

**M O N R O E**  
**T O W N S H I P**  
**PICKAWAY COUNTY, OHIO**

**ZONING RESOLUTION**

**4/29/26 UPDATE**

**MONROE**  
**TOWNSHIP**  
**ZONING RESOLUTION**

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**PART ONE**  
**GENERAL PROVISIONS**

## **ARTICLE I**

### **AUTHORIZATION AND PURPOSE**

#### **Section 1.01 Title**

This Resolution shall be known and may be cited as the:

#### **ZONING RESOLUTION of MONROE TOWNSHIP, PICKAWAY COUNTY, OHIO**

Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of the Resolution as those governing the interpretation of the Ohio Revised Code.

#### **Section 1.02 Purpose**

The Board of Township Trustees hereby find it necessary, advisable and beneficial to the residents of Monroe Township to provide for the division of the unincorporated area of the Township into districts or zones. This Zoning Resolution is adopted to promote and protect the public health, safety, and general welfare (where permitted) by the following:

- regulating the use of land areas and the construction, restoration and/or alteration of buildings and uses therein
- restricting the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers
- controlling the bulk, height, density, and location of buildings
- protecting and preserving existing natural resources.
- assuring the orderly growth and development of lands,

all as permitted by the provisions of Chapter 519 of the Ohio Revised Code.

#### **Section 1.03 Applicability and Limitations**

Subject to the limitations specified in Section 519.211 of the Ohio Revised Code, the regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, uses and lands of any private individual or entity, or any political subdivision, district taxing unit or bond-issuing authority, located within the unincorporated area of Monroe Township, Pickaway County, Ohio.

**Section 1.04 Interpretation and Consistency**

The provisions of this Resolution shall be held to be as the minimum requirements, and shall apply uniformly to each class or kind of building, structure or land. Where the provisions of this Resolution impose greater restrictions upon buildings, structures, uses or land, than required by other codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Resolution shall govern. Conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter or change any other law, resolution or regulation of Monroe Township, or part thereof, not specifically repealed, amended, modified, altered or changed herein.

**Section 1.05 Limitations and Exceptions**

Pursuant to Section 519.21 of the Ohio Revised Code (ORC), the zoning authority of Monroe Township shall be limited as follows:

- A. Except as otherwise provided in Article XXVII of this Resolution, nothing contained herein shall 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 use, building or structure.
- B. Notwithstanding the above, pursuant and subject to the provisions of ORC 519 (D), medical marijuana cultivators, processors, and/or dispensaries shall not be located within the unincorporated territory of Monroe Township, Pickaway County, Ohio
- C. Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for operation of its business.
- D. Nothing contained in this Resolution shall be interpreted 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.
- E. Nothing contained in this Resolution shall be interpreted 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 location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.

**Section 1.06 Relationship to Private Covenants and/or Restrictions**

The standards and requirements of this Resolution are separate and independent from any private covenants, deed restrictions or other private contractual arrangements relating to the development of land within Monroe Township. Monroe Township is in no way responsible for the enforcement of such private covenants or restrictions, and nothing in this Resolution shall be interpreted to imply any such responsibility.

**Section 1.07 Separability**

The invalidation of any clause, sentence, paragraph, or section of this Resolution by a court of competent jurisdiction shall not affect the validity of the remainder of this Resolution either in whole or in part.

**Section 1.08 Prohibition of Commercial Solar Energy Facilities**

**A. Authority**

This Section is adopted pursuant to Ohio Revised Code Sections 519.02 and 519.213.

**B. Purpose and Intent**

The Board of Township Trustees finds that commercial scale solar energy generation facilities are incompatible with the rural agricultural and residential character of Monroe Township and may adversely affect land use compatibility, agricultural viability, stormwater management, visual character, emergency access, and long-term land reclamation. This Section regulates land use compatibility only and does not regulate energy production, transmission, or public utility operations.

**C. Prohibition**

Commercial Solar Energy Facilities are prohibited in all zoning districts within the unincorporated territory of Monroe Township. No zoning certificate, conditional use permit, variance, or other approval shall be issued for a Commercial Solar Energy Facility.

**D. Parcel Aggregation and Anti-Circumvention**

Contiguous parcels under common ownership, lease, control, or beneficial interest shall be treated as one zoning lot. Any arrangement intended to evade this Section constitutes a zoning violation.

E. Non-Conforming Facilities

Any Commercial Solar Energy facility lawfully existing prior to the effective date shall be treated as a legal nonconforming use. Expansion, intensification, or repowering is prohibited.

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**Section 1.09 Single-Family Residential Solar**

For single-family uses, solar panels may be permitted when in compliance with the following regulations. Such solar panels require a zoning permit.

- A. Roof mounted panels may be permitted as long as such panels do not face any right-of-way and do not encompass more than 50% of the overall roof area.
- B. Free standing solar panels shall not exceed ten (10') in height and 300 square feet and shall comply with all regulations for accessory structures.



## ARTICLE II

### DEFINITIONS

#### Section 2.01 Interpretation

For the purpose of this Zoning Resolution, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word “shall” is intended to be mandatory. “Occupied” or “used” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied”.

Particular terms directly related to particular topics may be defined within the specific sections of the Resolution where those general requirements are found.

#### Section 2.02 Definitions

**“Accessory building”** or **“accessory structure”** means a building or structure occupied by an accessory use.

**“Accessory dwelling unit (ADU)”** means a residential living unit that is within, attached to, or is located in a detached structure and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

**“Accessory Information Technology Room”** means a room incidental to a permitted principal use, used solely for on-site business operations of the same occupant, not exceeding one thousand square feet, and not used for third party hosting, colocation, mining, or cloud services.

**“Accessory use”** means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

**“Administrative and business offices”** means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

**“Advanced Manufacturing/Data Centers”** are facilities that house an organization's crucial information technology (IT) infrastructure. Such uses shall be completely within an enclosed building. These facilities are used primarily for the storage, processing, or transmission of digital information and containing server racks, data storage systems, and associated electrical, mechanical, cooling, generator, or battery systems. This use includes associated accessory uses such as accessory power generation for the facility.

**“Agribusiness”** means manufacturing, warehousing, storage, and/or related industrial or commercial activity that provides services for or are dependent upon the agricultural community, but are not necessarily suited to locations within such established areas. Such activities are a principal use not connected with any general farming on the same lot. Agribusiness may include fertilizer production; commercial stockyards; livestock auctions; retail nurseries; large concentrated animal feeding operations or major concentrated animal feeding facilities as defined in Section 903.01 of the Ohio Revised Code.

**“Agricultural use”** “means the same as stated in Section 519.01 of the Ohio Revised Code, as may be amended, to include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; 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.

**“Bed and Breakfast”** means a home occupation in which the occupants of a dwelling unit which complies with the other requirements of this Resolution, provide a sleeping room and breakfast is prepared and served on the premises for remuneration to persons who are not family members.

**“Building”** means a structure with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

**“Height of building”** means the vertical distance from the average grade surrounding the building to the highest point of the roof.

**“Building line”** means the front yard setback line established by this Zoning Resolution, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

**“Business services”** means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

**“Cemetery”** means land used or intended to be used for the burial of human dead.

**“Clinic, Human”** means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

**“Commercial Solar Energy Facility”** means a solar energy generation facility designed or intended to produce electricity primarily for off-site consumption, sale, or distribution to the electrical grid, including merchant solar facilities, that exceeds the limits of a Private Solar Energy System.

**“Conditional use”** means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Article IX of this Resolution.

**“Congregate or group home”** means a residential care facility in which not less than nine (9) but not more than sixteen (16) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment.

**“Day care center”** means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four (24) hour day for a period of two (2) consecutive days,

**“Development”** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**“District”** means a part, portion, zone or geographic area within Monroe Township within which certain development standards, as delineated by this Resolution, apply.

**“Dwelling”** or **“residence”** means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

**“Single family dwelling”** or **“single family residence”** means a building designed for or occupied exclusively by one family.

**“Two-family dwelling”** or **“two-family residence”** means a building designed for or occupied exclusively by two families living independently.

**“Multiple-family dwelling”** or **“multiple-family residence”** means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

**“Family”** means two or more persons related by blood, adoption,

marriage, guardianship or foster parent contract, living together as a single housekeeping unit, exclusive of household servants. For the purposes of this Resolution, a number of persons not exceeding three exclusive of household servants living together as a single housekeeping unit but not related by blood, adoption, marriage, guardianship or foster parent contract shall be deemed to be a family.

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**“Federal Emergency Management Agency (FEMA)”** means the agency with the overall responsibility for administering the National Flood Insurance Program, including the local Pickaway County Flood Plain Administrator.

**“Flood”** or **“flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

**“Flood Insurance Rate Map (FIRM)”** means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Monroe Township and/or Pickaway County

**“Floodway”** means the channel of a creek, stream or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**“Floor area”** of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

**“Frontage”** or **“lot frontage”** means the distance of that portion of the lot that directly abuts the street, and has direct access thereto.

**“Group Residential Facility”** means a community facility, licensed and/or authorized by the State of Ohio, which provides rehabilitative services in a residential setting. There are two (2) classes of group residential facilities:

**“Class I group residential facility”** means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.

**“Class II group residential facility”** means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and

residential rehabilitation centers for alcohol and/or drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

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**“Home occupation”** means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 25.02 of this Resolution.

**“Hospital”** means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

**“Industrialized unit”** means a building unit or assembly of closed construction that is fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure, 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 or mobile home as defined herein.

**“Lot”** means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms “plat” and “parcel”.

**“Corner lot”** means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

**“Lot coverage”** means the ratio of enclosed ground floor area of all buildings and/or pavement areas on a lot to the horizontally projected area of the lot, expressed as a percentage.

**“Rear lot line”** means that lot line which is opposite and furthest removed from the front lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

**“Side lot line”** means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

**“Lot of record”** means any lot which individually or as a part of a sub-division has been recorded in the Office of the Recorder, Pickaway County, Ohio, as of the effective date of this Resolution.

**“Minimum area of lot”** means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

**“Lot width”** is the width of a lot as measured along the front lot line that abuts a publicly dedicated and improved thoroughfare.

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**“Manufactured Home”** shall mean a building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the *Manufactured Housing Construction and Safety Standards Act of 1974* and has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

**“Manufactured Home Community”** shall mean a development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space.

**Manufactured Home Subdivision”** means a development constructed primarily for manufactured homes, in which each lot in the development is independently owned by the respective owners of the dwelling units located on such lots.

**“Modular Home”** means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Resolution, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes

**“Mobile Home”** shall mean a transportable, non-site-built dwelling unit designed to be used as a year-round residential dwelling, and built prior to the *Federal Manufactured Housing Construction and Safety Standards Act of 1974*, which became effective June 15, 1976. Because mobile homes, as herein defined, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district established in this Resolution.

**“Nonconforming use”** means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Resolution.

**“Nursery” or “Day care center”** means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four-hour day for a period of two (2) consecutive days.

**“Nursing home”** includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

**“Off-street parking space”** means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Resolution.

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**“Permanent foundation”** means a permanent masonry, concrete or locally approved footing or foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line.

**“Permanently-sited manufactured home”** shall mean a manufactured home that meets all of the following criteria:

- (1) the structure is affixed to a permanent foundation as defined above and is connected to appropriate facilities, and
- (2) the structure, excluding any additions, has a width of at least twenty-two (22) feet at one point, a length of twenty-two (22) feet at one point, and a total living area of at least 900 square feet, excluding garages, porches and/or attachments, and
- (3) the structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering, and
- (4) the structure was manufactured after January 1, 1995, and
- (5) the structure is not located in a manufactured home community.

**“Person”** means any individual, corporation, company, business, partnership, association or legal entity.

**“Personal services”** means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

**“Portable storage structure”** means a transportable storage structure that is designed and used primarily for the storage of household goods, personal items and other materials, for use on a limited basis on residential property.

**“Private Industrial Underground Transmission Line”** means any underground pipeline or conduit transporting gas, chemicals, fuels, or other hazardous materials for the primary benefit of a private industrial facility and not owned or operated by a public utility exempt under Ohio Revised Code Section 519.211.

**“Private Solar Energy System”** means a solar energy system that serves only the principal residential, agricultural, or business use located on the same parcel, is not primarily intended for off-site sale, and does not exceed ten kilowatts for residential use or two hundred fifty kilowatts for bona fide agricultural or accessory commercial use.

**“Professional offices”** means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

**“Recreational facilities”** means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

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**“Restaurant”** means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

**“Retail store”** means a store primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

**“Right-of-way”** means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

**“Similar use”** means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 11.02.05 of this Resolution.

**“Special use”** means a particular land use, as specified in Section 20.02 of this Resolution, which is likely to have significant or unique impacts on adjacent property,

**“Street”, “road” or “thoroughfare”** means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

**“Structure”** means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. “Structure” does not include fences, but shall include mobile or manufactured buildings.

**“Structural alteration”** means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

**“Township”** means Monroe Township, Pickaway County, Ohio.

**“Use”** means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

**“Variance”** means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**“Yard”** means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

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**“Front yard”** means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

**“Rear yard”** means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

**“Side yard”** means that portion of a lot that is located between the side lot line and the nearest building or structure.

**“Zoning certificate”** or **“Zoning permit”** means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Resolution.

**“Zoning District”** means a portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Resolution.

**“Zoning District Map”** or **“Zoning Map”** means the map of the Township showing the locations of established zoning districts, together with all amendments subsequently adopted by the Township Trustees, and established pursuant to Section 12.02 of this Resolution.

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**PART TWO**  
**ADMINISTRATION AND ENFORCEMENT**

**ARTICLE III**

**ADMINISTRATIVE BODIES AND THEIR DUTIES**

**Section 3.01            Zoning Inspector**

3.01.01            Office of Zoning Inspector Established

The Zoning Inspector, appointed by the Board of Township Trustees, shall enforce the Zoning Resolution. The Zoning Inspector shall be hired by the Board of Township Trustees and shall be considered an employee of the Township. All officials and/or employees of the Township shall assist the Zoning Inspector by reporting any new construction, reconstruction, or apparent violations to this Resolution.

3.01.02            Relief from Personal Liability

The Zoning Inspector, acting in good faith and without malice in the discharge of his/her duties during enforcement of this Resolution is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. Further, he/she shall not be held liable for the costs in any action, suit or proceeding that may be instituted against him/her as a result of the enforcement of this Resolution.

3.01.03            Duties of Zoning Inspector

For the purposes of this Resolution, the Zoning Inspector shall have the following duties:

- A.     Enforce the Zoning Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the Board of Zoning Appeals or other appropriate entity for action.
- B.     Issue zoning certificate(s) when the provisions of the Zoning Resolution have been met, or refuse to issue same in the event of noncompliance.
- C.     Collect designated fees as, established by separate resolution, for zoning certificates, appeals, variances and conditional uses.

- D. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning certificates and receipt of complaints of violation of the Zoning Resolution and action taken on same.
- E. Inspect any buildings or lands to determine whether any violations of the Zoning Resolution have been committed or exist.
- F. Advise the Rural Zoning Commission and the Board of Zoning Appeals of relevant matters pertaining to the enforcement of and amendments to the Zoning Resolution.

3.01.04

Removal from Employment

As an at-will employee of the Township, the Zoning Inspector may be removed by the Township Trustees for nonperformance of duty, misconduct in office or other just cause.

**Section 3.02**

**Rural Zoning Commission**

3.02.01

Establishment

Pursuant to Ohio Revised Code Chapter 519, there is hereby established a Rural Zoning Commission in and for Monroe Township. Such Commission shall consist of five (5) residents of the unincorporated area of the Township as appointed by the Board of Township Trustees. The terms of tenure of the members shall be as arranged by the Trustees. There may be up to two (2) alternate members appointed as well.

3.02.02

Removal of Members

Members of the Township Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after public hearing and notification.

3.02.03 Proceedings

The Zoning Commission shall elect a Chairman and adopt rules necessary for the conduct of its affairs consistent with the provisions of this Resolution. Meetings shall be held at the call of the Chairman, and at such other times as deemed appropriate by the Commission, as determined by majority vote. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Such minutes shall be public record, and shall be immediately filed in the office of the Commission. For the purpose of taking action, the concurring vote of three (3) members of the Commission shall be required.

3.02.04 Powers and Duties

For the purposes of this Resolution, the Rural Township Zoning Commission shall have the following powers and duties:

- A. Initiate amendments to this Resolution, pursuant to Article VI.
- B. Review proposed amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees.

**Section 3.03 Board of Zoning Appeals**

3.03.01 Establishment

There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 through 519.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of acting on matters properly before it.

The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a resident of the unincorporated territory of Monroe Township, Pickaway County, Ohio. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall

serve until his/her/his successor is appointed. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected. There may be up to two (2) alternate members appointed as well.

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3.03.02 Removal of Members

Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after public hearing and notification, following the procedures specified for the Zoning Inspector in Section 3.01.04 above.

3.03.03 Proceedings

The Board shall organize annually and elect a Chairman, and Secretary. Meetings of the Board shall be held at the call of the Chairman, and at other such times as the Board shall determine. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to implement the provisions of this Zoning Resolution. All meetings of the Board shall be open to the public.

The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be a public record and immediately filed in the Township offices.

The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules as it may establish.

3.03.04 Powers and Duties

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to affect any variation in the application of this Resolution. For the purpose of this

Resolution, the Board has the following specific responsibilities:

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- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector, in accordance with Article VII of this Resolution.
- B. Authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Resolution will result in unnecessary hardship in accordance with the provisions of Article VIII of the Resolution.
- C. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Resolution.
- D. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article IX of this Resolution, and such additional safeguards as will uphold the intent of the Resolution.
- E. Authorize the substitution or extension of nonconforming uses, as specified in Article V of this Resolution.
- F. Authorize extensions of time for completion of work specified in zoning certificate, in accordance with Section 4.08 of this Resolution
- G. Declare zoning permits void, pursuant to Section 4.09 of this Resolution.

**Section 3.04 Board of Township Trustees**

The powers and duties of the Board of Township Trustees pertaining to this Zoning Resolution are as follows:

- A. Appoint members to the Zoning Commission and Board of Zoning Appeals.
- B. Initiate and/or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map
- C. Override a written recommendation of the Zoning Commission on a text or map amendment, provided such action is passed by a unanimous vote.

**Section 3.05                    Powers of Zoning Inspector, Board of Zoning Appeals, and  
Board of Township Trustees on Matters of Appeal**

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be only to the courts as provided by law. It is further the intent of this Resolution that the powers of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Board of Township Trustees shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Building and Zoning Inspector on matters of appeal or variance. Nonetheless, nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals to the courts pursuant to Chapters 2505 and 2506 of the Ohio Revised Code. Such appeal shall be made within ten (10) days of the Board's written decision.



## **ARTICLE IV**

### **ENFORCEMENT AND PENALTY**

#### **Section 4.01            Zoning Certificate Required**

It shall be unlawful for any owner or other person to use or to permit the use of any non-agricultural structure, building or land, or part thereof, hereafter constructed, created, erected, changed, structurally altered, converted or enlarged until a zoning certificate shall have been issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Resolution. No such certificate shall be issued by the Zoning Inspector until the requirements of this Resolution have been met.

A zoning certificate is required for any of the following subject to the limitations of section 519.211 of the Ohio Revised Code:

- A. Construction, structural alteration or enlargement of any non-agricultural building or structure, including accessory buildings.
- B. Change in use of an existing building or accessory building, except agricultural uses, to a use not listed as a permitted use in the zoning district where the building is located.
- C. Occupancy and use, excepting agricultural use, of vacant land.
- D. Change in the use of land to a use not listed as a permitted use in the zoning district where the land is located.
- E. Any alteration, expansion or other change of a lawful nonconforming use as regulated by Article V.

#### **Section 4.02            Application for Zoning Certificate**

Three (3) copies of an application for a zoning certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Pickaway County Recorder's office.
- C. Existing use.
- D. Proposed use.
- E. Zoning district in which property is presently located.

- F. Plans in triplicate drawn to approximate scale, showing the actual dimensions and shape of the lot to be built upon; the exact dimensions and location of existing buildings of the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Height of proposed buildings.
- H. Number of proposed dwelling units.
- I. An approval by the Pickaway County Health Department of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Inspector.
- J. Such other material and information as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Resolution.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application, when the proposed action warrants.

#### **Section 4.03                      Approval of Zoning Certificates**

Within thirty (30) days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, in conformance with the provisions of this Resolution, unless the provisions of Section 4.04 are applicable. Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector shall authorize only the use and arrangement as set forth in such approved application. All zoning certificates shall be conditional upon the commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of plans, similarly marked, shall be retained by the Zoning Inspector. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a certificate of zoning compliance along with one (1) copy of the application.

#### **Section 4.04                      Submission to the Director of the Department of Transportation**

Before any zoning certificate is issued affecting any land within 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 the Department of Transportation, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning certificate for 120 days from the date the notice is delivered to the

Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Certificate.

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If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or if notification of action is not received by the Zoning Inspector, the Zoning Inspector shall, if the application is in conformance with all provision of this Resolution, issue the zoning certificate.

#### **Section 4.05 Record of Zoning Certificates**

A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector, or his/her designated agent, and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the building or land affected.

#### **Section 4.06 Expiration of Zoning Certificates**

If the work described in any zoning certificate has not begun within one (1) year from the date of issuance thereof, or has not been completed within two (2) years from the date of issuance thereof, said certificate shall expire. For the purposes of these regulations, a building or structure shall be considered complete when it is ready for final occupancy and a Certificate of Zoning Compliance, pursuant to Section 4.07 below, has been issued. In cases where a zoning certificate has expired, it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning certificate has been obtained or extension granted by the Board of Zoning Appeals.

#### **Section 4.07 Certificate of Zoning Compliance**

It shall be unlawful to use or occupy, or permit the use or occupancy of any building or premises hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Inspector, stating that the proposed use of the building or land, as completed, conforms to the requirements of this Resolution. Such certificate of zoning compliance may be processed as an indication of final approval on the zoning certificate

#### **Section 4.08 Schedule of Fees, Charges and Expenses**

The Board of Township Trustees shall establish, by separate Resolution, a schedule of fees, charges, and expenses and a collection procedure for zoning

permits, certificates of zoning compliance, appeals, and other matters pertaining to this Resolution. Copies of the schedule of fees shall be retained by the Zoning Inspector and posted in the Township offices, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

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**Section 4.09                      Void Zoning Certificate**

A zoning certificate shall be void if any of the following conditions exist:

- A.        The zoning certificate was issued contrary to the provisions of this Resolution by the Zoning Inspector.
- B.        The zoning certificate was issued based upon a false statement by the applicant.
- C.        The zoning certificate has been assigned or transferred.

When a zoning certificate has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to this Resolution, written notice of its revocation shall be given by certified mail to applicant, and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning certificate has been issued.

**Section 4.10                      Violation and Penalty**

4.10.01                      Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning certificates or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 4.10.03.

4.10.02                      Complaints Regarding Violations

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Resolution.

4.10.03 Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township, the County Prosecutor, or any adjacent property owner from taking such other lawful action as is necessary to prevent or remedy any violations.

**ARTICLE V**

**NON-CONFORMITIES**

**Section 5.01 Intent**

Within the districts established by this Resolution, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these nonconformities to continue until they are removed and to permit reasonable extensions and improvements as allowed by law.

**Section 5.02 When Permitted**

5.02.01 Existing Land or Buildings

Any use of land or buildings existing on the effective date of this Resolution may be continued, even though such use does not conform to the provisions herein, so long as such use was in conformity with the zoning resolution in effect in the Township at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Resolution.

5.02.02 Construction Commenced

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Resolution, upon which property the work of changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Resolution, may be used for the nonconforming use for which such changing, remodeling or construction was undertaken, provided that such



- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate R-District.
- D. Any structure which is non-conforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of non-conformity.

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**Section 5.06                      Damage and/or Destruction of a Non-conforming Building or Use**

When a building or structure, the use of which does not conform to the provisions of this Resolution, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within six (6) months of the time of damage, that construction is completed within twenty-four (24) months, and that such restoration or rebuilding would not extend or expand the existing use beyond the parameters specified in Section 5.05.

**Section 5.07                      Maintenance and Repair**

Nothing in this Article shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows:

- A. when required by law.
- B. to convert to a conforming use.
- C. to improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

**Section 5.08                      Nonconforming Lots of Record**

In any district where dwellings are permitted, one (1) single-family detached dwelling may be erected on any lot of official record on the effective date of this Resolution, even though such lot does not meet the development standards of the

district in which it is located, provided such lot receives the approval of the Pickaway County Board of Health, and further provided that the owner of such lot does not own adjacent property and did not own such property at the time this Resolution became effective.

If the owner(s) of such lot owns adjacent property, or owned such property at the time this Resolution became effective, then the owner(s) shall re-divide such property to provide for the lot area and width requirements of the district in which the lot is located. However, if the width of the lots resulting from such re-division would exceed the required lot width in the district by more than twenty percent (20%), such re-division may be made so as to provide one (1) more lot than would otherwise be permitted.

In cases where building on a nonconforming lot occurs pursuant to the requirements above, the front, side and rear yards shall be as close as possible to the prevailing standards of the district within which the lot exists. The Board of Zoning Appeals shall have the authority to determine if the yards to be utilized are consistent with this requirement.

**ARTICLE VI**

**DISTRICT CHANGES AND AMENDMENTS**

**Section 6.01 Intent**

This Article describes the procedures to be followed for amendment of the Zoning Resolution. If and to the extent that the provisions of this Article are inconsistent with the provisions of Section 519.12 of the Ohio Revised Code, as may be subsequently amended, the provisions of the Ohio Revised Code shall govern.

**Section 6.02 Initiation of Zoning Amendments**

Amendments to this Resolution may be initiated in one of the following ways:

- A. By referral of a proposed amendment to the Township Zoning Commission by Board of Township Trustees.
- B. By the adoption of a motion by the Township Zoning Commission submitting the proposed amendment to the Board of Township Trustees.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his/her designated agent, within the area proposed or affected by the said amendment.

**Section 6.03 Contents of Application**

An application for amendment shall be submitted by the applicant to the Zoning Inspector and shall contain, at a minimum, the following information:

- A. Name, address, and phone number of the applicant.
  - B. Proposed amendment to the text or legal description of the property affected.
  - C. Present use and district.
  - D. Proposed use and district.
  - E. A map drawn to scale showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
  - F. A list of all property owners within the 500 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Pickaway County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
  - G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
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- H. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Resolution.
  - I. A fee as established by the Board of Township Trustees.

Upon receipt of the application, the Zoning Inspector shall review it for completeness. If the above requirements are met, the Zoning Inspector shall transmit the application to the Zoning Commission. The date of such transmittal shall be considered the date of filing. If the application is incomplete, the Zoning Inspector shall return it to the applicant.

#### **Section 6.04                      Submission to County Planning Commission**

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case in question, to the Pickaway County Planning Commission. The Pickaway County Planning Commission may recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission, pursuant to Section 6.05 below.

#### **Section 6.05                      Public Hearing by Zoning Commission**

6.05.01 Date of Public Hearing

The Zoning Commission shall schedule a public hearing after adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above. Said hearing shall be held not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

6.05.02 Notice of Public Hearing in Newspaper

Before holding the public hearing as required, notice of such hearing shall be given by the Township Zoning Commission in at least one (1) newspaper of general circulation in the Township at least ten (10) days before the date of such hearing, or by electronic means as allowed by law. The notice shall set forth the following information:

- a. The time and place of the public hearing.
- b. A statement that the hearing is being conducted by the Monroe Township Rural Zoning Commission.  
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- c. A statement indicating that the proposed action is an amendment to the zoning resolution.
- d. A list of the addresses and owners of all properties to be rezoned or redistricted as they appear on the application, if applicable.
- e. The present and proposed zoning classification of the property to be rezoned or redistricted, if applicable.
- f. The time and place where the application will be available for public examination for a period of at least ten (10) days prior to the hearing,
- g. The name of the person responsible for giving notice of the public hearing.
- h. Any other information requested by the Zoning Commission.
- i. A statement that after the conclusion of such hearing, the matter will be referred to the Board of Township Trustees for further determination.

6.05.03 Notice to Property Owners

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the hearing, to all owners of property within,

contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Pickaway County Auditor's current tax list, as provided by the applicant in Section 6.03 (F) above. The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of notices published in newspapers as specified in Section 6.05.02 above.

**Section 6.06                    Recommendation by Zoning Commission**

Within thirty (30) days after the hearing required in Section 6.05 above, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

**Section 6.07                    Public Hearing by the Board of Township Trustees**

Within thirty (30) days from receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be as specified in Section 6.05 above.

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**Section 6.08                    Action by the Board of Township Trustees**

Within twenty (20) days after the public hearing required in Section 6.07 above, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or it may adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the majority vote of the Board of Township Trustees is required.

**Section 6.09                    Criteria**

In reviewing the proposed amendment and arriving at its decision, the Board of Township Trustees shall consider the following factors:

- A.            Compatibility of the proposed amendment with the zoning and use of adjacent land, and with any land use or comprehensive plans adopted by the Township.
- B.            The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage and/or public infrastructure in the area.

- C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the adjacent properties and other residents of the Township.

**Section 6.10                    Effective Date and Referendum**

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days 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 thereof included in the zoning plan, equal to thirty-five percent (35%) of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected, requesting the Board of Township Trustees to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately.

**ARTICLE VII**

**APPEALS**

**Section 7.01                    Appeals**

Any official action of the Zoning Inspector may be appealed by any person aggrieved, or by any officer of the Township affected by the decision of the Zoning Inspector. The procedures to be followed shall be as specified in Sections 519.14 through 519.15 of the Ohio Revised Code, as may be amended.

**Section 7.02                    Notice of Appeal**

A notice of appeal may be filed with the Fiscal Officer of the Township by any person aggrieved including a tenant, or by a governmental officer, department, board,

or bureau. Such appeal shall be taken within twenty (20) days after the date of the decision, and shall be in writing, signed by the appellant, specifying the grounds of the appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal. Within five (5) days from the date of receipt of such appeal, the Fiscal Officer of the Township shall transmit said notice to the Board of Zoning Appeals.

**Section 7.03                      Action by the Board of Zoning Appeals**

Upon receipt of the notice of appeal, the Board of Zoning Appeals shall fix a reasonable time for the appeal, give ten (10) days' notice in writing to parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in Pickaway County at least ten (10) days before the date of such hearing, or by electronic means as allowed by law, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

**ARTICLE VIII**

**VARIANCES**

**Section 8.01                      Powers of the Board of Zoning Appeals**

The Board of Zoning Appeals shall have the power to authorize, in specific cases, such variances from the provisions of this Resolution as will not be contrary to the public interest. Such variances shall be granted only in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved. No variance from strict application of any provision of this Resolution

shall be granted by the Board unless it finds that all the following facts and conditions exist:

- A. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
- B. That, because of such physical conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will represent the mini-mum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Under no circumstance shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

## **Section 8.02                      Application for Variance**

Any owner, or his/her agent, may file an application to obtain a variance. An application for a variance shall be filed in triplicate with the Zoning Inspector. The Zoning Inspector shall forward such application to the Board of Zoning Appeals, within five (5) days from receipt of the completed application.

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The application for a variance or an appeal shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Pickaway County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 500 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Resolution which apply.

- F. A narrative statement explaining the following:
  - 1. The use for which variance or appeal is sought.
  - 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
  - 3. The specific reasons why the variance is justified, according to Section 8.01 A-D above.
- G. Fee(s) as established by the Board of Township Trustees.

**Section 8.03 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals may hold a public hearing within thirty (30) days after receipt by the Secretary of an application for a variance. If such a hearing is held, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing, or by electronic means as allowed by law. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

**Section 8.04 Action by Board of Zoning Appeals**

Within thirty (30) days after the public hearing pursuant to Section 8.03, or sixty (60) days from the date of the application if such hearing is not held, the Board of Zoning Appeals shall approve, disapprove, or approve with supplementary conditions the request for variance. In granting any variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution under Section 4.10 of this Resolution.

If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and will permit a reasonable use of the land, building or structure. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

**ARTICLE IX**

**CONDITIONAL USES**

**Section 9.01 Authority and Purpose**

Under some unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is

located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as “conditional uses” within the respective zoning districts.

The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Resolution.

### **Section 9.02                      Application for Conditional Use**

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Resolution in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Zoning Inspector, who shall forward within five (5) days a copy to the Secretary of the Board of Zoning Appeals. At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant.
  - B. Legal description of the property as recorded in the Pickaway County Recorder's office.
  - C. Present zoning district.
  - D. Description of proposed conditional use.
  - E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
  - F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.
- 2-22
- G. The names and addresses of all property owners within 500 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above referenced boundaries.
  - H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.
  - I. Fee(s) as established by the Board of Township Trustees.

### **Section 9.03                    General Standards for Conditional Uses**

In addition to the specific requirements for conditional uses as specified in the district regulations, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location meets all of the following requirements:

- A.     The use is in fact a conditional use as established under the district regulations.
- B.     The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C.     The use will not pose a discernible hazard to existing adjacent uses.
- D.     The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.
- E.     The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- F.     The use will be consistent with the objectives of this Zoning Resolution and any adopted comprehensive plan for the area.

### **Section 9.04                    Supplementary Conditions**

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution.

### **Section 9.05                    Public Hearing by the Board of Zoning Appeals**

The Board may hold a public hearing within thirty (30) days from the receipt of the application specified in Section 9.02. If a public hearing is held, the requirements for public notice and notification of parties of interest shall be the same as for a variance, as specified in Section 8.03 of this Resolution.

**Section 9.06                    Action by the Board of Zoning Appeals**

Within thirty (30) days after the public hearing pursuant to Section 9.05, or sixty (60) days from the date of the application if such hearing is not held, the Board shall either approve, approve with supplementary conditions as specified in Section 9.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Board shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

**Section 9.07                    Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions.**

The approval of the zoning certificate issued in accordance with Section 9.06 shall become null and void if such use is not carried out within one (1) year after date of approval. The Board may revoke the zoning certificate upon written evidence by any resident or official of the Township of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

**Section 9.08                    Private Industrial Underground Transmission Lines**

Private Industrial Underground Transmission Lines carrying hazardous materials are permitted only as a Conditional Use subject to site plan review.

**Minimum Standards**

1. Setback of not less than one hundred feet (100') from dwellings and private wells.
2. Restoration plan for agricultural drainage and soils shall be submitted.
3. Emergency response coordination plan shall be submitted.
4. Identification of shutoff locations shall be shown on site plan.
5. Financial assurance for restoration shall be submitted and reviewed by the Board of Zoning Appeals.

**ARTICLE X**

***(RESERVED FOR FUTURE USE)***

**PART THREE**  
**ZONING DISTRICTS**



## **ARTICLE XI**

### **STANDARD ZONING DISTRICT REGULATIONS**

#### **Section 11.01 Regulations for the Use and Development of Land and/or Structures**

Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the zoning districts as established in Article XII, are hereby established and adopted.

#### **Section 11.02 Rules of Application**

##### 11.02.01 Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Resolution.

##### 11.02.02 Permitted Uses

- A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:
1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article IV of this Resolution.
  2. An unlisted use may be determined by the Board of Zoning Appeals to be a similar use, in accordance with Section 11.02.05 of this Article.
- B. In no case shall there be more than one (1) principal building used for residential purposes on any single lot of record.

##### 11.02.03 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use, and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations and the requirements of Article XXIV of this Resolution.



11.02.04 Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article IX of this Resolution.

11.02.05 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.

Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Board shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to added.

11.02.06 Development Standards

Development standards set forth shall be the minimum allowed for uses permitted in that district. If development standards are in

conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

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#### 11.02.07 Development Plan

For particular uses in specific districts, a *Development Plan* will be cited as required. In such cases, the Development Plan shall be submitted by the applicant at the time the property is zoned into the district, or at the time of the application for a zoning certificate, whichever is appropriate. The Development Plan shall contain a site plan for the property, drawn to scale, showing all property lines and building outlines, access drives, parking areas, and other notable physical features. The Development Plan shall also show the size, design, materials and location of all signage proposed for the development. The Development Plan shall contain a narrative description of the proposed use and how such use will impact adjacent residential property

If required, the Development Plan shall be reviewed by the Zoning Commission (in the case of a zoning amendment) and/or the Board of Zoning Appeals (in the case of a conditional use). Such Development Plan must be approved as a condition for the issuance of a zoning certificate. In approving a Development Plan, the Zoning Commission and/or Board of Zoning Appeals shall find that the following criteria have been met:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate adverse impacts on adjacent residential areas and to protect the residential character of such areas.
- C. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods.

In reviewing the Development Plan, the Zoning Commission and/or Board of Zoning Appeals has the authority to seek the recommendation of the Soil and Water Conservation District (SWCD) on specific issues.

### **Section 11.03 Prohibited Uses in all Zoning Districts**

- A. Advanced Manufacturing/data center uses and associated accessory uses are prohibited in all districts. This includes accessory power generation uses. Accessory Information

Technology Rooms are permitted only when incidental to a permitted principal use.

3-2

## ARTICLE XII

### ZONING DISTRICTS AND ZONING DISTRICT MAP

#### Section 12.01 Zoning Districts Established

The following zoning districts are hereby established for Monroe Township:

- (FR)** *Farm Residential District*
- (SR)** *Suburban Residential District*
- (C/I)** *Commercial/Industrial District*
- (SU)** *Special Use District*
- (FP)** *Flood Plain Overlay District*

#### Section 12.02 Official Zoning Map

The districts established in Section 12.01 of this Resolution are shown on the Official Zoning District Map which, together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Resolution. The Official Zoning District Map shall be identified by the signatures of the Board of Township Trustees and the Clerk and shall be on file in the Township offices.

#### Section 12.03 Interpretation of Zoning District Boundaries

Except where referenced and noted on the Official Zoning District Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, center lines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Resolution. The Zoning Inspector shall interpret the boundary lines from the zoning map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Board of Zoning Appeals.



## **ARTICLE XIII**

### **(FR) FARM RESIDENTIAL DISTRICT**

#### **Section 13.01 Purpose**

The Farm Residential District is established to promote the continuance of agriculture and farm-based uses and to provide areas for low density single family residential environments reflecting a rural lifestyle. Such areas are typically not served by public water or sewer systems, but are serviced primarily by the existing roadway system.

#### **Section 13.02 Permitted Uses**

- A. Agricultural uses, along with customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached dwelling.
- B. One-family detached nonfarm dwellings.
- C. Public parks and nature preserves.
- D. Projects specifically designed for watershed protection, conservation of water or soils for flood control.
- E. Greenhouses and nurseries, including tree farms.
- F. Woodlots and timber harvesting facilities.

#### **Section 13.04 Accessory Uses**

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and/or similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Resolution.
- B. Home occupations, subject to the requirements of Section 24.02 of this Resolution.
- C. Temporary seasonal roadside stands offering for sale primarily agricultural products grown on the premises, subject to the provisions of ORC 519.21 (C).

#### **Section 13.05 Conditional Uses**

- A. Agribusiness, as defined in Article II, subject to the following conditions:
  - 1. The agribusiness establishment shall be incidental and necessary to the conduct of agriculture within the

district and shall be a business which is dependent upon the surrounding agricultural community.

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2. The owner or operator of the agribusiness establishment shall demonstrate approval from the Ohio Environmental Protection Agency, Ohio Department of Agriculture and/or other applicable state or federal agencies for any on-site water supply and/or wastewater disposal system.
  3. The agribusiness shall not emit noise, dust or chemical residues which result in the creation of a nuisance or trespass to the surrounding properties.
  4. A specific plan for addressing storm water and surface drainage on the site shall be submitted and approved by the Board of Zoning Appeals.
  5. Notwithstanding the above, the following subjects are not to be regulated, negotiated or otherwise considered by the Board of Zoning Appeals in any conditional use permit proceeding by the owner or operator of a concentrated animal feeding operation or concentrated animal feeding facility as those terms are defined in Section 903.01 of the Ohio Revised Code:
    - (a) manure
    - (b) insects or rodents
    - (c) odor
    - (d) siting requirements
- B. Accessory dwelling units (ADUs) as defined in Article II and as regulated by Section 24.08 of this Resolution.
- C. Kennels and similar facilities for boarding of animals, provided adequate measures will be employed to minimize any adverse impacts on adjoining properties.
- D. Golf courses, provided clubhouses, maintenance facilities and parking areas are at least 200 feet from any adjacent property.
- E. Churches and places of public worship provided the seating of the main sanctuary does not exceed 400 persons.
- F. Cemeteries, provided that a distance of not less than 200 feet is maintained from burial plots and any structures to any adjacent property line.
- G. Bed and Breakfast establishments, provided the facility is owned and operated by the resident of the property, and subject to the following:
  1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
  2. Off-street parking shall be provided for all guests in specially designated improved areas.
  3. Exterior signage shall be limited to a single nameplate not more than nine (9) square feet in size. No signs shall be internally illuminated and all lighting shall be

arranged so as not to shine on adjacent properties in accord with Section 23.08.

4. Accommodations shall be provided for not more than six (6) guests.

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**Section 13.06      Development Standards**

13.06.01      Minimum Lot Area

a) No parcel of land in the FR District shall be used for residential purposes which has an area of less than four (4) acres exclusive of all road right-of-way. All other uses in this District shall have such lot area as prescribed by the article permitting such use or as prescribed by the Board of Zoning Appeals as a condition of the approval of such use.

b) Lot Area, Newly Created Lots: No parcel of land in the FR District shall be used for residential purposes unless it is either (1) a master parcel as herein defined or (2) a lot created by a lot split out of the master parcel which shall be four acres, exclusive of all road rights-of-way. The number of lots permitted to be split or created out of the master parcel shall be determined by the following schedule:

<b>ACRE MASTER PARCEL</b>	<b>NEW LOT SPLITS</b>
Greater than 4 acres, up to 10 acres	1 new lot
Greater than 10 acres, up to 50 acres	2 new lots
Greater than 50 acres, up to 100 acres	3 new lots
Greater than 100 acres, up to 150 acres	4 new lots
Greater than 150 acres, up to 200 acres	5 new lots
Greater than 200 acres, up to 250 acres	6 new lots
Greater than 250 acres	7 new lots

\*All lot splits for which the number does not conform to the above schedule shall be subject to the review of the Pickaway County Subdivision Regulations.

13.06.02      Minimum Lot Width

All lots shall have a minimum lot width of four hundred (400') feet, or such distance as is required by the Pickaway County Engineer, Ohio Department of Transportation or other applicable agency for obtaining a permit for driveway installation, whichever is larger. All lots are required to have a minimum depth of at least three hundred (300') feet.

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- 13.06.03 Minimum Front Yard Depth
- All nonfarm structures shall be located not less than 120 feet from the center line of any roadway.
- 13.06.04 Minimum Side Yard Width
- Ten (10) feet.
- 13.06.05 Minimum Rear Yard Depth
- Twenty (20) feet.
- 13.06.06 Maximum Building Height
- Thirty-five (35) feet.
- 13.06.07 Permit for Driveway Installation Required
- Before any zoning certificate is issued in the FR District, the applicant shall provide documentation that a permit for driveway installation can be obtained for all home sites, from the Pickaway County Engineer, Ohio Department of Transportation or other applicable authority.

**Section 13.07 Agricultural Nuisance Disclaimer**

Lands within the Farm Residential District may be located within areas where land is utilized for agricultural production. Residents and other users of property within this District may be subject to inconvenience and/or discomfort arising from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of agricultural machinery, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of property within the FR District should be prepared to accept such inconvenience, and/or discomfort.

## **ARTICLE XIV**

### **(SR) SUBURBAN RESIDENTIAL DISTRICT**

#### **Section 14.01 Purpose**

The SR District is established to provide areas to accommodate medium-density **rural residential development** in selected rural areas. It is intended that the development would be by new streets and roadways constructed to approved subdivision standards. The residential densities allowed in the SR District mean that the district is to be used primarily in areas served by central water and sewer systems.

#### **Section 14.02 Permitted Uses**

- A. One-family detached dwellings.
- B. Projects specifically designed for watershed protection and/or conservation of water or soils for flood control.
- C. Public parks and/or playgrounds.
- D. Public, private and/or parochial schools.
- E. Golf courses, provided clubhouses, maintenance facilities and parking areas provided such facilities are at least 200 feet from any adjacent property.

#### **Section 14.03 Accessory Uses**

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, and/or similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Resolution.
- B. Home occupations, subject to the requirements of Section 24.02 of this Resolution.

**Section 14.04 Conditional Uses**

A. Cluster housing, provided that the overall density of the residential development, including open space, does not exceed that which would result if the project was constructed to the standards in 14.05.A below, that the lot is provided with public water and sewer, and subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals.

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B. Accessory dwelling units (ADUs) as defined in Article II and as regulated by Section 24.08 of this Resolution.

**Section 14.05 Development Standards**

A. Minimum Lot Area

a) Four (4) acres, or such size as determined necessary by the Pickaway County Health Department, whichever is larger.

b) Lot Area, Newly Created Lots: No parcel of land in the SR District shall be used for residential purposes unless it is either (1) a master parcel as herein defined or (2) a lot created by a lot split out of the master parcel which shall be four acres, exclusive of all road rights-of-way. The number of lots permitted to be split or created out of the master parcel shall be determined by the following schedule:

<b>ACRE MASTER PARCEL</b>	<b>NEW LOT SPLITS</b>
Greater than 4 acres, up to 10 acres	1 new lot
Greater than 10 acres, up to 50 acres	2 new lots
Greater than 50 acres, up to 100 acres	3 new lots
Greater than 100 acres, up to 150 acres	4 new lots
Greater than 150 acres, up to 200 acres	5 new lots
Greater than 200 acres, up to 250 acres	6 new lots
Greater than 250 acres	7 new lots

\*All lot splits for which the number does not conform to the above schedule shall be subject to the review of the Pickaway County Subdivision Regulations.

B. Minimum Lot Width

All lots shall have a minimum lot width of four hundred (400') feet, or such distance as is required by the Pickaway County Engineer, Ohio Department of Transportation or other applicable agency for obtaining a permit for driveway installation, whichever is larger. All lots are required to have a minimum depth of at least three hundred (300') feet.

C. Minimum Front Yard Depth

120 feet from the center line of any roadway.

D. Minimum Side Yard Width

Ten (10) feet.

E. Minimum Rear Yard Depth

Twenty (20) feet.

F. Maximum Building Height

Thirty-five (35) feet.

G. Minimum Building Area

1,000 square feet shall be required for single family dwellings having one (1) story; 1,200 square feet of total living area shall be required for single family dwellings with one-and-a-half (1 ½) or two (2) stories

H. Permit for Driveway Installation Required

Before any zoning certificate is issued in the SR District, or any land is rezoned into the SR District, the applicant shall provide documentation that a permit for driveway installation can be obtained for all home sites, from the Pickaway County Engineer, Ohio Department of Transportation or other applicable authority.

3-10

**ARTICLE XV**

***(RESERVED FOR FUTURE USE)***

**ARTICLE XVI**

***(RESERVED FOR FUTURE USE)***

## **ARTICLE XVII**

### **(CI) COMMERCIAL/INDUSTRIAL DISTRICT**

#### **Section 17.01 Purpose**

It is recognized that rural-based business activity is unique, and may possess characteristics typically associated with both commercial and industrial land uses. The CI District is established to provide areas to reflect the diverse nature of this rural business activity while controlling the adverse impacts of such development on adjacent areas.

Permitted uses within the CI District must operate in accordance with the following standards:

- A. primarily within enclosed structures.
- B. with minimal adverse environmental or economic impact on adjacent properties.
- C. free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.

#### **Section 17.02 Permitted Uses**

- A. Administrative, professional and/or business offices including professional, medical, legal, engineering/consulting, accounting/bookkeeping services, real estate, insurance sales and associated services and/or brokers or dealers in securities.
- B. Organizations and associations organized on a profit or non-profit basis for promotion of membership interests, including business, professional, civic, social and fraternal organizations and/or charitable organizations.

- C. Retail stores engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of those goods; provided storage and display of merchandise shall be primarily within the principal structure.
  - D. Personal services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal consumption.
  - E. Churches and other places of public worship.
  - F. Public or private schools.
- 3-11
- G. Light manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the standards of this CI District.
  - H. Administrative and business offices associated with another permitted use.
  - I. Warehousing, distribution and related uses, including truck and transfer terminals.
  - J. Nursery schools and day care facilities.
  - K. Commercial recreational facilities within an enclosed building, such as skating rinks, bowling alleys and physical fitness centers.
  - L. Lumber and home improvement sales.
  - M. Garden centers.
  - N. Outdoor advertising, subject to the requirements of Section 26.03 of this Resolution.
  - O. Similar uses, as determined by the Board of Zoning Appeals, in accordance with the provisions by Section 11.02.05 of this Resolution.

**Section 17.03            Conditional Uses**

- A. Institutions for human medical care, including hospitals, clinics, sanitariums and homes for the elderly, provided that any building or parking/service area be located not less than 200 feet from any adjacent property.

- B. Carry out food and beverage establishments with drive-through facilities, provided a plan for traffic circulation and parking, submitted by the applicant is approved by the Board of Zoning Appeals.
- C. Establishments selling gasoline, kerosene and/or diesel fuel, provided that all buildings and parking/service areas are located not less than 200 feet from any adjacent property and that a plan for traffic circulation and parking, submitted by the applicant, is approved by the Board of Zoning Appeals.
- D. Motor vehicle sales and service establishments, provided that all buildings and parking/service areas are located not less than 200 feet from any adjacent property, any inoperable, unlicensed or unused vehicle shall not be stored outside the principal building for a period of time exceeding twenty-four (24) hours.

3-12

- E. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- F. Quarrying or mining operations, or structures or sites associated with drilling for oil or natural gas, provided that all County, State and federal regulations are met and licenses are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate, pursuant to the standards and requirements of ORC 519.141.
- G. Facilities for the storage of personal or corporate property, offered on a rental basis.
- H. Billboards, provided such signs are located along a state highway not less than 200 feet from the right-of-way, and subject to the provisions of Section 27.05B of this Resolution.
- I. Other uses of a commercial or industrial nature not otherwise provided for in this Resolution.

## **Section 17.04      Development Standards**

### 17.04.01    Development Plan

A Development Plan with the same requirements as that specified in Section 11.02.07 of this Resolution shall be submitted for all projects within the CI District prior to issuance of a zoning certificate.

17.04.02 Minimum Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas, and be approved by the Pickaway County Health Department or Ohio Environmental Protection Agency.

17.04.03 Minimum Lot Width

Continuous frontage on a publicly dedicated and improved federal, state or county highway is required. Such lot width shall be adequate to accommodate all required parking areas, yards and vehicle circulation lanes, but in no case shall be less than 150 feet

3-13

17.04.04 Minimum Front Yard Depth

Buildings shall be located 120 feet from the right-of-way of any state or federal highway, and 150 feet from the center line of any county or township road. Signs and/or parking areas may be located within the front yard, but in no case shall any sign, or the front edge of any parking area be located less than fifty (50) feet from the right-of-way of any state or federal highway, or eighty (80) feet from the center line of and county or township road.

17.04.05 Minimum Side Yard

When abutting a non-residential zoning district, twenty (20) feet for structures, ten (10) feet for any portion of a paved area. When abutting residential zoning district, eighty (80) feet for structures, thirty-five (35) feet for any portion of a paved areas, subject to the requirements of Section 17.04.03 above.

17.04.06 Minimum Rear Yard

When abutting a non-residential zoning district, thirty (30) feet for structures, ten (10) feet for any potion of a paved area: When abutting a residential zoning district, eighty (80) feet for structures, thirty-five (35) feet for any portion of a paved area, subject to the requirements of Section 17.04.03 above.

17.04.07 Parking and Loading

Parking and loading spaces for commercial and industrial developments shall be provided as required in this Resolution. Parking spaces shall be designed to allow a minimum of ten (10) feet between any structure and any parked vehicle. Commercial and/or industrial developments involving one or more structures, each exceeding 10,000 square feet in gross floor area shall be subject to the following requirements:

- A. In addition to the setback requirements specified in Section 17.04.03 through 17.04.05 above, off-street parking facilities for more than twenty (20) vehicles shall be provided on each side of the parking area that abuts any FR, RR or LRR District with a solid decorative fence or dense vegetative planting with a minimum height of six (6) feet at time of planting and 75% opacity at full foliage.

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- B. All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

17.04.08 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

17.04.09 Lighting

Lighting shall be arranged so as not to shine directly on adjacent properties and shall comply with Section 23.08.

17.04.10 Air Pollution

For all uses in the CI District, no emission of air pollutants which violates Clean Air Act Standards, as enforced by the OEPA, shall be permitted. The Township is hereby authorized to require evidence of such compliance by any owner within the CI District.



**ARTICLE XVIII**

***(RESERVED FOR FUTURE USE)***

**ARTICLE XIX**

***(RESERVED FOR FUTURE USE)***

**ARTICLE XX**

**(SU) SPECIAL USE DISTRICT**

**Section 20.01 Purpose**

The Special Use District is established to provide for suitable locations for particular uses which, by their nature, are likely to have significant and/or unique impacts on adjacent and nearby property. The procedures specified for the SU District are intended to promote the compatibility of the use with adjoining residential uses and to ensure that the location of such facilities will provide for adequate and efficient access and service provision.

**Section 20.02 Permitted Uses**

Buildings and land used for purposes specified on the following schedule shall require zoning in the SU District:

PRIMARY BUILDINGS AND USES	ACCESSORY USES
1. Public buildings, meeting halls, schools, libraries, museums, and similar places for public assembly.	Parking areas.
2. Cemeteries, including mausoleums having more than 200 grave sites.	Sexton's or caretaker's dwellings
3. Churches and places of public worship with more than 400 seats in the main sanctuary.	Parking areas, parsonages.
4. Commercial facilities such as stadiums, amphitheaters, racetracks or similar facilities for conducting sporting events, concerts, and similar outdoor events.	Parking areas, administrative and maintenance structures.
5. Commercial recreational areas such as golf courses, gun clubs, sportsmen's clubs, summer camps and similar entertainment uses.	Parking areas, maintenance structures.
6. Campgrounds where fees are charged for the temporary parking of recreational vehicles, erection of tents, or similar camping equipment.	Customary maintenance and/or support structures

- 7. Outdoor shooting ranges, as defined in Article II, provided the required Development Plan provides specific proof of compliance with the standards of Ohio Revised Code (ORC) Section 1501:31-29-03. Parking areas
- 8. Multiple freestanding solar collection facilities on a single site

**Section 20.03            Development Plan Required**

In addition to the material required for the application for a zoning amendment, as specified in Article VI of this Resolution, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include a site plan for the proposed project including setbacks, any signage, an analysis of facility's impact on any adjacent residential area and explanation of the methods proposed by the applicant to alleviate or minimize these impacts, as well as any other information deemed necessary to determine compliance with this Resolution.

The Development Plan shall be reviewed by the Zoning Commission and considered in making its recommendations to the Township Trustees. The Zoning Commission shall display the Development Plan at any public hearing held pursuant to Article VI of this Ordinance. Criteria for reviewing a Development Plan for a proposed SU zoning are as follows:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed use has incorporated measures to address, lessen and/or alleviate adverse impacts on adjacent areas and to protect the residential character of such areas.

**Section 20.04            Development Standards**

- A. Lot and Area Requirements

The area or parcel of land for a special use shall not be less than that required to provide space adequate for off-street parking areas, yards and open spaces sufficient to maintain the character of the neighborhood. The size of the parcel of land

occupied by the proposed use, and all setbacks, shall be shown on the Development Plan required in Section 20.03.

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B. Front Yard

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

C. Side and Rear Yards

Where any special use abuts a district where residences are a permitted use, a side yard of not less than fifty (50') feet and a rear yard of not less than eighty (80') feet shall be maintained. In addition, a landscaped buffer shall be installed in such yard. The minimum dimension of yards abutting other districts shall be determined by the Zoning Commission.

**Section 20.05 Action by Board Township Trustees**

In approving the redistricting of land into the SU District, the Board of Township Trustees may specify appropriate conditions and/or safeguards. Violation of these conditions or safeguards shall be considered as a violation of the provisions of this Resolution, subject to the penalties as specified in Article IV.

**Section 20.06 Compliance with Development Plan**

The construction of all buildings and the development of the site within the SU District shall be in conformity and compliance with the approved Development Plan.

**ARTICLE XXI**

**(FP) FLOOD PLAIN OVERLAY DISTRICT**

**Section 21.01 Finding of Fact**

Specific areas adjacent to streams and watercourses within Monroe Township are subject to periodic inundation which may result in loss of life and property, hazards to health and safety, disruption of commerce, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the occupancy of flood hazard areas by unsuitable land uses, and the cumulative effect of obstructions in flood plains, causing increased flood heights and velocities,

**Section 21.02 Purpose**

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize losses resulting from periodic inundation of flood waters in Monroe Township by:

- A. restricting or prohibiting uses and activities that are dangerous to health, safety or property in times of flooding, or cause excessive increases in flood heights or velocities;
- B. controlling the filling, grading, dredging and other development which may increase flood damage; and
- C. controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

**Section 21.03 Scope and Application**

21.03.01 Applicable Lands

This Article shall apply to all lands within Monroe Township shown as within the 100-year flood plain, as identified by the

Federal Emergency Management Agency on the Flood Insurance Rate Map Numbers and dates as follows:

<i>39129 C 0150 H</i>	<i>August 29, 1997</i>
<i>39129 C 0125 H</i>	<i>August 29, 1997</i>
<i>39129 C 0275 H</i>	<i>August 29, 1997</i>

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The above Flood Insurance Rate Maps with accompanying Flood Insurance Studies, and any subsequent revisions and/or amendments to the above maps, are hereby adopted by reference and declared to be a part of this Article.

21.03.02 Overlay District Designation

The areas of special flood hazard identified on the Official Zoning District Map shall be considered as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

The Flood Plain Overlay (FP) District shall be superimposed over the Official Zoning District Map. The underlying zoning district, as shown on the Official Zoning District Map, shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district; however, when the requirements governing the Flood Plain Overlay District are more restrictive than those of the base district, the provisions of this Article shall supersede those of the base district.

21.03.03 Interpretation of Boundaries

When disagreement exists as to the boundaries of the Flood Plain Overlay District, those boundaries shall be interpreted to be the boundaries as shown on the Flood Insurance Rate Maps referenced in Section 20.03.01 above.

Actual boundaries may also be determined by use of the flood elevation profile information provided in the referenced Flood Insurance Study and topographic survey of the site in question.

21.03.04 Warning and Disclaimer of Responsibility

The degree of flood protection required by this Article is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted

by debris. This Article does not imply that areas outside the Flood Plain Overlay District boundaries or land uses permitted within such district will be free from flooding or flood damage. This Resolution shall not create liability on the part of Monroe Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

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**Section 21.04            Development Standards**

- A.    Open space uses shall be permitted within the FP District to the extent that they are allowed as permitted, accessory or conditional uses in the base zoning district, and provided those uses do not require structures, fill or the storage of material or equipment.
  
- B.    No structure shall be permitted within the flood plain and no use shall be established which would unduly restrict the capacity of the channel or floodway of the main stream, its tributaries or drainage facilities.
  
- B.    No grading or filling within the FP District shall be permitted unless it is demonstrated to the Board of Zoning Appeals, by hydrologic and hydraulic analysis prepared by a Professional Engineer registered in the State of Ohio, that the cumulative effect of the proposed activities shall not increase the water surface elevation of the base flood more than one (1) foot at any point. In acting on such proposal, the Board shall obtain a recommendation from the Pickaway County Emergency Management Agency, or other agency so authorized to administer floodplain requirements within Pickaway County.



**ARTICLE XXII**

***(RESERVED FOR FUTURE USE)***

**PART FOUR**  
*ADDITIONAL ZONING REQUIREMENTS*

**ARTICLE XXIII**

**GENERAL DEVELOPMENT REQUIREMENTS**

**Section 23.01            Lot Width**

A.            Frontage Required

No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved thoroughfare within the Township.

B.            Lot Width

Lot width shall be measured along the front lot line that abuts such thoroughfare as designated in Section 23.01A above. If a lot fronts along a thoroughfare with a center line degree of curvature greater than thirty (30) degrees (such as a cul-de-sac) lot width shall be measured at the front yard setback line.

**Section 23.02            Front Yards**

A.            Front Yard Measurements

Front yard depth shall be measured from the centerline of the adjacent highway or road to the building line, unless otherwise indicated in this Resolution.

B.            Corner Lots

In the event any building or structure is to be constructed on a lot fronting on two (2) different thoroughfares, the front yard setback and lot width shall be required from both roads.

In the event any building or structure is to be located near a curve or bend in any road, said building or structure may not be closer to the road at any point than the setback requirement for that road.

**Section 23.03            Side Yards**

A.            Measurement

Side yard width shall be measured from the nearest side lot line to the building line.

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B. Open Porches and Architectural Features

In a residential district, all portions of the structure, including open, uncovered porches, decks or terraces and/or cornices, canopies, eaves, pilasters, sills or other similar architectural features shall be located behind the line as established by the side yard setback in that district.

C. Accessory Uses or Structures

Accessory uses or structures may be allowed in a side yard to the rear of the principal structure, subject to requirements of Article XXIV of this Resolution.

**Section 23.04 Rear Yards**

A. Measurement

Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Article XXIV of this Resolution.

**Section 23.05 Minimum Floor Area Requirements**

Minimum floor area requirements as specified in the various zoning districts shall not include open porches, decks or outdoor living areas, garages, breezeways or exterior steps.

**Section 23.06 Height**

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, private radio or television antennae or similar structures attached to a primary structure, so long as such height does not interfere with the safe landing, takeoff or other operations of any established airport or landing strip.

### **Section 23.07          Drainage**

All construction shall occur in a manner consistent with maintenance of proper drainage. In all improvements, every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent properties is maintained

In order to preserve proper drainage and prevent surface flooding, the filling of established roadside ditches is prohibited, unless specific written approval is obtained from the Township Trustees.

### **Section 23.08          Exterior Lighting Standards**

- A.    **Applicability**  
All exterior lighting installed or replaced after the effective date of this amendment shall comply with the standards in this Section.
- B.    **Lighting Standards- Residential/Agricultural**  
Exterior lighting shall not project splash past the property lines and light glare shall not cause a safety hazard to traffic.
- C.    **Lighting Standards- Non-Residential**  
New construction and/or any new lighting for non-residential exterior lighting shall comply with this Section. Glare from exterior lighting shall not cause a safety hazard to traffic. Any lighting replaced shall be shielded. Parking lot lighting shall be shoe-box style on poles not to exceed twenty (20') feet in height.
- D.    **Operational Limits**  
Lighting may operate at full levels during active use. When not in active use, lighting shall be reduced to the minimum required for safety.
- E.    **Light Splash**  
For new non-residential construction, a photometrics plan shall be submitted showing zero light splash beyond property lines. For replacement of existing lighting, care shall be taken to replace with lighting that is shielded or shoe-box style. Decorative building lighting is permitted as long as it complies with this Section. Wall pack lighting on the building shall be shielded.
- F.    **Submittals**  
For all new non-residential buildings, if lighting is to be utilized, a lighting plan shall be submitted showing the proposed

photometrics, along with an elevation drawing of the light pole and fixture.

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## **ARTICLE XXIV**

### **ADDITIONAL RESIDENTIAL DISTRICT STANDARDS**

#### **Section 24.00 Lot Splits and Minimum Lot Size**

- A. Minimum Lot Size  
Any new lot created after the effective date by lot split or subdivision shall conform to the provisions of the specific zoning district that the parcel is located in.
- B. Parent Tract Rule  
All contiguous parcels under common ownership or control shall be treated as one Parent Tract.
- C. Anti-Circumvention  
Sequential or phased splits intended to evade this Section are prohibited.
- D. Existing Lots  
This Section applies to future lots created only and does not require merger of lawful lots of record.

#### **Section 24.01 Regulation of Agriculture on Specific Lots**

Section 519.21(B) of the Ohio Revised Code allows a township zoning resolution, or an amendment thereof, to regulate agricultural use within any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or any area consisting of fifteen (15) or more lots approved under Section 711.131 (711.13.1) of the Ohio Revised Code, that are contiguous to one another and adjacent 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 public road.

- A. Pursuant to Section 519.21(B) of the Ohio Revised Code, animal and/or poultry husbandry, including the raising, boarding, housing, or grazing of horses, cattle, sheep, goats,

swine, poultry or similar animals shall not be permitted on lots meeting the standards of ORC 519.21(B) above, and which are also one (1) acre or less in size. The processing of any such animals or their products shall also not be permitted.

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- B. Animal and/or poultry husbandry shall not be permitted on lots greater than one (1) acre but not greater than five (5) acres if such lots meet the standards of ORC 519.21(B) above, and if 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 pursuant to Section 4503.06 of the Ohio Revised Code. After thirty-five percent (35%) of the lots are so developed, any existing animal and/or poultry husbandry operation shall be considered a nonconforming use pursuant to Article V of this Resolution.

## **Section 24.02 Home Occupations**

"Home occupation" means an activity, profession, occupation, service, craft, or revenue-producing hobby, which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within building or buildings on the premises without any significant adverse impact upon surrounding properties. Home occupations shall be regulated as accessory or conditional uses in the various residential districts. A home occupation shall comply with the following standards:

- A. The application for a conditional use permit for a home occupation shall include a clear statement as to the proposed activity and certification by the applicant that the requirements of Section 24.02 A-H will be met.
- B. The use shall be conducted by the owner/occupant of the premises and such use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty-five percent (25%) of dwelling unit floor area is devoted to the home occupation. The size of any accessory building used totally or in part for a home occupation shall meet the requirements for accessory structures in Section 24.03 below.
- C. The home occupation shall primarily occur entirely within the confines of the dwelling unit and/or accessory structures. All

areas used for outside storage of materials and/or equipment used in the home occupation shall be enclosed or fenced so as to effectively screen them from view from adjacent property zoned in the FR or SR District.

- D. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- E. External indication of such home occupation shall be limited to one non-illuminated sign not more than nine (9) square feet.
- 4-5
- F. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- G. The home occupation business activity shall be conducted primarily during daylight hours.
- H. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.

### **Section 24.03 Accessory Buildings and Structures**

"Accessory building or structure" shall mean a structure and/or use which is subordinate, secondary, incidental to and customary in connection with the principal building or use and located on the same lot as the principal building or use. Residential accessory structures include detached garages, storage sheds, tennis courts, swimming pools and similar facilities. Such accessory structures are subject to the following additional requirements:

- A. An unattached use or structure shall be located within any side or rear yard to the rear of the principal structure, but not closer to any side or rear lot line than the distance required for principal structures in the to the specific district.
- B. The use of all accessory structures shall conform to the definition above. No accessory structure, unless defined as an ADU pursuant to Section 24.08, shall be used for human habitation or for commercial purposes.
- C. The total area of all accessory uses or structures shall not exceed two percent (2%) of the total area of the lot, except for swimming pools, ponds and/or tennis courts and similar uncovered areas, which shall be exempt from these area

requirements. An accessory building shall not exceed twenty (20) feet in height.

- D. No zoning permit shall be required for a temporary accessory structure or portable storage structure located on any property.

**Section 24.04 Lakes and Ponds**

Lakes and ponds shall be considered as an accessory use where so indicated in the district regulations. A zoning certificate shall be required for the construction and installation of a lake or pond when the normal high water surface area of the body of water exceeds 100 square feet. In addition, such lakes and/or ponds shall meet the following requirements:

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- A. The applicant shall provide a site plan for the property, indicating the location of the lake and/or pond, as well as the location of inlets, outlets, subsurface drainage, septic lines, and/or secondary leach field site(s)
- B. The lake and/or pond shall be located not less than sixty (60) feet from any side or rear property line, residential structures, leach field, secondary leach field, and subsurface tile drainage passing through the property, and not less than 120 feet from any front property line.
- C. The applicant shall demonstrate that the lake or pond meets the standards and specifications of the Natural Resources Conservation Service (NCRS) of the U.S. Department of Agriculture (USDA). These standards and specifications are available through the Pickaway County Soil and Water Conservation District.
- D. Lakes or ponds located in the SR or SR-H Districts, when constructed for water retention and/or detention purposes, shall be subject to a detailed plan for the lake or pond approved by the County Engineer.

**Section 24.05 Telecommunications Towers**

Telecommunications towers, as defined in Article II of this Resolution, may be allowed as a conditional use in the FR District. The process to be used in processing an application for such a tower shall be as specified in Section 519.211 of the Ohio Revised Code. Telecommunications towers shall be subject to the following conditions:

- A. The maximum height of the tower shall not exceed 150 feet.
- B. The tower and any stabilization structures or guide wires shall not be located less than twenty-five (25) feet from any side or rear property line.
- C. The tower shall be located not less than 300 feet from any existing residential dwelling or any public roadway.

- D. The minimum lot size for the site of the tower shall be one (1) acre.
- E. Security fencing at least ten (10) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the tower site.
- F. A landscaping plan shall be submitted and approved by the Board of Zoning Appeals.
- G. The tower shall not be lighted except to assure safety or as required by the FAA.
- H. The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area, that other sites have been considered, and that location at the proposed site is technically necessary.

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- I. The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential co-location of other similar facilities on the tower, the removal of the tower within 180 days after the site's use is discontinued, and proof of notice has been provided as required in Section 519.211 of the Ohio Revised Code, as may be subsequently amended.
- J. The applicant shall demonstrate that the placement and height of the tower shall comply with the standards of Title 14 of the Code of Federal Regulations, Part 77 (*14 CFR Part 77*)

If a public telecommunications service provider desires to co-locate its facility either on an existing tower or utility structure, the location of such facility shall be addressed as a permitted use.

#### **Section 24.06 Individual and Multiple Wind Turbine Systems**

For the purposes of these regulations, a “wind turbine system” shall mean a wind energy conversion system consisting of a tower, a unit consisting of blades, generator and tail, and associated control or conversion electronics which have a rated capacity appropriate for on-site electrical generation and use.

##### **A. Individual Small Wind Turbine Systems**

Not more than one (1) wind turbine system shall be allowed as a conditional use on a single property or parcel in the FR District, provided evidence is submitted to the Board of Zoning Appeals that the following requirements are met:

- 1) The height of the tower of the wind turbine system shall not exceed 100 feet on parcels of three to five acres, and 250 feet on parcels of more than five acres. Wind

turbine systems shall not be allowed on parcels of less than three (3) acres in size

- 2) Notwithstanding the above, the height of the system shall not exceed the height recommended by the manufacturer or distributor of the system.
- 3) The base of the tower shall be located not less than 250 feet from any property line, and not less than 750 feet from any residential dwelling not participating in the wind energy project of which the wind turbine is a component.
- 4) The noise from the system shall not exceed 50 decibels (dBA) measured at the most proximate inhabited residential dwelling.

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- 5) The application shall include standard drawings and an engineering analysis of the structural stability of the tower, and certification of same by a Professional Engineer.
- 6) The system will comply with applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations.

#### B. Multiple Wind Turbine Systems

More than one (1) wind turbine system and/or systems that do not fully comply with the standards of Section 24.06 A above shall be considered as a permitted use only in the SU District shall be subject to the requirements of that district, as well as the following:

- 1) The height of the tower of the wind turbine system shall not exceed 250 feet.
- 2) Not more than one (1) wind turbine system shall be permitted for each two (2) acres of the property.
- 3) The requirements of Section 24.06 A 3) through 5) shall apply.

### **Section 24.07 Group Residential Facilities**

"Group residential facilities" shall be defined and classified in Article II of this Resolution. A Class I Type B group residential facility, as defined in Article II, is permitted by right in any zoning district that permits single-family dwellings. A Class I Type A group residential facility shall be considered as a conditional use in the SR-H or C/I Districts, subject to the standards below. A Class II Type A or Type

B group residential facility shall be treated as a conditional use in the C/I District subject to the standards below. Evidence of compliance with these standards shall be provided to the Township prior to issuance of a zoning permit or certificate,

- A. The facility shall obtain all approvals and/or licenses as required by state and local laws, and shall provide proof of such compliance to the Township prior to issuance of a zoning permit or certificate.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- C. No exterior alterations of the structure shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.

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- E. Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining rooms or kitchens.
- F. Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.
- G. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.

**Section 24.08 Accessory Dwelling Units (ADUs)**

"Accessory Dwelling Units (or ADUs)" shall be as defined and classified in Article II of this Resolution. All of the following criteria must be met and certified by the applicant for approval as an accessory dwelling unit.

- A. A maximum of one (1) accessory dwelling unit may be allowed as a conditional use on property located in the FR or SR zoning districts and must be located within or attached to the principal single-family dwelling unit.
- B. For accessory dwelling units within or attached to the principal dwelling unit, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.

- C. The applicant shall demonstrate adequate provisions for water supply and sewage disposal for accessory and primary dwelling units, pursuant to approval by the Pickaway County Health Department.
- D. The principal dwelling unit or the accessory dwelling unit must be owner occupied. The owner must demonstrate that one (1) of the units is their principal place of residence. Both the primary dwelling unit and the accessory dwelling unit must remain in common ownership. Transfer of either unit to condominium ownership is not permitted.

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## **ARTICLE XXV**

### **OFF-STREET PARKING REQUIREMENTS**

#### **Section 25.01 Purpose**

The purpose of these requirements is to encourage the orderly development of parking and loading areas within Monroe Township and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

#### **Section 25.02 Provision for Parking Required**

Unless otherwise indicated in this Resolution, in all zoning districts, at the time any building, structure or use is changed, established, erected, developed, or is enlarged or increased in capacity, there shall be provided off-street parking spaces in accordance with the provisions of this Article.

#### **Section 25.03 General Requirements**

- A. Surfacing and Drainage

All off-street parking areas for commercial or industrial projects shall be properly graded, marked and surfaced so as to provide a hard, durable and dustless surface. All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

B. Lighting

Any lighting used to illuminate any off-street parking area shall comply with Section 23.08 and shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. Parking lot lighting shall be shoebox style and shall direct light downward. Light poles shall not exceed twenty (20') feet in height.

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C. Location of Parking Spaces

A five (5') foot clear zone shall be maintained between the edge of the road pavement and any parking space. Parking areas shall be so designed and arranged so as not to allow the protruding of any vehicle (or portion thereof) over the clear zone.

D. Parking of Recreational Equipment

The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment shall be subject to the following requirements:

1. Not more than three (3) pieces of such equipment, or vehicles, shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.

2. Recreational equipment shall not be occupied or used for living, sleeping and/or housekeeping for a period of time exceeding two (2) weeks within any six (6) month period. This provision shall not apply to commercial campgrounds as regulated by Article XX.

G. **Parking During Construction of Permanent Residence**

The parking and use of not more than one (1) travel trailer, motor home, pick-up camper, or similar piece of recreational equipment as a temporary residence shall be allowed on any lot during such time that a permanent residence is being constructed, provided that in no case shall such temporary residence be used for a period of time exceeding one (1) year.

**Section 25.04      Parking and/or Storage of Junk Motor Vehicles**

The exterior parking or storage of junk motor vehicles, as defined in Section 505.173(E) of the Ohio Revised Code (ORC) and Article II of this Resolution, for a period of time exceeding fourteen (14) consecutive days, outside of an approved and licensed scrap metal processing facility, motor vehicle salvage dealer, salvage motor vehicle auction or salvage motor vehicle pool licensed and regulated pursuant to Chapters 4734, 4737 and/or 4738 of the Ohio Revised Code (ORC), shall be prohibited.

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Monroe Township reserves the right to remove junk cars from public or private property pursuant to the authority of, and consistent with the standards and procedures cited in ORC Sections 507.173 and 507.871 of the ORC and any other legally adopted local resolution(s).

**Section 25.045      Required Number of Off-Street Parking Spaces**

Parking spaces shall be provided according to the following schedule of uses. If a use consists of more than one component use (e.g., a school with a stadium) the required number of parking spaces shall be the sum of the required spaces for those component uses. For uses not listed, the Board of Zoning Appeals shall determine the number of required spaces, based on comparing the proposed use with similar uses listed in the schedule.

**Section 25.05**  
**SCHEDULE OF REQUIRED OFF-STREET SPACES**

<i>USE</i>	<i>NUMBER OF REQUIRED SPACES</i>
<b>A. Residential</b>	
1. Single or multiple- family residences	Two (2) per dwelling unit
2. Institutional housing, other residential uses	One (1) per three (3) occupants plus two (2) for each main work shift
<b>B. Commercial</b>	
1. Professional, administrative and business	One (1) for each 400 S.F. of gross floor area.

offices.	
2. Food, department, general merchandise, hardware, drugs, or other retail sales	One (1) for each 300 S.F. of gross floor area
3. Eating or drinking establishments <i>without</i> drive-through facilities	One(1) for each 100 S.F. of gross floor area
4. Eating or drinking establishments <i>with</i> drive-through facilities.	One (1) for each 75 S.F. of gross floor area plus additional space in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces.
5. Personal services, including banks, savings and loans, and repair services <i>without</i> drive-through facilities.	One (1) for each 300 S.F. of gross floor area.
6. Personal services, including banks, savings and loans, and similar services <i>with</i> drive-through facilities	One (1) for each 300 S.F. of gross floor area. plus additional space in drive-through lanes equal to eighty percent (80%) of the required number of parking spaces.
7. Barber and beauty shops	Two (2) for each work station
8. Gasoline and service stations, automobile service	Two (2) for each service bay plus one (1) for each pump, plus one (1) for each employee during the main shift
9. Medical and dental offices, human clinics veterinary clinics, animal hospitals	Four (4) for each doctor or dentist
10. Hotels, bed-and-breakfast establishments	One (1) for each sleeping room plus one (1) for each employee during the main shift
11. Funeral homes	One (1) for each 400 S.F. of gross floor area.

**Section 25.05**

**SCHEDULE OF REQUIRED OFF-STREET SPACES (*continued*)**

<i>USE</i>	<i>NUMBER OF REQUIRED SPACES</i>
<b>C. Industrial</b>	
1. Any manufacturing, processing, packaging, warehousing, distribution or service industry	Two (2) for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises.

## **D. Institutional**

- |   |  |
|---|--|
| 1. Churches and places of public worship                        | One (1) for each four (4) seats in main sanctuary  |
| 2. Public or private elementary or secondary school             | Four (4) for each classroom, or one (1) for each in main auditorium, whichever is greater. |
| 3. Business, trade, or technical school, college or university  | One (1) for each two (2) students and one (1) for each faculty member.                     |
| 4. Nursery school/day care                                      | One (1) for each fifteen (15) students   |
| 4. Libraries, museums, community centers and similar facilities | One for each 400 SF of gross floor area  |
| 5. Civic, social and fraternal organizations                    | One (1) for each three (3) persons allowed in main meeting room at full capacity.          |
| 6. Hospitals, nursing facilities                                | One (1) for each four (4) beds plus one (1) per employee on main shift.                    |

## **E. Recreational**

- |  |  |
|--|--|
| 1. Baseball, softball, football, soccer or similar organized sport playfield                 | Twenty (20) for each playfield, plus one for each six (6) seats in stands.                   |
| 2. Tennis, handball or racquetball courts  | Three (3) for each court   |
| 3. Bowling alleys  | Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants. |
| 4. Theatres, stadiums, sports arenas, auditoriums or other assembly halls other than schools | One (1) for each four (4) seats  |

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## **ARTICLE XXVI**

### **SIGNS**

#### **Section 26.01 Purpose**

The purpose of these regulations is to encourage the proper development of signs and signage systems within Monroe Township. It is further the intent of these regulations to prevent signs from becoming a distraction to the safe flow of traffic, to

prevent signs from becoming a nuisance to adjacent properties or uses, to protect and encourage a healthful economic business environment in the community and, thereby, protect the general health, safety, and welfare of the community.

**Section 26.02            Definitions**

As used in this Article, the following words or phrases shall have the meanings herein:

- A.        “Sign” means any device for visual communication which is designed or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Signs erected by the local, State or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from these regulations of this Article.
  
- B.        "Billboard" means any sign identifying, promoting or advertising a product or service not located on the same property as the sign, that exceeds 200 square feet in area.
  
- C.        “Freestanding sign” means a sign erected on a pole, poles, pillars, or posts and which is wholly independent of any building for support.
  
- D.        “Permanent sign” means a sign intended to be erected, displayed or used, or in fact which is used for time period in excess of six (6) months.
  
- E.        “Portable sign” means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include signs that are constructed on a chassis or trailer.

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- F.        “Temporary sign” means a sign intended to be displayed, or in fact displayed, for a time period of less than six (6) months.

**Section 26.03            Sign Permits**

- A.        Permit Required

No permanent or temporary sign, except as exempted in Section 26.04 of this Resolution, shall hereafter be erected, constructed or maintained within Monroe Township unless a permit for the same has been issued

by the Zoning Inspector. A sign for which a permit has been issued shall not be modified, changed or amended so as to differ from that approved in the permit unless a new or amended permit is issued.

**B. Contents of Application**

Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his/her agent. The fee shall be established by separate resolution. The application for a sign permit shall be made on forms as provided by the Zoning Inspector, and shall include the following information:

1. Name, address, and telephone number of the applicant.
2. Drawing or drawings showing, at a minimum:
  - a. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines, and symbols.
  - b. The method of illumination, if proposed.
  - c. The exact location of the sign in relation to the building and property.

**Section 26.04 Signs Which Do Not Require a Permit**

The following signs may be erected without a permit:

- A. Address and name of occupant of premises for a residential structure, to be limited in size to two (2) square feet.
- B. Signs which are in the nature of cornerstones, commemorative tables and historical plaques, provided that such signs are less than nine (9) square feet in size and not illuminated.
- C. Signs clearly in the nature of decorations customarily associated with any national, local or religious holiday. Such signs may be of any illumination or animation provided that safety and visibility hazards are not clearly created.

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- D. Signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, to be displayed beginning no more than forty-five (45) days prior to election and to be removed no later than fifteen (15) days after such election.
- E. Signs that indicate the sale, development, rental or lease of a particular structure or land area, to be limited to one sign allowed per road front. Such signs shall not be located in a public right-of-way.

- F. Temporary window signs in the CI District which promote special business sales, promotion or occasions.
- G. Signs, which are less than four (4) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located.
- H. Signs which advertise the sale of personal property, such as a garage, yard, porch or moving sales, provided such signs are displayed for a time period not greater than three (3) consecutive days, are removed within two (2) days after the sale and are not located within a public right-of-way.
- I. Farm signs denoting the name and address of the occupant, produce or products used or for sale, and/or membership in organizations. Such signs shall be located outside the road right-of-way.
- J. Temporary construction signs which display the identification of the construction project, including identification of the contractors, architects and other construction principals provided that such construction sign is removed upon the completion of construction or the commencement of occupancy, whichever event occurs first.
- K. Signs promoting community events and programs which are sponsored by nonprofit, public, educational, religious and charitable organizations.
- L. Signs determined by the Board of Zoning Appeals to be similar to those specified in A-K above.

**Section 26.05            General Requirements**

Temporary and/or permanent signs erected after the date of this Resolution shall comply with the following standards and requirements:

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- A. Outdoor Advertising

Outdoor advertising and other signs promoting a product or service not located on the premises shall be considered a business use and shall be permitted in CI District, subject to the development standards of that district, and the following:

1. Not more than two (2) off-premises directional signs shall be permitted, directing persons to a business located elsewhere. Each such directional sign shall not exceed four (4) square feet in area.
2. Any outdoor advertising sign exceeding 200 square feet in area per side shall be considered as a billboard, and shall be subject to the provisions of Section 25.05B below.
3. The height of an outdoor advertising sign shall not exceed twenty-five (25) feet above natural grade
4. All permitted outdoor advertising signs shall be licensed or permitted as may be required by other local, federal or state agencies.
5. Outdoor advertising signs shall be located behind the building setback line for the district in which it is located, and shall be located not less than 400 feet from any adjacent residence.
6. No outdoor advertising shall be erected or maintained in trees, or constructed, drawn or painted directly onto rocks or other natural features.

B. Billboards

Billboards, as defined in Section 26.02B, intended to be viewed from any state or federal highway shall be considered as a conditional use in the CI District. Billboards shall not be allowed along county or township roadways. Billboards shall not exceed 300 square feet in area, and shall be located not closer than 1,500 feet from any residence. The application for such signs shall include a site plan showing the exact location of the sign, and shall be reviewed by the Board of Zoning Appeals following the procedures and standards cited in Article IX.

C. On-Premises Signs

Free-standing, wall-mounted, window or projecting signs identifying and/or promoting uses or activities on the premises are permitted as part of the principal use in the CI, PRB and SU Districts. In the SU District, the location of such sign must be in strict compliance with the development plan submitted as part of the approval process.

1. No single sign shall have an area of more than forty (40) square feet per side.
2. No single use or property shall maintain a total sign area for *all* signs of more than 100 square feet.

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3. No on-premises sign shall be erected closer than twenty-five (25) feet to the road right-of-way.
4. No sign shall exceed twenty-five (25) feet in height, as measured from ground level.

D. Portable Signs

Portable signs, as defined in Section 25.02E, shall be permitted as temporary signs, so long as the gross sign area for the property, as specified in Section 26.05C.2. above, is not exceeded.

E. Permanent Subdivision Identification Signs

Permanent signs identifying a residential subdivision shall be limited to not more than two (2) signs located at the entrance to the subdivision.

F. General Requirements for all Signs

1. When a sign is proposed to be illuminated, such illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a demonstrable safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
2. All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as not to constitute a safety hazard.
3. No sign nor part of any of a sign be placed in, over, or extend onto any public right-of-way, nor shall any part of a sign be placed over, or extend above the roof of any structure.
4. No sign shall be located so as to hinder clear sight within fifty (50) feet in both directions at the intersection of any roadway with a federal or state highway.

**Section 26.06 Measurement of Sign Area**

For the purposes of this Resolution, sign area shall be measured so as to include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design. Where a sign has two or more display faces, the area of *all* faces of the sign shall be included in determining the area of the sign.

**Section 26.07 Nonconforming Signs**

A. Abandonment

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

1. When the sign is associated with an abandoned use.
2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
3. When the sign is not maintained or does not conform to the following:
  - a) All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
  - b) Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

B. Relocation or Replacement

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section.

C. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than 50 percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

## **ARTICLE XXVII**

### **ADULT ENTERTAINMENT BUSINESSES**

#### **Section 27.01 Purpose**

The purpose of this Article is to promote the public health, safety and welfare of the residents of Monroe Township through the regulation of adult entertainment businesses. It is the intent of this Article to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to schools, churches, residential areas, parks and playgrounds within the Township.

#### **Section 27.02 Definitions**

A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories.

1. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on "specified sexual activities" or "specified anatomical areas" as defined below.
2. "Adult Motion Picture" means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
3. "Adult Entertainment Business" means any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

- B. “Specified Sexual Activities” means any of the following:
  - 1. Human genitals in a state of sexual stimulation or arousal.
  - 2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
  - 3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- C. “Specified Anatomical Areas” mean any of the following:
  - 1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
  - 2. Human male genitals in a discernible turgid state.
- D. “Fine Art Gallery” means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
- E. “Sexually explicit nudity” means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- F. “Visibly displayed” means the material is visible on any sign, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

**Section 27.03      Exceptions**

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or

institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

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**Section 27.04 Location**

Adult Entertainment Facilities shall be considered a conditional use in the CI District, and shall be subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.
- B. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- E. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

**ARTICLE XXVIII**

***RESERVED FOR FUTURE USE***