The planks may or may not be placed with a space between.

(4) Stockade Fence – A fence made of board on board construction using rounded vertical planks with sharpened tops. The planks are usually placed with no space between.

(5) Masonry block.

FENCE – SECURITY: A type of fencing used mostly on industrial or commercial property with the purpose of providing enhanced protection for the assets, for the storage areas as well as the open areas on the property.

REVISED

FENCE – TEMPORARY: Fences erected for a specific function and limited time duration.

FILL OR FILLING: Any artificial or mechanical act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting there from; the difference in elevation between a point on the original ground and a designated point of higher altitude on the filled grade, the material used to make a fill.

FLOOD PLAIN: That portion of a river or creek valley adjacent to the river or creek channel which is covered with water when the river or creek overflows its banks at flood stage.

FLOODPLAIN MANAGEMENT: The following terms used in this Resolution are defined as set forth in the regulations governing the National Flood Insurance Program (44 CFR Section 59.1). Wherever there exists a conflict between the following definitions, the federal definitions shall apply.

Base Flood: The flood having a one percent chance of being equaled or exceed in any given year.

Flood or Flooding:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation or runoff of surface waters from any source.

c. Mudslides (i.e., mud-flows) which are proximately caused by flooding as defined in **1.b** above and are akin to a river of liquid flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied

by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly usual and unforeseeable event which results in flooding as defined in **1.a** of this definition.

Floodplain or Flood-prone area: Land area susceptible to inundation by water from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floodway Fringe: Those portions of the floodplain, other than the floodway, which can be filled or otherwise obstructed without causing substantially higher flood levels or flow velocities.

Zone A: An area inundated by one-hundred-year flooding, for which no base flood elevation has been established.

Zone AE: An area inundated by one-hundred-year flooding, for which the base flood elevation has been established.

Zone AH: An area inundated by one-hundred-year flooding (usually in an area of ponding), for which the base flood elevations have been determined. The flood depths range from one to three feet.

Zone AO: An area inundated by one hundred-year-old flooding (usually sheet flow on sloping terrain), for which average depths have been determined; flood depths range from one to three feet.

FLOOR AREA: The sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces of exterior walls or from the centerline of common walls separating two buildings. Floor area, for the purposes of these regulations, shall not include basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

FOUNDATION – PERMANENT: That portion of a structure extending below grade beyond frost line, and supporting the upper portion of a structure and extending in a continuous perimeter of the structure, consisting of materials such as concrete, brick, block or tile.

FOUNDATION – TEMPORARY: Materials supporting a structure not embedded below the frost line and not being continuous to the perimeter of the structure.

FREESTANDING WIND ENERGY CONVERSTION SYSTEM (WECS): A machine consisting of one wind turbine, one tower and associated control electronics that converts the kinetic energy in the wind into a usable form (commonly known as a “wind turbine” or “windmill”). The turbine or windmill may be on a horizontal or vertical axis, rotor or propeller. WECS terms:

DECOMMISSIONING: The process of terminating the operation of the WECS by completely removing the entire WECS and all related buildings, structures, foundations, supports, and equipment.

NACELLE: The enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other equipment.

POWER CENTER: Serves as the central connection point for the electrical components in the systems and provides a number of necessary control functions.

ROTOR: The rotating part of the turbine, including the blades.

TOWER: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.

TOWER HEIGHT: The height of the tower, measured from the natural grade surrounding the support pad to the tip of the blade at its highest point along the vertical axis of the tower.

WIND TURBINE: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, power center and rotor with two or more blades.

FRONTAGE: The portion of a lot nearest the street right-of-way. For the purpose of these regulations, corner lots and double frontage lots, all sides of the lot adjacent to streets shall be considered frontage, for the purpose of determining yard requirements only.

G

GARAGE – AUTO SERVICE SHOP: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales are made:

1. Sales and services of spark plugs, batteries and distributor parts
2. Tire services and repair, but not recapping or re-grooving
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors, and the like
4. Radiator cleaning and flushing
5. Radiator wending and repair
6. Greasing and lubrication
7. Providing and repairing fuel pumps, oil pumps and lines
8. Minor servicing and repair of carburetors
9. Adjusting and repairing brakes
10. Minor motor adjustment not involving removal of the head of crankcase or racing the motor

11. Sales of cold drinks, packaged food, tobacco and similar convenience goods to service station customers, as accessory and incidental to principal operation
12. Provisions of road maps and other informational materials to customers, provision of restroom facilities
13. Warranty maintenance and safety inspections

Uses permissible at a service station do not include major mechanical and bodywork, straightening of body parts, painting, welding, and storage of automobiles not in operating condition. A service station is neither a repair garage nor a body shop.

GARAGE – PRIVATE: An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles or personal property and located on the same lot as the dwelling to which it is accessory. Garages and/or storage buildings containing more than one thousand two hundred square feet shall require a Conditional Use Zoning Certificate in an R-1, R-2 and R-3 District.

GARAGE – PUBLIC: A building, or portion of a building, in which more than four motor vehicles are, or are intended to be, housed under arrangements with the patrons for renting or leasing such space and accommodation, and in which no repair work is carried on.

GASOLINE FUELING PUMP: Each fueling location within a gasoline station. The number of gasoline pumps shall be calculated based upon the number of vehicles capable of refueling at the same time within the gasoline station.

GASOLINE STATION, RETAIL: An individual business, often in the form of a convenience store, which dispenses fuel for motor vehicles to the general public.

GASOLINE STATION, WHOLESALE: A business often associated with a larger business located on site, which dispenses fuel for motor vehicles at a discounted rate through the use of member pricing and/or club cards.

GOVERNMENT BUILDINGS AND PUBLIC USE: A building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including township, state, county, or other recognized public entity. Such use may include, but is not limited to, township offices, public works, libraries, post offices, and other uses not defined separately within this Resolution. Government and public use shall not include schools or other educational facilities as defined elsewhere in this Resolution.

GRADE, FINISHED: For buildings abutting one street only, the elevation of the sidewalk at the center of the wall facing the street (or the elevation of the centerline of the street where no sidewalk exists); for buildings

having walls facing more than one street, the average elevation of the sidewalk and the centers of all walls facing the street; for buildings having no walls facing the street, the average level of the finished surface of the ground adjacent to the exterior walls of the buildings. (Any wall approximately parallel to a street line is to be considered as facing the street.)

GRADE, NATURAL: The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

GRANNY COTTAGE: (e.g. ACCESSORY DWELLING UNIT) A dwelling unit accessory to the principal dwelling unit on a lot.

GREENHOUSE: A glass or plastic enclosed structure in which plants requiring controlled temperature are grown or stored.

GREENHOUSE – COMMERCIAL: A greenhouse for storage and sale of plants as a commercial business.

GREENHOUSE – PERSONAL: A greenhouse used for personal use only with no products for sale.

GREENHOUSE – TEMPORARY: A greenhouse used for the seasonal sales of plants and plant products for a period of no more than six months in a one year period.

GROSS FLOOR AREA: Expressed in square feet and calculated by the applicant, and shall include the area within the exterior building walls of all floors of a building or structure. Gross floor area shall include all occupiable areas minus vehicular parking and loading areas within the structure.

GROSS LEASEABLE AREA: Expressed in square feet and calculated by the applicant, and shall mean the gross floor area minus the following floor area deductions:

1. Elevator shafts and stairways
2. Public restrooms
3. Public lobbies, common mall areas, atriums and courtyards provided solely for pedestrians access to the building from the exterior, and/or for aesthetic enhancement or natural lighting purposes
4. Permanently designed corridors (i.e. not subject to relocation by the requirements of a specific space)

GROUP DWELLING DEVELOPMENT: Two or more structures of multi-family dwellings located on the one lot.

GROUP HOME: A residential facility that provides room and board, personal care, habitation services and supervision in a family setting for at least nine but no more than sixteen persons with developmental disabilities. ORC 5123.19.

H

HAZARDOUS/INFECTIOUS WASTE: As defined under Chapter 3745-51 and 3745-27, respectively, of the Ohio Administrative Code.

HEDGE: A fence of bushes, a protecting barrier planted by the property owner, excluding any form of trees.

HOME OCCUPATION: Any use or profession customarily incidental and subordinate to a residential dwelling's use for residential purposes which does not change the essential character for appearance of residential properties and neighborhoods.

HOSPITAL: Any building or other structure containing beds for at least four patients and devoted to the medical diagnosis, treatment, or other care of human ailments.

HOTEL: Any building in which lodging is provided and offered to the public for compensation and which is designed primarily for use by transient guests, as distinguished from a boarding house or a lodging house.

I

INCINERATOR BURNING: As defined under Chapter 3745-17 of the Ohio Administrative Code.

INDUSTRIALIZED UNIT: A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by ORC 3781.06(c)(4) or a mobile home as defined by division (0) of Section 4501.01 of the Revised Code.

INOPERABLE VEHICLE: A vehicle which is apparently inoperable or which requires repairs in order to be operated legally on the public roads, such as: repair or replacement of a window, windshield, wheel, tire, motor or transmission.

INSTITUTION: Buildings and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

INSTITUTIONAL HOUSING: Housing for the elderly or infirm in which three or more unrelated individuals may live on a short-term or long-term basis and where both food and care are provided for compensation. Institutional housing includes, but is not limited to elderly housing, nursing homes, assisted living facilities, and hospices. Institutional housing shall not include hospitals, medical offices/clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

INSTORE BAKERY DISTRIBUTION CENTER: The facility within a retail establishment which not only processes, assembles, packages and sells baked goods for its own purposes, but for the purposes of distributing baked goods to off premises establishments owned by the proprietor of the store in which the bakery is located.

J

JUNK/SCRAP YARD: Is the use of more than twenty five square feet of any land, building or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles or parts of motor vehicles, plastic, iron, paper, rags, rubber, cordage, barrels or other similar materials, are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled, for more than fifteen days. This includes all non-hazardous demolition materials.

JUNK VEHICLE: Any vehicle including, but not limited to, automobiles, commercial vehicles, boats and trailers, motorcycles, and recreational vehicles certified under ORC 505.173(E) and meeting all of the following criteria:

1. Three model years old, or older;
2. Apparently inoperable;
3. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission, rust or body damage covering more than ten percent of the vehicles exterior surface, excluding undercarriage.

K

KENNEL: An establishment where dogs or cats are bred, trained, or boarded.

L

LANDOMINIUM: A development where an individual dwelling unit and the land it sits on is owned privately but where the landscaping and lawn is maintained by a homeowner's or other community association.
LANDSCAPE STRIP: The area of ground required between nonresidential properties consisting of grass, flowers, shrubs, trees or other vegetation. Gravel alone is not adequate landscape material.

LANDSCAPED: Sodden, seeded, mulched, shrubs, and other appropriate material.

LARGE EVENT: Events which would utilize (or are expected to utilize) the total number of spaces dedicated to a specific use, or will generate significant short-term traffic immediately prior to or following the event. These events shall include sporting events such as high school football games, or playoff games and community events such as outdoor concerts. Events requiring a special events permit, including large funerals or weddings, may be required to meet this provision.

LATTICE TOWER: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

LICENSED VEHICLE DEALER: An individual or company licensed by the State of Ohio according to the provision of ORC 4517. Any individual or company selling more than five vehicles in a twelve month period shall be required to be a licensed vehicle dealer.

LIGHT INDUSTRIAL USE: The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibration is not noticeable from the adjacent properties.

LITTER CONTROL: Fence screening and/or landscaped mounding of suitable design and installation shall be utilized where required necessary to control against fugitive waste being transported off the site of a permitted use facility by wind or water forces. Any and all wastes that escape the use facility site by such means shall be recollected and contained by the owner/operator of the facility for proper required disposal and the use site facility shall be kept in a neat and well-kept condition at all times.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LODGING HOUSE: A building other than a motel or hotel, where for compensation by the week or month, lodging is provided for at least three but not more than twenty persons.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Resolution and the open spaces required by this Resolution and having its principal frontage upon a street or place.

LOT AREA: The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication.

LOT, CORNER: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than one hundred thirty five degrees. **Appendix "L".**

LOT COVERAGE: That portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of storm water including paving and driveways.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines. See **Appendix "M".**

LOT DOUBLE FRONTAGE: A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot. See **Appendix "L".**

LOT FRONTAGE: The dimension of a lot abutting a public street measured along the street right-of-way line.

LOT INTERIOR: A lot other than a corner lot, or a double frontage lot.

LOT LINE, FRONT: The front property line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than forty five degrees to the rear lot line. The front lot line is generally opposite the rear lot line. A corner lot or double frontage lot has more than one front lot line. See **Appendix "M".**

LOT LINE, REAR: An internal lot line opposite a front yard. A rear lot line is generally parallel to or less than forty five degrees to the front street right-of-way line. A lot line greater than forty five degrees from the front street right-of-way line would be a side lot line. See **Appendix "M".**

LOT LINE, SIDE: An internal lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. **See Appendix "M".**

LOT LINES: The property lines bounding the lot.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Tuscarawas County; or a parcel of land, the deed to which was of record on or prior to the effective date of these regulations.

LOT, PANHANDLE: A lot not fronting or abutting a public street and where access to the public street is limited to a narrow strip of land. See **Appendix "L".**

LOT WIDTH: The horizontal distance between side lot lines measured at the required front setback or at the building line for any irregularly shaped lot. See **Appendix "L".**

M

MANUFACTURE: The process of making something from raw or semi-finished materials whether by hand or by mechanized process. These regulations also include producing, assembling, fabricating, alloying, and metal and chrome plating.

MANUFACTURED HOME: Any non-self-propelled vehicle transportable in one or more sections which in the traveling mode is eight feet or more in width or forty feet or more in length or, when erected on site is eight hundred twenty or more square feet, and which built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that is built in compliance with federal manufactured housing construction and safety standards.

MANUFACTURED HOME PARK: Any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park per ORC 3733.01.

MANUFACTURED HOUSING: Manufactured homes and mobile homes.

MANUFACTURING EXTRACTIVE: Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

MANUFACTURING HEAVY: Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some

nuisances such as smoke, noise, vibration, dust, glare, air discharge, and water discharge, but not beyond the district boundary.

MANUFACTURING LIGHT: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic.

METEOROLOGICAL TOWER: A facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a small wind energy conversion system. Meteorological towers shall not be allowed for time periods in excess of six months, and shall be removed prior to the installation of the wind energy conversion system for which they are measured. A request to install a meteorological tower shall be included in the application to install a small wind energy conversion system.

MINERAL EXTRACTION: Any artificial or mechanical act by which earth, sand, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or moved and shall include the conditions resulting there from, including but not limited to gravel pits and not including the impacts of such operation.

MINERALS: Sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous, non-metalliferous ore, other material or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but does not include coal, peat, or top soil.

MINIMUM BUILDING SETBACK LINE: A line parallel to the street right-of-way line and at a distance there from equal to the required depth of the front yard, and extending across the full width of the lot.

MINI STORAGE: A limited storage facility for private and commercial use with limited access. Maximum compartment storage to be no more than five hundred feet.

Minor Street: The Street normally carrying the lower volume of vehicular traffic.

MOBILE HOME: A building unit or assembly of closed construction that is fabricated in an offsite facility, is more than thirty-five 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.

MODULAR HOME: Factory built housing certified as meeting the local or state building code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

MONOPOLE: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

MORTUARY: An establishment with facilities for the preparation of human dead for burial or cremation at a place other than the subject premises, for the viewing of the body, and for funerals.

MOTEL: Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed primarily as overnight sleeping quarters for automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, and tourist courts.

MOTOR VEHICLE: Any vehicle, including a recreational vehicle, propelled by power other than muscular power or power collected from overhead electric trolley wires.

MOTOR VEHICLE SALVAGE DEALER: Any person who engages in business primarily for the purpose of selling salvage motor vehicle parts and secondarily for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal.

MULTI-FAMILY: Multiple separate housing units for residential (i.e. non-commercial) inhabitants contained within one building or several buildings within one complex.

N

NATURAL ABIENT NOISE LEVEL: The normal and predominant noise level absent any industrial or commercial noise radiation, excluding any noise resulting from any agricultural operations.

NON-COMMERCIAL MOTOR VEHICLES: Any motor vehicle, including a farm truck as defined in Section 4503-04 of the Revised Code, designed by the manufacturer to carry a load of no more than one ton and used exclusively for residential family dwelling purposes and not for engaging in business for profit.

NON-CONFORMING USE: Any building or land lawfully occupied by a use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Use Regulations of the District in which it is situated.

NON-RESIDENTIAL BUILDING: Non-residential building means any building that is not a residential building or a manufactured or mobile home.

O

OCCASIONAL OR TEMPORARY VISITOR: A non-residential family member or guest who has an established residence elsewhere who is visiting for not more than thirty days in a twelve month period.

OFFICE: A room, set of rooms, or building used as a place for commercial, professional, or bureaucratic work. A use, conducted within a building or part of a building, involving the conduct of the administrative, executive, management, or clerical affairs of a business, service, industry, or government; or the activities of a profession; and generally furnished with desks, tables, files, and communication equipment **REVISED**

OPEN SPACE: An area substantially open to the sky, which may be on the same lot with a building or buildings. The area may include along with the natural environmental features, water areas, swimming pools, walking or bike paths, and tennis courts, or any other similar recreational facilities provided within the development to the occupants of such a development. Streets, parking areas, structures for habitation, trash collection sites and the like shall not be included. Land devoted to conservation or recreational purposes and/or lands designated by the Township to remain undeveloped.

OPEN SPACE RESIDENTIAL DEVELOPMENT: A development where the lot sizes and other site development standards are reduced to allow for the preservation of open space.

ORC shall mean the Ohio Revised Code **REVISED**

OUTDOOR ADVERTISING SIGN (BILLBOARD): A fixed or portable off premises sign which advertises a business, profession or service not conducted or offered upon the premises where such sign is placed. See **Article IV.**

OUTDOOR STORAGE: The keeping of any goods, materials, merchandise, or vehicles outside of a structure or building for more than forty-eight hours. Outdoor storage shall not include car lots, tool rental establishments, greenhouses, or other uses where the sale of the merchandise is the primary use of the property pursuant to **Section 203.8** (Outdoor Display, Sales, and Storage).

OUTDOOR WOOD FURNACE: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to as an Outdoor Wood Boiler or Outdoor Wood Hydronic Heater.

OVERBURDEN: All of the earth materials, which cover a natural deposit of minerals, coal and peat. Also means such earth and other materials after removal from their natural state in the process of surface and strip mining.

P

PARK - ACTIVE AND RECREATIONAL FACILITY: Any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other active sports facilities with the exception of bike and hike trails.

PARK – PASSIVE, RECREATIONAL FACILITY AND CONSERVATION AREA: Any park or recreational facility where there is no grading of the land, construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

PARK – PUBLIC: Land owned by a government entity which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the township which is under the control; operation, or management of the township, county or state.

PARKING AREA: Includes the parking spaces together with driveway and the access to public streets.

PARKING LIFT: A hydraulic or mechanical system designed to raise or lower parked vehicles in order to create additional parking space, typically above or below the lift and within an enclosed building.

PARKING LOT: An off-street parking area where the principal uses of the tract, or lot, is for vehicular parking.

PARKING SPACE: An off-street space or berth for the temporary parking of one vehicle for a period longer than required to load or unload persons or goods, the dimension of a parking space shall be in accordance with the Lawrence Township development standards. Ratios of compact spaces and ADA accessible spaces shall be determined upon application and in accordance with the Ohio Building Code.

PEAT: Partially carbonized vegetable matter formed by partial decomposition of various plant life in water in a natural habitat.

PERMANENT FOUNDATION: Permanent foundation means permanent masonry, concrete, or a footing or foundation approved by the manufactured homes commission pursuant to ORC 4781.01(I) and ORC 3781.06(c)(5) to which a manufactured or mobile home may be affixed.

PERMANENTLY SITED MANUFACTURED HOME: Permanently sited manufactured home means a manufactured home that meets all of the following criteria:

1. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
2. The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;
3. The structure has a minimum of three to twelve residential roof pitches, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
4. The structure was manufactured after January 1, 1995;
5. The structure is not located in a manufactured home park as defined by Section 4781.01(D) of the Revised Code.

PERSONAL SERVICES: Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

PLANNED COMMERICAL COMPLEX: Two or more primary use structures placed on a common lot in C-1, C-2, C-3 or I-1 Districts.

PLANNED OFFICE COMPLEX: Two or more primary use structures placed on the common lot in C-1, C-2, C-3 or I-1 Districts.

PLANTS, INVASIVE: Plants that are invasive to Ohio as listed in the following link: http://www.invasivespeciesinfo.gov/plants/main.shtml.

PLANTS, NATIVE: Plants that are native to Ohio and should have first priority when choosing plants as listed in the following link: http://ohioline.osu.edu/b865/b865_01.html.

PRINCIPAL BUILDING: The building on a lot used to accommodate the primary use to which the premises are devoted.

PRIVATE DRIVE: A shared means of vehicular ingress and egress located within an easement of access serving rear or panhandle lots, not dedicated to the County by recorded instrument that is maintained by the party or parties using such private drive for private access.

PROFESSIONAL ENGINEER: A qualified individual who is licensed as a Paraprofessional Engineer in the State of Ohio.

PROFESSIONAL OR BUSINESS OFFICE: Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, medical, dental, employment, advertising, design, engineering, accounting, and similar uses.

PUBLIC BUILDING: A building owned by the Lawrence Township Board of Trustees.

PUBLIC PARK: Land owned by a governmental entity which has been designed for park or recreational activities including but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the township which is under the control, operation, or management of the township, county, or state.
PUBLIC UTILITY: An entity deemed a public utility for the purpose of ORC519.211.

Q

R

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production equipment for a small wind energy conversion system. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

RECREATIONAL EVENTS: Temporary activities including fairs, festivals, block parties and various entertainments.

RECREATIONAL FACILITY/USE: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities or entertainment activities, but not including those uses otherwise specifically defined or regulated in this resolution. This does not include a recreational use that is an accessory to a residence. As provided in this resolution, recreational facilities are classified into four types:

RECREATIONAL FACILITIES/USE, TYPE A: Outdoor recreation facilities/uses, usually require a large space, which are relatively quiet and compatible with residential uses, including, but not

limited to, ~~*a regulation golf course and related facilities,*~~ picnic area, park, playground, trails for walking , bicycling or horse-riding (excluding trails used by motorized vehicles), fishing, boating, observation of nature, non-commercial field and court sports and similar facilities and activities. **REVISED**

RECREATIONAL FACILITIES/USE, TYPE B: Outdoor recreation facilities/uses for the commercial use of intense sports and athletic activities, and including, but not limited to, field sports, baseball field, soccer field, swimming pools, tennis courts, basketball court, miniature golf course, *a regulation golf course and related facilities* and golf driving range. **REVISED**

RECREATIONAL FACILITIES/USE, TYPE C: Indoor recreation and entertainment facilities/uses, including, but not limited to, those required for indoor court sports & field sports, athletic clubs, bowling alleys, theaters, auditoriums, lodge halls, health and fitness spa, miniature golf course, swimming pool, and social clubs.

RECREATIONAL FACILITIES/USE, TYPE D: Recreational facilities/uses which are not classified as Type A, Type B, Type C which may generate noise and may otherwise not be compatible with residential uses, including, but not limited to, shooting range, amusement park, water park, race track for motorized vehicles, animal race track, amphitheaters, paintball games and campgrounds.

RECREATIONAL PRIVATE USE: Privately owned and utilized recreation facilities located on a lot with a dwelling and used by the occupants and of the dwelling and their non-paying guests thereof as an accessory to the dwelling use of the property.

RECREATIONAL VEHICLES: Vehicular portable structure that meets all of the following conditions:

1. It is designed for the sole purpose of recreational travel;
2. It is not used for the purpose of engaging in business for profit;
3. It is not used for the purpose of engaging in intrastate commerce;
4. It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended;
5. It is not regulated by the public utilities commission pursuant to Chapter 4919, 4921, or 4923, of the Revised Code;
6. It is classed as one of the following:

Travel Trailer: means a non-self-propelled recreational vehicle not exceeding an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division(s) of Section 4517.01 of the Revised Code.

Motor Home: means a self –propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleep.

Truck Camper: means a non-self-propelled recreational vehicle, without wheels for road use, and designed to be place upon and attached to a motor vehicle. Truck camper does not include truck covers, which consists of walls and roof but does not have floors and facilities for using same as a dwelling.

Fifth Wheel Trailer: means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch or ordinary installed in the bed of a truck.

Park Trailer: means a vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute Standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

RECYCLING FACILITIES: included are Recycling Center or Transfer Facility, Recycling Plant, and Recycling Convenience Center.

RECYCLING TRANSFER FACILITY: A facility for the collection of products such as paper, glass, plastic, metals, rubber, wood and synthetic products.

RESEARCH FACILITIES: Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration or odor shall be detected outside of such building.

RESIDENTIAL CLUSTER DEVELOPMENT: The grouping of residential properties on a development site in order to use the extra land as open space, recreation or agriculture.

RESIDENTIAL FACILITY: A home or facility, as defined and regulated in Section 5123.19 of the Ohio Revised Code, as amended.

RESIDENTIAL STRUCTURE: A structure containing a one-family, two-family, or three-family dwelling unit, and any accessory structure incidental to that dwelling unit and any dwelling unit that is used as a model to promote the sale of a similar dwelling unit. Residential structure does not include an industrialized unit as

defined by these regulations, a manufactured home as defined by these regulations, or a mobile home as defined by these regulations.

RESIDUAL SOLID WASTE OR RESIDUAL WASTE: As defined under Chapter 3745-27-01 of the Ohio Administrative Code.

RESTAURANT, DRIVE THRU – An establishment in which there is no seating inside or outside the establishment for customers and meals or beverages are served at a drive up window only.

RESTAURANT TYPE A: An establishment, with an occupancy load of greater than seventy-five (75) occupants per the Occupancy Permit, which is located in a building that is primarily engaged in the preparation and serving of meals and beverages which are consumed on its premises by customers seated at tables and/or counters either inside or outside the establishment and engage in providing customers with take-out service of food and beverages for off-site consumption. This definition shall include taverns, lounges, bars, clubs and lodges.

RESTAURANT TYPE B: An establishment, with an occupancy load of seventy-five (75) or les Occupancy Permit, which is located in a building that is primarily engaged in the preparation and serving of meals and beverages which are consumed on its premises by customers seated at tables and/or counters either inside or outside the establishment and engage in providing customers with take-out service of food and beverages for off-site consumption. This definition shall include taverns, lounges, bars, clubs and lodges.

RETAIL COMMERICAL SERVICES: Establishments primarily engaged in the sale of goods and materials to the general public. Retail commercial uses may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores, and other similar uses.

ROADSIDE STAND (FARM MARKET): A temporary vehicle or temporary stand without foundation used for the sale of agricultural produce where fifty percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, in accordance with Section 519.21.

ROTOR DIAMETER: The length as measured across the center of the full spine of the rotors of a SWECS turbine.

S

SANITARY LANDFILL: A land disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid

wastes to the smallest practical volume, and applying and compacting cover material daily. Does not include hazardous materials.

SATELLITE SIGNAL RECEIVER: "Dish-type Satellite Signal-Receiving Antennas", "earth stations", or "ground stations" whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system designed, constructed or modified to bring in or receive satellite television signals.

SCHOOL: Buildings for the education of children grades K-12, and colleges and universities. Includes both general public use and private institutions, excluding; however, trade and other types of schools not listed herein.

SCREEN: A permanent or semi-permanent sight-obscurity device, typically affixed to the ground or a structure, designed to minimize the visual impact of certain features on a site or group of sites. Screens may include, but are not limited to, vegetation, fences, or walls, but shall not include temporary devices such as tarps or vehicle covers.

SCREENING: A continuous fence, wall, trees, shrubs, mound or combination thereof that effectively buffers the property and is broken only by access drives and walks.

SEASONAL USE: A use dependent on a particular season of the year.

SEMI-TRAILERS: Any vehicle of the trailer type without motive power so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by such other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division and includes, for the purpose only of registration and taxation under such chapters, any vehicle of the dolly type, such as a trailer dolly designed or used for the conversion of a semi-trailer into a trailer.

SENSITIVE ENVIRONMENTAL AREAS: Any areas determined by the Ohio Department of Natural Resources, any other state or federal governmental agency, or the Township that consists of unique or sensitive, ecological, biological or related ecosystems.

SEPTAGE: Means the liquid or solid material removed from a septic tank or similar domestic or commercial sewage treatment system when the system is serviced.

SERVICE COMMERCIAL USE: Establishments that primarily engage in rendering services to businesses including, but not limited to, printers, equipment rental, protective services, mailing, photo finishing, and other similar uses.

SEXUALLY ORIENTED-ADULT CABARET: Refer to Lawrence Township **Resolution 19-09**.

SHIPPING CONTAINER: is a container with strength suitable to withstand shipment, storage, and handling. Shipping containers range from large reusable steel boxes used for intermodal shipments to the ubiquitous corrugated boxes. In the context of international shipping trade, "container" or "shipping container" is virtually synonymous with "intermodal freight container," a container designed to be moved from one mode of transport to another without unloading and reload.

SIGN: Any visual communication display, object, device, graphic structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations. Refer to **Article V Section 501.1**.

SKILL-BASED AMUSEMENT MACHINE(S): As defined in Ohio Revised Code 2915.01. **REVISED**

SLUDGE: Thick suspension of solid matter in a liquid, e.g., the mud on a riverbed, or carbonaceous mixture of oil as the waste product of an internal-combustion engine; the treated solid matter of sewage after drying used as a fertilizer; floating (partly melted) ice or snow sludge.

SMALL WIND ENERGY CONVERSION SYSTEMS (SWECS): A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a rated nameplate capacity of one hundred kW or less. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for onsite use, may be utilized by the utility company. SWECS shall include Horizontal Axis Wind Turbines (HAWTs), Vertical Axis Wind Turbines (VAWTs), and Blade Tip Power System Turbines (BTPSs).

SMALL STRUCTURE MOUNTED WIND ENERGY CONVERSION SYTEM (SSM-WECS): A structure mounted wind energy system that converts wind energy into electricity through the use of equipment (e.g. base, blade, rotor, foundation, generator, nacelle, tower, transformer, vane, wire, inverter, batteries, etc.). SSM-WECS's are attached to a structure's roof, walls or another elevated surface. SSM-WECS's have nameplate capacities that do not exceed to ten kilowatts. SSM-WECS definitions:

NACELLA: The enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other equipment.

POWER CENTER: Serves as the central connection point for the electrical components in the system and provides a number of necessary control functions.

ROTOR: The rotating part of the turbine, including the blades.

TOWER: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.

TOWER HEIGHT: The height of the tower, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position along the vertical axis of the tower.

WIND TURBINE: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, power center and rotor with two or more blades.

SNACK BAR: A public eating place where snacks are served usually at a counter.

SOLOR PANEL: A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLID WASTE: Unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty percent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible materials, street dirt, and debris. Solid waste does not include any material that is an infectious waste or hazardous waste.

SOLID WASTE DISPOSAL FACILITY: As it relates to the Solid Waste District of this Resolution means any site, location, tract of land, installation, or building used for incineration, composting, sanitary land filling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

SOLID WASTE TRANSFER FACILITY: Means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that were generated off the premises of the facility from vehicles or containers into other vehicles for transportation to a solid waste

disposal facility as defined in Section 3734 of the Ohio Revised Code. Solid waste transfer facility does not include any facility that consists solely of portable containers that have an aggregate volume of fifty cubic yards or less nor any facility where legitimate recycling activities are conducted.

SPECIAL EVENT VENDOR PERMIT: A permit issued for a temporary place of business for the sale of goods or services at fairs or festivals within the township.

SPOIL BANK: A deposit of removed overburden.

STACKING SPACE: A lane or area that is specifically designated for cars to stack in while utilizing drive-up or drive-through services at uses that may include, but are not limited to, car washes, restaurants, and financial institutions.

STORAGE: When used in collection with hazardous waste, means the holding of hazardous waste for a temporary period in such a manner that it remains retrievable and substantially unchanged physically and chemically and, at the end of the period, is treated; disposed of; stored elsewhere; or reused, recycled, or reclaimed in a beneficial manner. When used in connection with solid wastes that consist of scrap tires, storage means the holding of scrap tires for a temporary period in such a manner that they remain retrievable and, at the end of that period, are beneficially used; stored elsewhere; placed in a scrap tire monocell or monofill facility licensed under section 3734.81 of the Revised Code; processed at a scrap tire recovery facility licensed under that section or a solid waste incineration or energy recovery facility subject to regulation under this chapter; or transported to a scrap tire monocell, monofill, or recovery facility, any other solid waste facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state and is operating in compliance with the laws of the state in which the facility is located.

STORAGE FACILITY: A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares. Such facilities do not include sales, service, or storage of hazardous materials.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof which the line of intersection of roof decking and wall face not more than three feet above the top floor level and in space not more than two-thirds of the floor areas is finished off for use.

STREET RIGHT-OF-WAY LINES: A dividing line between a lot, tract, or parcel of land and contiguous street. Where the lot, tract or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes or if no right-of-way is established, the right-of-way shall be assumed to be sixty feet.

STREET TYPES:

ACCESS STREET: Minor street emptying into a collector or other primary street and connecting with a cul-de-sac, or other street facility.

ARTERIAL STREET: A major street or highway primarily for through traffic, carrying large volumes of traffic and usually on a continuous route.

CIRCLE STREET: Minor street in a circular or curved form, each street end connecting with another street having housing units only on the outside of the curve.

COLLECTOR STREET: A primary street serving residential, commercial or industrial areas and carrying traffic flow from loop, circle, cul-de-sac or other minor streets generally to other areas of the community and to arterial streets.

CUL-DE-SAC: Minor street terminating in a dead end space enabling automobile traffic to turn around and serving several individual home sites grouped around the turnaround.

LOOP STREET: Minor street in a looped or half circular form with each end connected to a collector street and serving housing units located on both sides of the street.

PRIVATE: A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements.

PUBLIC: Public or private dedicated thoroughfares subject to public easement thereto, and which affords the principal means of access to abutting property.

STRIP MINING: All or any part of the process followed in the production of coal from a natural deposit whereby the coal may be extracted after removing the overburden.

STRUCTURAL ALTERATIONS: Any change on the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any increase in the area or cubic contents of the building.

STRUCTURE: Anything constructed or erected, the use of which requires a permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including advertising signs, billboards, and farmers roadside stands.

SURFACE MINING: All or any part of a process followed in the production of minerals or peat from the earth or from the surface of the land by surface excavation methods such as open pit mining, dredging, and placering or quarrying.

SWIMMING POOL, COMMERCIAL: A body of water in an artificial receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children, whether or not any charge or fee is imposed upon adults or children, operated and maintained by any person as herein defined whether they be an owner, lessee, operator, licensee, or concessionaire, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels and community associations.

SWIMMING POOL, FAMILY: A swimming pool used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment of any fee.

SWIMMING POOL, PRIVATE: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

T

TELECOMMUNICATION: The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

TEMPORARY: Intended to last only a short time unless otherwise specified in these regulations.

TEMPORARY: As related to tents, uses not to exceed thirty days as related to signs not to exceed one hundred eighty days per calendar year.

TEMPORARY BUILDINGS OR STRUCTURES: A building or structure intended for a limited duration for uses at special events, including but not limited to, fairs and festivals, which does not have a permanent foundation.

TEMPORARY CONSTRUCTION TRAILERS: A trailer for uses incidental to construction work intended for a limited duration that does not have a permanent foundation; however, such temporary trailer shall be removed within 30 days of the completion or abandonment of the construction work. **REVISED**

TEMPORARY SALES/OFFICE TRAILER: A trailer for sales/office use for a limited duration that does not have a permanent foundation incidental to the proposed principal use of the property; however, such temporary trailer shall be removed within 30 days upon completion of principal use. **REVISED**

TEMPORARY STORAGE CONTAINERS: shall mean a portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation. Temporary storage containers can include semi-tractor trailers if they are used for storage and not transport. **REVISED**

TEMPORARY STORAGE POD/ PORTABLE STORAGE CONTAINER: A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. This term shall not include roll-off containers or storage containers having storage capacity of less than 150 cubic feet that has no permanent foundation in which a permit is issued for the temporary location not to exceed six (6) months in a commercial district or two (2) months in a residential district.
(Example of a roll-off container: city yard waste & debris containers or open/unclosed containers.)

THOROUGHFARE: A street or alley.

TOPSOIL: Superficial soil capable of sustaining plant life indigenous to this area, ordinarily rich in organic matter or humus debris.

TOPSOIL REMOVAL: Removal of topsoil from the premises.

TOURIST: A person visiting, touring.

TOURIST DWELLING: A dwelling where overnight accommodations are provided for tourists.

TOWER: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.

TOWNHOUSE: A single family dwelling constructed in a group of three or more attached units in which each extends from the foundation to the roof and with open space on at least two sides.

TRADE SCHOOLS: Schools for the education in a trade or for the furtherance in obtaining employment.

TRADE/COMMERICAL OR CONSTRUCTION TRAILER: The conducting of any business, trade, or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motive power.

TRAILER PARK OR MOBILE HOME PARK: A tract of land open to the public upon which spaces for trailers or mobile homes are provided for a consideration, whether for overnight, by the day, the week, the month, or longer.

TRAILERS: Any vehicle without motive power designed or used for carrying property wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semi-trailer and a vehicle of dolly type such as that commonly known as a trailer dolly, or a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour. Trailer does not include a manufactured home or travel trailer.

TRANSFER STATION: A facility for the purpose of temporary collection of solid waste or recyclable materials, (garbage, demolition materials, aluminum, plastic and/or paper for the purpose of recycling; to be transferred to a permanent location for disposal). *Also known as Transfer Facility*

TRANSPORTATION TERMINAL: The use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers and/or buses, but does not include automobile service stations or transportation sales or rental outlets.

TRUCK TERMINAL: A facility where freight is unloaded from interstate trucks and/or intermodal trailers and containers carried on the railroad and loaded onto local delivery trucks.

TRUCK TRACTOR: Any vehicle with greater than three (3) axles, and a fifth wheel.

TRUSTEES: The Board of Trustees of Lawrence Township.

U

USE: The purpose for which a building or premises is or may be occupied. In the classification of uses, a use maybe a use as commonly understood or the name of an occupation, business, activity, or operation carried on, or intended to be carried on, in a building or on the premises, or the name of a building, place, or thing which name indicates that use or intended use.

V

VARIANCE: A variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship and so that the spirit of the resolution shall be observed and substantial justice done.

VEHICLE: A motorized conveyance that transports people or objects; including everything on wheels, runners or tracks including motorized bicycles.

VETERINARY CLINIC: Any building or structure devoted to the veterinarian diagnosis, treatment and care of non-human outpatients.

VETERINARY HOSPITAL: A place used for care, grooming, diagnosis, and treatment of sick, ailing, or injured animals, including overnight accommodations and boarding, if incidental to the primary activity.

W

WALL: A structure of brick, stone, concrete, etc., serving as a fence.

WAREHOUSE: Structures used for the storage of distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

WASTE TRANSFER STATION: A facility that receives some portion of its waste directly from collection vehicles, then consolidates and reloads the waste onto larger vehicles for deliver to a final disposal facility. Also know as a Transfer Station.

WELL: Any borehole, whether drilled or bored, within the Township, for production, extraction or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters. The following definitions are related to wells:

BRINE: All saline geological formation water resulting obtained or produced in connection with the exploration, drilling, or production of oil and gas.

DRILLING UNIT: The minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.

GAS: All natural gas and all other fluid hydrocarbons not defined above as oil, including condensate.

OIL: Crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but do not include hydrocarbons that were originally in a gaseous phase in the reservoir.

OWNER: The person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that he produces therefrom either for himself or for others.

POOL: An underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.

TRACT: A single, individually taxed parcel of land appearing on the tax list.

WASTE: Includes:

1. Physical waste, as such term is generally understood in the oil and gas industry.
2. Inefficient storing of oil or gas.
3. Locating, drilling, equipping, operating or producing an oil or gas well in a manner that reduces or tends to reduce the quality of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled, or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas.
4. Other underground or surface waste in the production therefrom either for himself or for others.

WHOLESALE COMMERICAL USE: The sale of merchandise to retail and service commercial uses, office uses, or institutional uses, or to other wholesalers. Wholesale commercial uses may also mean acting as an agent or broker in the buying or selling of merchandise; but not selling to the general public.

WIND ACCESS BUFFER: The distance between the closest points of any rotor diameters of two or more wind turbine generators.

WIND ENERGY CONVERSTION SYSTESM (WECS): A machine consisting of one wind turbine, one tower and associated control electronics that converts the kinetic energy in the wind into a useable form (commonly known as a “wind turbine” or “windmill”). The turbine or windmill may be on a horizontal or vertical axis, rotor or propeller.

WIND TURBINE GENERATOR (WTG): A tower, pylon, or other structure, including all accessory facilities, upon which any, all or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

WIND TURBINE GENERATOR TOWER HEIGHT:

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the wind turbine generator.

WIND TURBINE GENERATOR CONTRACT: The agreement between the applicant and the landowner(s).

WIND TURBINE GENERATOR FACILITY: All necessary devices that together convert wind energy into electricity, including the rotor, nacelle generator, WTG tower, electrical components, WTG foundation, transformer, substation, and electrical cabling from the WTG tower to the substation.

WIND TURBINE GENERATOR OPERATOR: The entity responsible for the day-to-day operation and maintenance of the WTG, including their respective successors and assigns. Owner does not mean the property owner from whom land is leased for locating the WTG unless the property owner has an equity interest in the WTG or if any person holding a security interest in the WTG solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WTG at the earliest practicable date.

WIRELESS TELECOMMUNICATIONS ANTENNA: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER: The structure in which the electronic receiving the relay equipment for a wireless telecommunications facility is housed.

WIRELESS TELECOMMUNICATIONS FACILITY: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connect the mobile unit with the land-based telephone lines.

WIRELESS TELECOMMUNICATIONS TOWER: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, and lattice construction steel structures. The tower shall be self-supporting and no guy wires are permitted.

X

Y

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from ground upward, except as otherwise provided herein.

YARD, FRONT: A yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot.

YARD, REAR: A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot.

YARD, SIDE: A yard between the nearest portion of any building or structure existing or proposed to be constructed on said lot and the side lines of the lot and extending from the front yard to the rear yard.

Z

ZONING CERTIFICATE: Document issued by the Township Zoning Inspector authorizing the use of lots or structures in accordance with the Zoning Resolution.

ZONING MAP: The “Zoning Map of Lawrence Township, Tuscarawas County, Ohio”.