

ZONING RESOLUTION
MONCLOVA TOWNSHIP
LUCAS COUNTY, OHIO
2008

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Revised 7/3/08

**MONCLOVA TOWNSHIP
ZONING RESOLUTION**

**ADOPTED NOVEMBER 17, 1950
TEXT AMENDMENTS**

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*** Major Revision/New Publication**

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SECTION 2 DEFINITIONS (cont'd)

AMENDMENT OF THE ZONING RESOLUTION FOR MONCLOVA TOWNSHIP

AMENDMENT OF THE ZONING RESOLUTION FOR MONCLOVA TOWNSHIP A RESOLUTION AMENDING THE ZONING RESOLUTION FOR MONCLOVA TOWNSHIP, Lucas County, Ohio, by regulating, in accordance with a comprehensive plan, the location, height, area, number and size of buildings and other structures, percentages of lot area which may be occupied, size of yards, courts and other open spaces, density of population, uses of buildings and other structures and the uses of land; and for such purposes dividing the area of the township into districts and zones of such number, shape and area as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this Resolution.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF MONCLOVA TOWNSHIP, LUCAS COUNTY, STATE OF OHIO:

SECTION 1 GENERAL PROVISIONS

SECTION 1.1 Authority

The Board of Township Trustees of Monclova Township, Lucas County, Ohio, in accordance with enabling legislation for township zoning as provided in Chapter 519 of the Ohio Revised Code hereby provides as follows:

SECTION 1.2 Purpose

This resolution is adopted for the purpose of protecting and promoting public health, safety, morals, comfort and general welfare; conserving and protecting property and facilitating adequate but economical provision of public improvements; securing the most appropriate use of the land, in accordance with the adopted Monclova Township Land Use Plan, 1999 (and as amended); and amending the Zoning Resolution of the Board of Trustees of Monclova Township, Lucas County, Ohio, effective November 17, 1950, as amended to the date of the adoption of this amending resolution, in each and every part thereof that is inconsistent with this amending resolution. (Revised 2/6/06 - Z17-C292)

SECTION 1.3 Interpretation and Conflict

In interpreting and applying the provisions of this resolution, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this resolution to interfere with or abrogate or annul any resolution rules or regulations previously adopted or issued and not in conflict with any of the provisions of this resolution; nor is it intended by this resolution to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Resolution imposes a greater restriction upon the use of buildings, premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other resolutions or agreements, the provisions of this resolution shall control.

SECTION 1.4 Compliance with Regulations

1.4.1 No Building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located.

1.4.2 No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located.

SECTION 1 GENERAL PROVISIONS (cont'd)

SECTION 1.4 Compliance with Regulations (cont'd)

- 1.4.3** No yard or other open space existing about any building or structure shall be so reduced in area or dimension as to make it less than the minimum required by this resolution.
- 1.4.4** No lot held under one ownership at the time of the effective date of this resolution shall be reduced or subdivided in any manner below the minimum area and yard provision required by this resolution.
- 1.4.5** Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as specifically provided in Section 12.2.2(g).
- 1.4.6** Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties of unnecessary hardships in carrying out the strict letter of this Resolution providing such exception is in harmony with the general purpose and intent of the Resolution and in accordance with the procedures and provisions specified in Section 12. Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations.

SECTION 1.5 Uses Exempted from Provisions of Resolution

- 1.5.1** The use of 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, including buildings or structures that are used primarily for vinting and selling wine that are located on land any part of which is used for viticulture, shall be permitted in all districts established by this Resolution, and no zoning certificate shall be required for any such building or structure, except where regulated within platted areas on lots of less than five (5) acres, or for farm markets.
- 1.5.2** The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services as herein defined shall be permitted in all districts established by this Resolution and no zoning certificate shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad.
- 1.5.3** The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.
- 1.5.4** The use of any land owned or leased by an industrial firm shall not be prohibited for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm's used for the operation of its plants.

SECTION 1 GENERAL PROVISIONS (cont'd)

SECTION 1.6 Validity

If any article, section, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

This Resolution shall become effective from and after the date of its approval and adoption as provided by law.

SECTION 2 DEFINITIONS (cont'd)

SECTION 2 DEFINITIONS

SECTION 2.1 Interpretation of Terms or Words

For the purpose of this Resolution certain terms and words are herein defined as follows:

The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not directory.

Accessory Building: A detached subordinate building, the use of which is clearly incidental to that of the main building or the use of this land.

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Adult Amusement or Entertainment: An establishment customarily engaged in the presentation of nude and seminude exhibitions and performances for commercial or pecuniary gain, which excludes minors by virtue of age. This definition does not apply to the exhibition, presentation, showing or performance of any play, ballet, drama, tableau or production in any theater, concert hall, museum of fine arts, school, institution of higher learning or similar establishment which is primarily devoted to such exhibitions, presentations, shows or performance as a form of expression of opinion, communication, speech, ideas, information, art or drama as differentiated from commercial or business advertising, promotion, selling or servicing products or services or otherwise advancing the economic welfare of a commercial or business enterprise such as a hotel, motel, bar, nightclub, restaurant, tavern or dance hall. (Revised 3/20/00 – Z17-C220)

Adult Book Store: An establishment which has a substantial portion of its stock in trade, books, magazines or other periodicals, from which minors are excluded by virtue of age. (Revised 3/20/00 – Z17-C220)

Adult Movie House: An establishment displaying movies that are rated X, XX or XXX which is customarily not open to the general public by excluding minors by virtue of age. (Revised 3/20/00 – Z17-C220)

Adult Oriented Use: Includes adult amusement or entertainment, adult book store, adult movie house, adult video store, and massage parlor as defined in this zoning resolution. (Revised 3/20/00 – Z17-220)

Adult Video Store: An establishment which has a substantial portion of its stock in movies, for sale or for rent, from which minors are excluded by virtue of age. (Revised 3/20/00 – Z17-C220)

Agriculture: Includes farming, dairying, pasturage, agriculture, horticulture, viticulture, animal and poultry husbandry. Agriculture shall not include kennels.

Agricultural Implement Sales and Rental: The sale or rental of new or used agricultural implements and equipment to be displayed for sale on the premises.

Agricultural Product Sales: The sale of goods produced or services provided by person(s) engaged in agriculture.

SECTION 2 DEFINITIONS (cont'd)

Airport or Aircraft Landing Field: Any landing area, runway, or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxi-ways, aircraft storage, and tie down areas, hangars, and other necessary buildings and open spaces.

All-Terrain Vehicles: Self propelled motor vehicles designed for off-road usage on land and/or water. These include, but not limited to, snowmobiles, dirt-bikes, 3-wheel/4-wheel ATV's, and water ski-scooters.

Alley: A public thoroughfare less than 30 feet wide.

Alteration, Structural: Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Animal Care Facilities: Structures, buildings, or enclosures used for medical treatment, care and temporary housing of animals, receiving treatment, with temporary housing being limited to 48 hours. Uses include but not limited to veterinary clinics and animal hospitals.

Apartment: See "Dwelling Unit"

Apartment Hotel: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

Apartment House: "Dwelling Unit, Multiple"

Applicant: The land owner or his authorized representative, who requests a zoning permit as authorized by this Resolution.

Application: Written request for a change in zoning classification or use authorization as provided for under this Resolution.

Auction Market: A building, structure or site which is used primarily for selling goods, merchandise, land, etc. by a bidding process. (Revised 10/18/04 – Z17-C205)

Basement: A story partly or wholly underground, for purposes of height measurement, a basement shall be counted as a story where one-half (1/2) its height is above average level of the adjoining ground.

Billboard or Poster Panels: Any sign or advertising structure used to advertise goods, products, services or facilities which are located off-site from where the sign is installed and maintained.

Board: Shall mean Board of Zoning Appeals.

Board of Township Trustees: The Board of Township Trustees for Monclova Township, Lucas County, Ohio.

Boarding House: A building or portion thereof, other than a hotel where meals, or lodging and meals for three (3) or more persons are provided for compensation.

Boat Storage: The storage of boats, similar watercraft and marine equipment.

SECTION 2 DEFINITIONS (cont'd)

Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, property, or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

Building Area: The space remaining on a lot after the minimum open-space requirements (coverage, yards, setbacks) have been met.

Building, Community: A building used by public or private nonprofit agencies or organizations which provide social, educational and recreational activities and services to a neighborhood or community.

Building Coverage: The amount of land covered or permitted to be covered by a building measured on a horizontal plane at mean grade level and excluding uncovered porches, terraces and steps.

Building Height: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the declivity of a mansard roof; and to the mean height level between eaves and ridges for a gable, hip, or gambrel roof, provided that where the buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

Building Line: A setback line for a main building on a platted lot.

Building, Main: A building in which is contained the principal use of the lot.

Building Unit Group: Two (2) or more buildings (other than dwellings) grouped upon a lot and held under one (1) ownership such as universities, hospitals and institutions.

Bus Shelter: An open structure with a roof used as a protection or shield from wind, rain, snow etc. Usually a place for persons to stay awaiting a bus or passenger vehicle. Size not to exceed 4' X 4' (length X width) X 7' in height. (Revised 12/30/89 - Z17-C115)

Business: The sale, purchase, or exchange of goods or services.

Business, General: Retail and service establishments which, in addition to catering to the community residents' and workers' daily needs for convenience goods and services, also include establishments offering comparative type shopping facilities. General business includes, but is not limited to, supermarkets and stores and for the sale of drugs, hardware, appliances, furniture, apparel, footwear, business and personal services, professional services, offices and other similar or related activities which can be grouped by design into a unified shopping center. General business includes retail projects with an aggregate floor area less than 30,000 square feet. (Revised 12/1/03 - Z17-C252)

Business, Highway: Includes commercial uses requiring locations on major thoroughfares and at their principal intersections. Highway uses include motels, motor vehicle service stations, motor vehicle repair, restaurants, drive-in establishments, building trades and services, commercial recreation and similar commercial activities, when maintained inside an enclosed building.

SECTION 2 DEFINITIONS (cont'd)

Business, Neighborhood: Retail and service establishments which primarily serve local market areas and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise or other objectionable influence. To prevent congestion, local retail and service uses include only those enterprises which normally employ less than 10 persons. Permitted uses include drug stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and hardware and grocery stores if less than 10,000 square feet of floor area. Other small businesses of an equally restricted and local nature may be permitted, based on the discretion of the Board of Zoning Appeals.

Campground: Land used or intended to accommodate two (2) or more recreational vehicles, tents, or other individual camping units to be used as temporary housing for recreational purposes.

Cemetery/Memorial Gardens: Land used or intended to be used for the burial of the human or animal dead, including associated buildings such as chapels, mausoleums, crematories, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Club: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Commercial Vehicle: Any vehicle with a carrying capacity of over 6000 pounds and used or designed to be used for business or commercial purposes.

Commission: Shall mean the Zoning Commission of Monclova Township.

Conditional Use (Special Exception): A use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board only when there is a specific provision for such special exception made in this resolution. A conditional use is not considered to be a nonconforming use.

Construction Materials and Equipment: Materials and equipment used for construction projects or maintenance purposes by a business. (Revised 10/18/04 – Z17-C205)

Court: An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

- a) **Inner Court** - A court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.
- b) **Outer Court** - A court which opens onto a required yard, or street or alley. The width of an outer court is the minimum horizontal dimension measured in the same general direction as the yard, street or alley upon which the court opens. The depth of an outer court is the minimum horizontal dimension measured at right angles to its width.

Covenant: A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

Cul-de-sac: A short street having one (1) end open to traffic and being terminated by a vehicle turn-around.

SECTION 2 DEFINITIONS (cont'd)

Curb Grade: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the County Engineer shall establish such curb grade or its equivalent for the purpose of this Resolution.

Day Care Facilities: A place other than the permanent residence, which administers to the needs of children or adults providing social, rehabilitation recreational, or educational activities on a daily basis with no provisions for residential care. Uses include, but are not limited to, adult day care, child day care, rehabilitative care and nursery schools.

Density: A unit of measurement representing the number of dwelling units per acre of land.

- a) **Gross Density:** the number of dwelling units per acre of total land to be developed including right-of-ways.
- b) **Net Density** the number of dwelling units per acre excluding right-of-ways.

Dish Antenna (Earth Station) An accessory structure combination of:

- 1) an antenna or dish antenna designed to receive communication or other signals from orbiting satellites;
- 2) a low level noise amplifier (LNA) located at the focal point of the receiving antenna which magnifies and transfers the signal; and
- 3) a coaxial cable which carries the signal into the interior of the building.

District: An area or section of the township within which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, the requirements for off-street parking and the intensity of use are uniform.

Drive-Up: Establishment or facilities where goods or services are provided from windows or in drive through areas to customers in cars or to the cars, and where the cars are temporarily stopped or standing and which commonly does, or could involve a lineup of cars waiting in line for such goods or services. Current examples of drive-up developments include but are not limited to car washes, drive-up windows at banks and at fast food restaurants.

Dwelling: Any building or portion thereof which is designed for or used exclusively for residential purposes containing one (1) or more dwelling units.

- a) **Single Family Dwelling:** a detached building containing one (1) dwelling unit and designed for or occupied by one (1) family.
- b) **Two Family Dwelling:** a detached or semi-detached building containing two (2) dwelling units and designed or occupied by two (2) families living independently of each other.
- c) **Multiple Dwelling:** a building or portion thereof containing three (3) or more dwelling units and designed for or occupied by three (3) or more families living independently of each other.

Dwelling Unit: A group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, and eating purposes.

SECTION 2 DEFINITIONS (cont'd)

Easement: A grant by the property owner of the use of a part of the property by the public, a corporation or persons for specific purposes.

Extraction Industry: The removal of soil, sand, gravel or minerals from land or water for purposes of resale or use in the commercial operation of a business or the production of a good or service.

Exception: The use of land, buildings or structures or in any combination thereof, which does not conform to provisions of the district in which it is located, but may be permitted if applicable conditions are met. (Revised 8/20/90 - Z17-C119)

Family: One (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, marriage or adoption, as distinguished from persons occupying a boarding house, lodging house or hotel herein defined. This definition shall include the following:

- a) A group of persons with disabilities (meaning persons who are considered handicapped, as that term is defined by the Fair Housing Act, the Americans with Disabilities Act and Ohio Revised Code Chapter 4112, "Ohio Civil Rights Commission") who need not be related by blood, marriage or adoption, living together as a single housekeeping unit.
- b) A foster home as defined by Ohio Revised Code Chapter 2151, "Juvenile Court".
- c) Adult family homes and adult group homes, as those terms are defined in Ohio Revised Code Chapter 3722, "Adult Care Facilities", subject to all limitations and qualifications set forth therein.
- d) Any residential facility, as that term is defined in Ohio Revised Code Chapter 5123.19, subject to all limitations and qualifications set forth therein. (Revised 8/19/96 - Z17-C162)

Flea Market: A building, structure or site which is used for the renting of stalls or areas by individuals for selling goods or merchandise on a periodic basis. (Revised 10/18/04 - Z17-C205)

Frontage: All of the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured at the set back building line - or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Garage: A structure or portion thereof which is used for the storage of motor vehicles.

- a) **Private Garage:** a detached accessory building or portion of a main building used for the storage of not more than four (4) motor vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle, which shall not exceed a one (1) ton capacity.
- b) **Public Garage:** a building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.

SECTION 2 DEFINITIONS (cont'd)

Garage (cont'd)

- c) **Storage Garage** - a building or portion thereof designed or used exclusively for storage of motor driven vehicles, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

Greenhouse: A building or structure enclosed with glass or other glazing used for the cultivation and production of plants.

Health Care Clinics: A health care facility which provides for diagnosis and treatment services on an emergency or outpatient basis with no provisions for residential care.

Home Occupation: An occupation carried on by the occupant(s) of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the external character of the dwelling. (Revised 3/21/05 - Z17-C276)

Hospital: A health care facility which provides for diagnostic, medical, surgical or psychiatric treatment and care. It may include but not limited to related facilities for educational and training facilities for health professionals.

Hotel: A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office normally supervised by a person in charge at all hours. As such, it is open to the public as distinguished from a boarding house, a lodging house, or an apartment which are herein defined.

Industrialized Unit: A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured or mobile home as defined in this resolution. For the purposes of this resolution, an industrialized unit is a dwelling. (Revised 4/13/00 - Z17-C219)

Institution: Buildings of land occupied by a nonprofit corporation or a nonprofit establishment for public use.

Institutional Health Care Facilities: A public or nonprofit institution which provides for residential health care and maintenance for mental health or developmentally disabled persons.

Junk Yard: An open area where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, packed, or handled, including building wrecking yards, but excluding uses taking place entirely within an enclosed building.

Kennel: Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept for boarding purposes, medical care, or for other commercial purposes excluding animal husbandry and animal care facilities. (Revised 7/18/05 - Z17-C285)

Landfill: A site used for the disposal of solid wastes in a manner that minimizes environmental hazards by spreading or compacting waste to the smallest volume, and applying cover material over all exposed waste at the end of each operating day. (Revised 10/18/04 - Z17-C205)

Land Use Plan: Shall mean the "Monclova Township Land Use Plan", as adopted by the Lucas County Planning Commission and Lucas County Commissioners.

SECTION 2 DEFINITIONS (cont'd)

Landscaping-Lawn Care Services: A business that provides maintenance and care of lawn and yards including but not limited to services of landscape preparation and maintenance, fertilizing of lawns, snow removal, grass cutting, and shrub and tree trimming.

Large-Scale Retail Project: Development of one or more retail establishments on a single site with common parking facilities with an aggregate floor area of 30,000 square feet or greater.
(Revised 12/1/03 - Z17-C252)

Loading Berth or Space: A space within the main building or on the same lot, exclusive of off-street parking space and which provides for the standing, delivery/pickup, loading or unloading of packages or materials.

Lodging House: See "Boarding House"

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this zoning resolution, including one (1) main building together with its accessory buildings, yard areas, and parking spaces required by this resolution and having its principal frontage upon a public street or place.

- a) **Lot Area:** the total horizontal area within the boundaries of a lot exclusive of all rights-of-way of any access easement, alley, public or private street.
- b) **Lot, Corner:** a lot abutting upon two (2) or more streets at their intersection.
- c) **Lot Coverage:** the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- d) **Lot Depth:** the horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.
- e) **Lot Frontage:** the horizontal distance of the boundary line of a lot abutting a street or road right-of-way. On corner or through lots, the street or building address shall be considered frontage.
- f) **Lot Interior:** a lot other than a corner lot.
- g) **Lot Line:** a line dividing one lot from another lot or from a street or alley.
(Revised 12/1/03 - Z17-C260)
- h) **Lot of Record:** a lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Lucas County, Ohio; or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the County Recorder.

SECTION 2 DEFINITIONS (cont'd)

Lot: (cont'd)

- i) **Lot Width:** the horizontal distance between the side lot lines, measured at the building setback line established by the Zoning Resolution. Lot width equal to or greater than the minimum required lot width shall be provided from the right-of-way line to the building setback line established by the Zoning Resolution in an unbroken and continuous manner, except for those lots with curved frontage. For cul-de-sac lots and other lots with frontage on the outside of a curve, lot width shall be measured as the chord distance between the points on the side lot lines coinciding with the required depth of the front yard. For lots with frontage on the inside of a curve, lot width shall be measured on a line perpendicular to the bisector of the two side lot lines located at the midpoint of the bisector (Revised 12/1/03 - Z17-C260)

Major Street: A dedicated street within Lucas County which has been classified as a dual highway, dominant major street, a major street, a secondary major street, or a main county road on the Official County Highway Plan.

Major Street Plan: Toledo-Lucas County Major Street Plan which designates roadways as expressways, principal arterial, minor streets, major collectors or local collectors.

Manufactured Home: A building 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 that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. (Revised 4/13/00 – Z17-C219)

Manufactured Home Park: Any site, lot, field, or tract of land upon which three (3) or more manufactured homes or mobile homes used for human habitation are parked, either free of charge or for revenue purposes, which shall include any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such Manufactured Home Park.

Manufacturing: A process which combines raw materials or components into a product or which changes their physical or chemical characteristics.

- a) **General Manufacturing:** manufacturing, which by its nature and function may require large parcels, effective separation from residential and most commercial areas, confinement within enclosed buildings and screened enclosures having an opaqueness of 75% or greater, where outside storage of materials are necessary. General Manufacturing shall include but not be limited to processing of vegetables and fruit, dairy and bakery products, soft drinks and confections, textiles, glass, wood and plastic production, and fabrication, pharmaceuticals, metal fabrication, machining, tool and die, hardware and appliance production.

SECTION 2 DEFINITIONS (cont'd)

Manufacturing (cont'd)

- b) **Heavy Manufacturing**: manufacturing which requires large acreage parcels for isolation and separation from residential and commercial development, special consideration because of the potential spill over effect on surrounding areas and the use of buildings and open areas of the parcel for processing production and storage of materials. Heavy manufacturing shall include, but not be limited to, smelting and primary metal processing, mineral extraction, metal salvage and fabrication, motor vehicles and related products, manufactured housing, household appliances manufacturing, chemical and gas manufacture, refining, manufacturing and/or processing of animals, or animal parts for food, fertilizer or other purposes including the tanning and production of leather goods and furs.
- c) **Restricted Manufacturing**: any industrial use which is conducted entirely within enclosed substantially constructed buildings; involving the use of only light machinery and equipment; does not use the open area about the buildings for the storage of materials or equipment other than for the unloading or loading operations at the rear or within an enclosure which abuts a building. Restricted manufacturing shall include the manufacture of drugs, jewelry, musical instruments, sporting goods; the processing and assembly of small glass products; small household appliances; small electronic products, scientific instruments, and parts for the production of finished equipment; office, computing and accounting machines; research and laboratory testing; printing, publishing and engraving plants; and other similar products and operations.

Marine Sales and Service: The sale and service of watercraft and marine equipment.

Massage Parlor: An establishment or place primarily in the business of providing massage services operated by anyone not a duly licensed medical doctor, osteopath, chiropractor, nurse, physical therapist treating patients recommended by a licensed physician under a duly licensed physician's direction, state licensed massage therapist or person practicing the art of massage on the face or hands in a duly licensed beauty parlor or barber shop. (Revised 3/20/00 – Z17-C220)

Mobile Home: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home or industrialized unit as defined in O.R.C. 3781.06. (Revised 4/13/00 – Z17-C219)

Modular Home: See Industrialized Unit. (Revised 4/13/00 – Z17-C219)

Motel: A building or group of buildings which provide rental or temporary sleeping accommodations for automobile transients.

Motor Vehicle Service Station: Any premises used for supplying gasoline and oil, at retail direct to the customer, including accessories, parts and minor services or repair for motor vehicles, but not including body or fender work, painting or major motor repairs. When the aforementioned service is incidental to the conduct of a public garage, the use shall be classified as a public garage.

SECTION 2 DEFINITIONS (cont'd)

Motor Vehicle Sales and Rental: The sale or rental of new and used motor vehicles, motorcycles, recreational vehicles, trailers, or travel trailers, to be displayed and sold on the premises and accessory services.

Motor Vehicle Salvage: The dismantling, wrecking and/or salvage of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Motor Vehicle Salvage Yard: Any place where two (2) or more motor vehicles not in running condition, or parts thereof are stored in the open, in a fenced area, or in a partially enclosed building, and are not being restored to operation, or any land used for wrecking, storing and/or salvage of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating conditions.

Nonconforming Use: Any building or land lawfully occupied by a use at the effective date of this Resolution, or amendment thereof, which does not conform after the passage of this Resolution, or amendment thereof, with the use requirements of the district in which is situated.

Nursery: Land or buildings used for raising and growing of flowers, trees, shrubs or grass sod from seed, seedlings, cuttings or grafted stock.

Nursery School: A school designed to provide daytime care for instruction for two (2) or more children from two (2) to five (5) years of age, inclusive, and operated on a regular basis.

Nursing Home: A residential care facility in which greater than 16 persons reside and as its primary function provides nursing care on a 24 hour basis, physical and/or social rehabilitation services and room and board.

Parking Lot: Any off-street area or structure which meets one (1) of the following conditions.

- a) Contains one (1) or more parking, vehicular storage, loading or stacking spaces for commercial, institutional, recreational or industrial use, whether free or for compensation; or
- b) Contains five (5) or more parking spaces for any residential use.

Parking Space: An area exclusive of any driveway or other circulation area, accessible from a street, alley or maneuvering area and designed for temporary parking of a motor vehicle.

Performance Bond or Surety Bond: An agreement by a subdivider or developer with the Township for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement

Permanent Foundation: A permanent masonry, concrete, or locally approved footing or foundation, to which a manufactured or mobile home may be affixed. (Revised 4/13/00 – Z17-C219)

SECTION 2 DEFINITIONS (cont'd)

Permanently Sited Manufactured Home: A manufactured home that meets all of the following criteria:

- 1) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- 2) The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 900 square feet, excluding garages, porches, or attachments;
- 3) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- 4) The structure was manufactured after January 1, 1995;
- 5) The structure is not located in a manufactured home park, as defined in this resolution. (Revised 4/13/00 – Z17-C219)

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

Place: An officially approved private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

Plat: A map or drawing of a tract or parcel of land.

Pond: A body of water of which none of the excavated material has been removed from the site for commercial purposes and is used for the following purposes: to provide water for livestock, fish and wildlife, recreation, fire control or crop and orchard spraying.

Private Garage: See "Garage"

Professional Services: The use of offices and related spaces for such services which are provided by doctors, dentists, lawyers, architects and engineers.

Public Garage: See "Garage"

Public Service Facilities: Structures, buildings, and/or transmission, distribution, or collection systems, which are used to provide and maintain public utilities. Uses include, but not limited to, railroad, electric, gas, water and sewer, and telephone systems and other uses which meet the definition of public utility under ORC 4905.03.

Public Uses: Uses which provide or maintain public services. These include, but not limited to, government buildings, schools, public parks, highway maintenance, and storage facilities and adult/juvenile correctional rehabilitation facilities.

SECTION 2 DEFINITIONS (cont'd)

Recreational Vehicle: Any vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational or vacation purposes. This includes, but is not limited to, motor homes, travel trailers, tent campers and truck campers.

Residential Floor Area: The interior floor area of a dwelling including stairways, halls, and closets but not including basement, porches, garages, breezeways or carports.

Rooming House: See "Boarding House".

Sale of Fireworks: A place where fireworks are available for sale, retail or wholesale. (Revised 10/18/04 - Z17-C205)

Self Service Storage Facility: Any real property designed and used for the purpose of renting or leasing individual storage spaces for the storage of personal property.

Semi-Public Uses: Non-profit services and facilities which are provided to the public that are privately owned and controlled. These include, but are not limited to, churches, parochial schools, hospitals, and other educational, religious or philanthropic organizations and adult/juvenile correctional rehabilitation facilities. (Revised 12/17/01 - Z17-C243)

Setback Line: A line established by zoning, platting, or other legal means on a lot, that is a specified distance from and parallel to the lot line, to restrict the encroachment of buildings on the lot line.

Sign: A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, or organization or business.

Site Plan: A scaled drawing of a proposed project showing, among others, the location of property lines, building locations, drives, walkways, parking areas, fencing and screening, setbacks, and signs as required by this Resolution.

Sludge: A solid or near solid by-product of sewage treatment or industrial waste treatment.

Special Use: A use other than a use by (or as of) right, subject to review, approval/disapproval by the Board of Township Trustees. (Revised 8/22/90 - Z17-C119)

Storage Garage: See "Garage"

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and ceiling next above it.

- a) **Half-Story:** A basement, the floor of which is more than three (3) feet six (6) inches, but not more than four (4) feet, below grade and the ceiling of which is more than four (4) feet, but not more than four and one-half (4 1/2) feet above grade, or, a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite walls are not more than three (3) feet above the floor of such story, except that any such partial story under a gable, hip or gambrel roof used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

SECTION 2 DEFINITIONS (cont'd)

Street: A public thoroughfare which affords the principal means of access to abutting property.

Structure: Anything constructed, erected or placed on the land, the use of which requires a more or less permanent location on the land, or attached to something having a permanent location on the land. This includes and not limited to buildings, walls, fences, advertising signs and billboards.

Structural Alterations: Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

Swimming Pool: An enclosure, temporary or permanent, above or below ground, containing water to be used for bathing, wading or swimming, which shall be able to contain 24 inches minimum depth of water and exceeds 12 feet in diameter or length whichever applies to the appropriate shape.

Telecommunication Tower: Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure. A telecommunication tower shall meet all of the following conditions:

- a) It is constructed on or after October 31, 1996;
- b) Is owned or principally used by a public utility engaged in the provision of telecommunication service;
- c) Is a free standing structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located. (Revised 7/19/99 - Z17-C203)

Tourist Home: A building in which board or rooming, or both are offered to the traveling public for compensation, and open to transient guests, and distinguished from a hotel, motel or boarding house herein defined.

Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

Variance: A variance is a modification of 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 the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Warehouse: A building or structure used for the storage of goods, materials or equipment.

Yard: An open space at grade between a building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

SECTION 2 DEFINITIONS (cont'd)

Yard (cont'd)

- a) **Front Yard:** A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections or permitted uncovered steps, uncovered balconies, platforms or decks, which are open to the sky. On a corner lot the owner may elect either street frontage as the front yard. (Revised 12/30/89 - Z17-C115)
- b) **Rear Yard:** A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, balconies, platforms or decks which are open to the sky. On all lots the rear yard shall be at the opposite end of the lot from the front yard. (Revised 12/30/89 - Z17-C115)

Zoning Administrator: The agent, appointed by the Township Trustees, who is responsible for the administration of the Township Zoning Regulations and required inspections for zoning compliance. For the purposes of this zoning resolution, the term Zoning Administrator is equivalent to the term Zoning Inspector per Ohio Revised Code Section 519.16 (Revised 3/21/05 - Z17-C276)

Zoning Certificate (Permit): The document issued by the zoning inspector authorizing the use of land or buildings.

Zoning District Map: Map or maps of the township and amendments delineating zoning districts.

SECTION 3 ESTABLISHMENT OF DISTRICTS (cont'd)

SECTION 3 ESTABLISHMENT OF DISTRICTS

The Township is hereby divided into districts under four (4) general categories which shall be known as: "Agricultural District", Residential District", Commercial District", and "Industrial District".

SECTION 3.1 AGRICULTURAL DISTRICT

3.1.1 "A/R" Agricultural/Residential

The Agricultural/Residential District is to provide for agricultural and agriculturally related uses, essential public facilities and services such as public buildings, schools, railroads, and public utilities; and very low density residential uses. This may include; some commercial activities which are an integral part of agriculture, such as roadside stands or structures used for the sale of agricultural produce or products and/or nursery and greenhouse sales areas; churches and other related nonprofit public service facilities; and single-family dwellings. Intense residential development is discouraged. (Revised 12/17/01 - Z17-C240)

SECTION 3.2 RESIDENTIAL DISTRICTS

3.2.1 "R-A" "R-B" AND "R-C" Suburban Residential (Revised 10/18/99 - Z17-C208)

The Suburban Residential District provides for low-medium density, residential development where public water and public sanitary sewers are available. It is intended that uses within this district be contained within a neighborhood setting, with minimal intrusion of nonresidential uses.

3.2.2 "R-1" Single Family Residential

The Single Family Residential District is to provide for medium density residential development where public water and public sanitary sewers are available. It is intended that uses within this district be contained with a neighborhood setting, and non-residential uses be directly related to needs of the neighborhood.

3.2.3 "R-3" Multi-Family Residential

The Multi-Family Residential District is to provide for medium-high density residential development on lots which are served by public water and public sanitary sewers and located in proximity to community services such as public transportation, shopping and related urban level services.

SECTION 3.3 COMMERCIAL DISTRICTS

3.3.1 "C-1" Neighborhood Commercial

The Neighborhood Commercial District provides for businesses which primarily serve nearby residential areas with convenience goods and services. Business should be of the type which are low generators of traffic and compatible with surrounding residential areas. All uses and activities shall be inside buildings unless related to the existing primary use of the property.

SECTION 3 ESTABLISHMENT OF DISTRICTS (cont'd)

3.3.2 "C-2" General Commercial

The General Commercial District provides for businesses which serve a regional market. Businesses may be grouped into small shopping centers located along a major thoroughfare, or at corners of major intersections on large lots to allow for ingress, egress, internal circulation and adequate parking. Typically these businesses will be high generators of traffic. Example of these include, but not limited to, shopping centers, malls, drive-through businesses, motels, restaurants, gas stations, etc. Large-scale retail projects may be allowed subject to the review and approval of a special use permit. All uses and activities shall be inside buildings unless related to the existing primary use of the property. (Revised 12/1/03 - Z17-C252)

3.3.3 "C-3" Office Commercial

The Office Commercial District is to provide for offices, service laboratories, professional buildings which provide health, legal, finance, insurance, or similar business services. Related businesses may be included, also, such as warehousing or restaurants, when serving primarily employees or firms on the site. No drive-through facilities shall be permitted unless completely contained within a building. All other uses and activities shall be inside buildings unless related to the existing primary use of the property.

SECTION 3.4 INDUSTRIAL DISTRICTS

3.4.1 "M-1" Industrial/Office Research

The Industrial/Office Research District is to provide for light industrial, research laboratories, warehousing types of businesses which may be conducted in areas proximate to residential and commercial areas with attempts to provide as much isolation as possible. These uses may include activities of manufacturing, processing, or assembly of products or the provision of services. No offensive or hazardous conditions shall be created by an industry and other disruptive activities shall be minimized to maintain tranquility if near commercial or residential areas. This would include such things as excessive traffic, dust, dirt, noxious gases, smoke, noise, fumes or vibrations. Since certain industrial uses as a part of their operation may have need for sales distribution and sales outlets, it may be permitted only as an accessory use providing that goods and services are produced at the site or are an integral part of a warehousing distribution system. Wherever possible work activities and material handling will be confined to buildings or enclosures. When possible, materials and products will be stored in enclosed structures or areas screened from view of adjoining property. External areas of structures will be landscaped and maintained. Undeveloped areas will be kept free of debris, weeds and routinely maintained by cutting grassed areas.

3.4.2 "M-2" General Industrial

The "M-2" General Industrial District provides for industries which by their nature and function require large parcels for development, and access to utilities and major transportation networks. These uses may be objectionable to adjacent residential or commercial properties and therefore should be grouped together when similar uses are located. Certain industries may need special consideration because of their potential spill-over effect on surrounding areas. These are provided for either as a conditional use or as a special use. These industries may include such activities as fabricating, processing, smelting and refining, extraction of minerals and stone, foundries, blast furnaces and similar industries which have the potential of creating impacts in the area adjacent to and near the industrial activity. Sales distribution and sales outlets may be permitted as an accessory use providing that goods and services are produced at the site or are an integral part of a warehousing distribution system.

SECTION 3 ESTABLISHMENT OF DISTRICTS (cont'd)

SECTION 3.5 DISTRICT MAP

3.5.1 Description

The location and boundaries of districts established shall be shown on the map entitled "Monclova Township Zoning Plan, 1950". A certified copy of this map is on file in the office of the Board of Monclova Township Trustees. Said map and all notations dimensions and designations shown thereon are hereby declared to be a part of this Resolution.

3.5.2 Replacement

In the event that the Official District Map becomes damaged, destroyed or lost, the Township Board of Trustees may by Resolution adopt a new Official District Map which shall supercede the prior Official District Map.

SECTION 3.6 DISTRICT BOUNDARIES

3.6.1 Description

The district boundary lines on said map are intended to follow either centerlines of streets or alleys or lot lines: and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley or lot line shall be construed to be the boundary of the district unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary line shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions. In the case of the vacation of a street, alley, water course or other right-of-way, the abutting zoning classification on each side thereof shall automatically be extended to the centerline of said vacated street, alley, water course or right-of-way.

3.6.2 Exceptions

District boundaries following shore lines shall be construed as moving with any shoreline changes. Where boundaries appear to approximately follow such aforesaid lines and are not more than 10 feet distant therefrom, such lines shall be construed to be the boundary lines unless specifically shown otherwise.

SECTION 4 USE REGULATIONS

The permitted and special uses for each district are shown in the following table which shall constitute Section 4 of the Zoning Resolution. The interpretation of uses given in categorical terms shall be as defined in Section 2. Uses not specifically listed or interpreted by the Board to be included categorically under this Section and Section 2 shall not be permitted, except by action of the Zoning Commission and the Board of Trustees. All completed applications with required attachments must be submitted to the Zoning Administrator at least 10 business days (per Section 13) prior to the Zoning Commission meeting.

SECTION 4.1 Permitted & Special Uses

P- Permitted
 SU- Special use

	A/R	R-A	R-B	R-C	R-1	R-3	C-1	C-2	C-3	M-1	M-2		
Accessory uses	P	P	P	P	P	P	P	P	P	P	P		
Adult-oriented uses (1)								SU				Z17-C220	3/20/2000
Agriculture	P												
Agriculture Implement Sales & Service								P					
Agriculture Product Sales	P							P					
Amusement Centers (4)								SU				Z17-C142	8/16/1993
Animal Care Facilities	SU							P					
Arena/Convention Center								SU					
Bank							P	P	P	P			
Banquet Halls	SU	SU	SU	SU	SU	SU	SU	P				Z17-C142	8/16/1993
Boat Storage								P					
Building Material Supplies / Storage								P		P			
Businesses, General								P					
Businesses, Highway								P					
Businesses, Neighborhood								P					
Cemetery/Memorial Gardens	SU												
Clubs	SU	SU	SU	SU	SU	SU	SU	P				Z17-C142	8/16/1993
Commercial Grain Elevator/Storage	P										P		

SECTION 4 USE REGULATIONS (cont'd)

	A/R	R-A	R-B	R-C	R-1	R-3	C-1	C-2	C-3	M-1	M-2		
Community / Public-Swimming Pools	SU	SU	SU	SU	SU	SU	SU	P				Z17-C142	8/16/1993
Construction and Contractor Materials and Equipment and Storage with No Outside Storage										P	P	Z17-C152	9/6/1994
Day Care Facilities (2)	SU	SU	SU	SU	SU	SU	P	P	P	P	P	Z17-C147	1/17/1994
Dwelling, Multiple Family						P							
Dwelling, Single Family	P	P	P	P	P	P						Z17-C157	5/15/1995
Dwelling, Two Family	SU					P						Z17-C157	5/15/1996
Extraction Industries											SU		
Financial/Insurance Services							P	P					
Golf Courses	SU	SU	SU	SU	SU	SU	SU	P				Z17-C142	8/16/1993
Health Care Clinics						SU	P						
Home Occupation	P	P	P	P	P	P							
Institutional Health Care Facilities	SU							P					
Kennels	P												
Landscaping-Lawn Care Services	SU												
Large-Scale Retail Project								SU				Z17-C252	12/1/2003
Manufactured Home Park						SU	SU						
Manufactured Home Sales								P					
Manufacturing, General										SU	P		
Manufacturing, Heavy											SU		
Manufacturing, Restricted									SU	P			
Marine Sales & Services								P					
Metal Stamping / Machine Shop										P	P		
Mortuary							P	P					
Motor Vehicle Body Shop								P					
Motor Vehicle Sales & Rental								P					
Motor Vehicle Salvage											P		

SECTION 4 USE REGULATIONS (cont'd)

	A/R	R-A	R-B	R-C	R-1	R-3	C-1	C-2	C-3	M-1	M-2		
Motor Vehicle Service Station							SU	P					
Neighborhood Retail Business							P						
Nursery (5)	SU											Z17-C166	4/15/1996
Nursery School						SU							
Nursing Home	SU					SU	P						
Offices									P	P			
Oil & Gas Drilling/Wells	P										P		
Permanently Sited Manufactured Home	P	P	P	P	P	P						Z17-C219	4/13/2000
Personal Services							P	P	P				
Printing and Publishing								P	P	P			
Professional Services						SU	P	P	P	P			
Public Service Facilities	P	P	P	P	P	P	P	P	P	P	P		
Public Uses	SU	SU	SU	SU	SU	SU	P	P					
Research Laboratories									SU	P	P		
Restaurant (3)									P	P			
Restaurant / Lounge							SU	P					
Self Service Storage Facility						SU	SU	P	P	P	P	Z17-C152	9/16/1994
Semi-Public Uses	SU	SU	SU	SU	SU	SU	P	P					
Service Laboratories									P	P			
Sports Field. Indoor / Outdoor Courts	SU	SU	SU	SU	SU	SU	SU	P				Z17-C142	8/16/1993
Stabling & Boarding of Horses	P												
Telecommunication Tower	SU	SU	SU	SU	SU	SU	P	P	P	P	P	Z17-C203	7/19/1999
Truck Transport Terminals										P	P		
Warehousing									P	P	P		

- (1) Adult book stores, adult video stores, adult movie houses, adult amusement or entertainment, and massage parlors See section 5.7
- (2) As provided for under 4.2.2
- (3) As provided for under 4.2.1
- (4) Billiards, Pool, Video Games, etc.
- (5) If less than fifty percent of the nursery stock for sale is grown on site

* As provided for under Section 4.2.1
 ** As provided for under Section 4.2.2 (revised 7-19-06 – Z17-C294)

SECTION 4 USE REGULATIONS (cont'd)

SECTION 4.2 District Use Restrictions

4.2.1 Restaurants located in a "C-3" Office Commercial or "M-1" Industrial/Office Research District shall be permitted only when included as part of a structure which is used as an office building. (Revised 2/6/06- Z17-C292)

4.2.2 Day Care facilities which are accessory uses are exempt from provisions of this Section. (Revised 1/7/94 – Z17-C147)

SECTION 4.3 Special Uses (As provided for under Section 5)

SECTION 4.4 Minimum Dimensional Requirements

4.4.1 Basic Yard, Area and Height Requirements for Dwellings

The following schedule establishes minimum yard, area and height requirements for dwellings by district: (Revised 5/15/95 - Z17-C157)

TABLE 4 – 1 Dimensional Requirements

<u>District</u>	<u>Minimum Lot</u>		<u>Minimum Yard</u>			<u>Sum of Both</u>	<u>Maximum Height***</u>	
	<u>Area (per family)</u>	<u>Width (ft.)</u>	<u>Front*</u>	<u>Rear</u>	<u>One Side</u>		<u>Stories</u>	<u>Feet</u>
"A/R" <u>Agricultural/Residential</u> (Revised 12/17/01 - Z17-C240)								
a) Single-family	1 acre	100	35	25	20	40	2 ½	35
b) Two Family**	1 acre	200	35	25	20	40	2 ½	35
"R-C" <u>Suburban Residential</u> (Revised 10/18/99 - Z17-C208)								
a) Single-family	20,000 sq. ft.	100	35	25	20	40	2 ½	35
"R-B" <u>Suburban Residential</u>								
a) Single-family	16,000 sq. ft.	80	35	25	10	20	2 ½	35
"R-A" <u>Suburban Residential</u>								
a) Single-family	12,000 sq. ft.	75	35	25	10	20	2 ½	35
"R-1" <u>Single-Family Residential</u>								
a) Single-family	9,000 sq. ft.	70	30	35	8	20	2 ½	35
"R-3" <u>Multi-Family Residential</u>								
a) Single-family	8,500 sq. ft.	70	30	30	6	18	2 ½	35
b) Two Family	6,000 sq. ft.	90	30	30	10	24	2 ½	35
c) Multi-family	5,000 sq. ft.	125	30	30	15	30	3	40

* Larger front yards are required for certain streets as shown in Section 4.7.5

** Special Use Permit Required (See Section 5)

*** Buildings are subject to both height limits: number of stories and height in feet. (Revised 3/18/02 – Z17-C246)

SECTION 4 USE REGULATIONS (cont'd)

FIGURE 4 - 1

SECTION 4 USE REGULATIONS (cont'd)

SECTION 4 USE REGULATIONS (cont'd)

SECTION 4.5 Minimum Floor Area Requirements for Dwellings

4.5.1 Minimum Floor Area Per Family Unit

The minimum floor area per family unit in square feet for dwellings erected on any lot shall not be less than that established by the following table. In determining floor area, only the area used for living quarters shall be counted. Garages, carports, porches, and basements are to be excluded.

TABLE 4 - 2

<u>DISTRICT</u>	<u>SIN- GLE FAM- ILY</u>	<u>TWO FAM- ILY</u>	<u>EFFI- CIE- NCY</u>	<u>1 BED- ROOM</u>	<u>2 BED- ROOM</u>	<u>3 OR MORE BED- ROOM S</u>	<u>PRO- JECT UNIT AVER.</u>
<u>"A/R Agricultural/Residential</u>							
<small>(Revised 12/17/01 - Z17-C240)</small>							
a) One Story	900	900	--	--	--	--	--
b) More than one story	1,200	1,200	--	--	--	--	--
<u>"R-C" Suburban Residential</u>							
a) One Story							
b) More than one story	1,200	1,000	--	--	--	--	--
<small>(Revised 10/18/99 - Z17-C208)</small>							
<u>"R-B" Suburban Residential</u>							
a) One Story	1,200	1,000	--	--	--	--	--
b) More than one story	1,500	1,200	--	--	--	--	--
<small>(Revised 5/15/95 - Z17-C157)</small>							
<u>"R-A" Suburban Residential</u>							
a) One Story	1,200	1,000	--	--	--	--	--
b) More than one story	1,500	1,200	--	--	--	--	--
<u>"R-1" Single-Family Residential</u>							
a) One Story	900	900	--	--	--	--	--
b) More than one story	1,200	1,100	--	--	--	--	--
<u>"R-3" Multi-Family Residential</u>							
a) One Story	900	900	--	--	--	--	--
b) More than one story	1,200	1,100	--	--	--	--	--
c) Apartment	--	--	400	540	700	900	620

4.5.2 Minimum Room Area Requirements for Dwellings

In addition to meeting applicable room area requirements contained in the Lucas County Building Codes, where more than two persons occupy a room used for sleeping purposes, the required room area shall be increased at the rate of 50 sq ft for each occupant in excess of two (2). (Revised 8/19/96 - Z17-C162)

SECTION 4 USE REGULATIONS (cont'd)

SECTION 4.6 Basic Yard, Area, Lot Coverage and Height Requirement for All Buildings Other than Dwellings

The following table establishes the yard, area, lot coverage and height requirements for all buildings except dwellings and structures accessory to dwelling by district:

TABLE 4 - 3

<u>Districts</u>	<u>Minimum Lot</u>		<u>Minimum Yard (feet)</u>			<u>Maximum Height***</u>	
	<u>Area</u>	<u>Width</u>	<u>Front</u>	<u>Rear</u>	<u>Each Side*</u>	<u>Stories</u>	<u>Feet</u>
"A/R" Agricultural/Residential (Revised 12/17/01 – Z17-C240)	3 acres	250	60	60	50	3	45
"R-C" Suburban Residential **	2 acres	200	60	60	50	2	40
"R-B" Suburban * Residential	2 acres	200	60	60	50	2	40
"R-A" Suburban Residential	2 acres	200	60	60	50	2	40
"R-1" Single-family Residential	1 acre	200	50	50	40	2	35
"R-3" Multi-family	1 acre	50	50	50	40	2	40
"C-1" Neighborhood Commercial	25,000 sq. ft.	60	30	10	none	2	35
"C-2" General Commercial	25,000 sq. ft.	100	40	10	none	2	35
"C-3" Office Commercial	1 acre	80	60	40	30	3	45
"M-1" Industrial / Office Research	1 acres	150	50	40	30	3	45
"M-2" General Industrial	5 acres	250	50	40	30	4	60

(**Revised 10/18/99 - Z17-C208)

(*Revised 5/15/95 - Z17-C157)

*** Buildings are subject to both height limits: number of stories and height in feet. (Revised – 3/18/02 - Z17-C246)

SECTION 4 USE REGULATIONS (cont'd)

FIGURE 4 - 2

BASEMENT & STORY

SECTION 4 USE REGULATIONS (cont'd)

SECTION 4.7 EXCEPTIONS

4.7.1 Nonresidential Uses Abutting or Opposite an "A" or "R" District

TABLE 4 - 4

Minimum Yards	Minimum Yard (feet)		
	Front	Side	Rear
Public/Semi-Public	100	50	100
Commercial	50	30	30
Industrial	100	50	100

When the boundary line of two (2) zoning districts divide a lot held in single ownership, the above yard requirements shall apply and extend from the zoning district line.

4.7.2 Height

a) **Buildings**

The maximum height of buildings and number of stories specified under Sections 4.4 and 4.6 may be exceeded for public and semi-public buildings, commercial, industrial and apartment buildings provided the required front, side and rear yards are increased by one (1) foot for each foot of additional building height to a maximum height of 60 feet and a maximum of four stories. (Revised 3/18/02 - Z17-C246)

b) **Structures**

Height regulations of buildings shall not apply to telecommunication towers, monuments, church spires/bell towers, water, or fire towers, chimneys or cooling towers, silos, flagpoles except where the height of such structure will present a hazard to the safe landing and takeoff of aircraft at an established airport.

4.7.3 Architectural Projections

Open covered structures such as porches, canopies, balconies, platforms, and carports; structures such as patios, balconies, platform or decks that are covered and similar architectural projections, shall be considered a part of the building to which attached and shall not project into the required minimum front, side, or rear yard. (Revised 12/30/89 - Z17 - C115)

SECTION 4 USE REGULATIONS (cont'd)

FIGURE 4 - 3

ROOF TYPES AND BUILDING HEIGHT

SECTION 4 USE REGULATIONS (cont'd)

FIGURE 4 - 4

TYPE OF LOTS

SECTION 4 USE REGULATIONS (cont'd)

4.7.4 Corner Lots

Corner lots and lots having frontage on more than one (1) street shall provide the minimum front yard requirements on each street.

4.7.5 Setbacks of Buildings on Main Roadways

On lots and lands abutting the following roads, no building shall hereafter be erected, enlarged or reconstructed to extend nearer to the centerline of the road than:

100 feet on all Lucas County roadways, including but not limited to:

Albon Road	Salisbury Road (US 23/I-475 to Crissey Road)
Black Road	South Jerome Road
Briarfield Boulevard	Strayer Road (US20A to Salisbury Road)
Crissey Road	Stitt Road
Eber Road	Technology Drive
Garden Road	Waterville-Monclova Road
Holloway Road	Weckerly Road (20A to south Township boundary line)
Monclova Road	Whitehouse-Spencer Road (East Side)
North Jerome Road	

75 feet on all non platted Township Roads, including but not limited to:

Bucher Road	Obee Road (North side)
Butz Road	Ramm Road
Coder Road	Reed Road
Keener Road	River Road
LaPlante Road	Salisbury Road (Crissey Road to Eber Road)
Lose Road	Schaffer Rd.
Manley Rd.(North of Salisbury Rd.)	Strayer Road (unimproved)
	Weckerly Road (North to Twp. line)

All platted roadways shall observe setbacks as provided for in the platting requirements.

On lots and lands abutting the state and federal roads, no building shall hereafter be erected, enlarged or reconstructed to extend nearer to the centerline of the road than:

100 feet on all State and Federal roadways, including but not limited to:

Airport Highway (State Route 2)
Anthony Wayne Trail (US 24)
Maumee-Western (US20A) See section 4.8.8 for increased setback (Revised 7-19-06 – Z17-C294)

SECTION 4 USE REGULATIONS (cont'd)

SECTION 4.8 U.S. 20A (MAUMEE-WESTERN ROAD) ZONING OVERLAY DISTRICT (Revised 10/18/04 – Z17-C205)

4.8.1 Purpose and Intent

The purpose of the U.S. 20A Overlay District is to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering U.S. 20A in Monclova Township. U.S. 20A is a major east-west route through Monclova Township, is the site of a planned future interchange with I-475/U.S. 23, and is designated as a major access road to Toledo Express Airport. The area in the vicinity of U.S. 20A is emerging as a significant growth corridor for residential, commercial, and industrial development. U.S. 20 A is maintained under the jurisdiction of the Ohio Department of Transportation (ODOT). The U.S. 20A Overlay District provides standards intended to preserve and enhance the environmental and aesthetic qualities of the U.S. 20A Corridor and manage access to abutting property and the airport in a manner that will maintain traffic safety and roadway capacity.

The U.S. 20A Zoning Overlay District is intended to provide additional zoning controls for the U.S. 20A Corridor in order to better manage access and land use in this area. The establishment of the Overlay District was included as a recommendation in the Monclova Township Land Use Plan (adopted in 1999) and is intended to help implement and support the plan. Inclusion of parcels within the overlay district boundaries is not intended to change the land use designations shown for those parcels in the plan.

4.8.2 U.S. 20A Overlay District Boundaries

The boundaries of the District are hereby established as shown on the Zoning District Map. The District includes those parcels with frontage along the U.S. 20A right-of-way to a depth of 600 feet from the centerline of the right-of-way along both sides, extending from I-475/U.S. 23 (at the Maumee border) to Whitehouse-Spencer Road (at the Swanton Township border).

4.8.3 Review and Approval Procedures

Site plan review and approval shall be necessary for all new development and for any existing structure that is enlarged by 50% or more or when the enlargement contains 5,000 square feet or more in floor area. Single-family residences are exempt from these site plan review requirements but are required to obtain the ODOT driveway access permit noted below. Site plan review shall be required if any portion of the parcel lies within the overlay boundaries, even if all or part of the structure does not. The site plan review shall be as specified in Section 8.5 with the additional requirement that review and recommendation by the Lucas County Planning Commission staff and Township Zoning Commission be mandatory. Site plans will also be reviewed for conformance with ODOT's U.S. 20A Access Management Plan (July 2002 plan and any future updates). In addition, ODOT requires a driveway access permit application for

SECTION 4 USE REGULATIONS (cont'd)

4.8.3 Review and Approval Procedures (cont'd)

any new or modified access, as well as for a change in use for existing driveways. ODOT may require a performance bond for this permit.

4.8.4 Appeals Process

An appeal of the Zoning Administrator's decision on a site plan review under this section may be made to the Board of Zoning Appeals in accordance with the process provided for appeals in Section 12.3. The Board of Zoning Appeals shall give formal consideration to the recommendation of the Zoning Commission.

4.8.5 Permitted and Special Uses

All uses which are permitted or special uses in the underlying zoning district(s) except the uses expressly excluded by Section 4.8.6.

4.8.6 Excluded Uses

- Adult-oriented uses
- Auction market with outdoor display and storage
- Automobile/truck repair garage when not in conjunction with new automobile/truck sales
- Billboards
- Boat storage
- Flea market with outdoor sales or storage
- Junk yard
- Landfill
- Manufactured home, mobile home or industrialized dwelling unit sales
- Manufactured home park
- Motor vehicle body shop
- Motor vehicle salvage yard
- Outdoor storage of construction materials and equipment
- Sale of fireworks
- Used car sales when not in conjunction with new car sales

4.8.7 Non-conforming Lots, Structures and Uses

Lots, structures and uses which are lawful before the adoption of the U.S. 20A Overlay District but which become non-conforming under the terms of the overlay district shall be permitted to continue under the grandfather provisions contained in Section 9.

SECTION 4 USE REGULATIONS (cont'd)

4.8.8 Development Standards

A) Minimum Front Yard Setback

1. The minimum front yard setback along U.S. 20A shall be the greater of 50 feet from the right-of-way line or 150 feet from the centerline of the U.S. 20A pavement as of the date of adoption of this overlay district. Parcels with frontage on more than one street shall have a minimum front yard setback from the right-of-way line of the minor street as specified in Sections 4.4, 4.6 and 4.7.
2. In the event that any dwelling existing or under construction at the date of adoption of the U.S. 20A Zoning Overlay district is damaged so extensively that it must be rebuilt, the replacement dwelling may be constructed in accordance with the 100 foot from centerline front yard setback requirement in effect prior to adoption of the overlay district.
3. The 100 foot front yard setback requirement in effect prior to adoption of the overlay district will remain in effect for any existing lot of record, or any portion of an existing lot of record under a single zoning district for split-zoned parcels, with a depth of 300 feet or less from the U.S. 20A centerline.

B) Minimum Side Yard Setback

As specified in the underlying zoning district.

C) Minimum Rear Yard Setback

As specified in the underlying zoning district. In addition, a twenty-five (25) foot rear yard landscape area shall be provided where the rear yard abuts an agricultural or residential zoning district outside the overlay district. Single-family residences are exempt from the rear yard landscape area requirement.

D) Maximum Building Height

As specified in the underlying zoning district.

SECTION 4 USE REGULATIONS (cont'd)

4.8.8 Development Standards (cont'd)

E) Minimum Front Yard Landscape Area

Twenty-five (25) feet along U.S. 20A and 10 feet along side streets. The landscape area shall be located outside of the right-of-way within the front yard setback area(s) and no off-street parking shall be located within the landscape area. Single-family residences are exempt from the front yard landscape area requirement. In those instances where a parallel service road is provided within the required front yard the minimum landscape area width shall be ten (10) feet.

F) Lot Frontage:

No existing lot that has frontage U.S. 20A may be subdivided in such a manner so as to reduce such frontage on U.S. 20A to less than 200 feet for any one lot, unless a Traffic Impact Study is reviewed and approved by the Lucas County Engineer and ODOT. Existing lots of record at the time of this amendment's adoption with widths of under 200 feet retain their legal status in accordance with Section 9 of the Zoning Resolution.

G) Parking Requirements

Parking is prohibited in the front yard landscape area (see 4.8.8.E) and in the rear yard setback when adjoining a residential district. Efforts to break up large expanses of pavement are to be encouraged by the interspersing of appropriate planting areas wherever possible. The number of parking spaces required are as established in Section 6 of this resolution depending upon the zoning and the intended land use.

4.8.9 Landscape Requirements

Site plan review shall also include the review of landscape design elements and conformance with all applicable requirements.

A) General Landscape Requirements

In addition to the required front yard landscape area, landscaping for all uses except single-family dwellings, shall be provided in the following areas:

1. At the perimeter of sites to buffer, separate, and/or screen adjacent land uses.

SECTION 4 USE REGULATIONS (cont'd)

4.8.9 Landscape Requirements (cont'd)

2. At the perimeter of parking lots to shade, separate, and/or screen the view of parked cars from adjacent streets and land uses.
3. In the interior of parking lots to provide shade and break up large expanses pavement.
4. Around the perimeter of buildings to enhance the appearance of structures.
5. When barriers or fences are utilized, plant material shall be included.
6. Plants, fencing and other landscape material areas shall not include any portion of the right-of-way.
7. All loading areas shall be landscaped for screening purposes.
8. Trash receptacles and refuse containment shall be screened from public view and shall not be placed within any required setback areas.
9. All rooftop HVAC units shall be adequately screened from the view of neighboring properties.

B) Specific Landscape Requirements

These requirements shall be met unless an alternative landscape plan providing equivalent screening and buffering is approved by the Zoning Administrator. Landscaping is not required within utility easements.

1. A planting strip at least five (5') feet in width shall be located along any parking area perimeter abutting a public roadway. The planting strip shall not be located within the right-of-way but may be included within the front yard landscape area required per Section 4.8.8.E. Within this planting strip there shall be one (1) two and a half (2.5") inch caliper deciduous shade tree per fifty (50) linear feet of perimeter parking area. There shall also be a four (4) foot tall hedge (at maturity) of shrubs (evergreen or deciduous) to provide screening. An alternative arrangement of perimeter landscaping material such as mounding, fencing, or walls may be considered as part of the site plan review process. The planting strip should be setback at least five (5) feet from the parking lot pavement edge for maintenance purposes.

SECTION 4 USE REGULATIONS (cont'd)

4.8.9 Landscape Requirements (cont'd)

2. Landscaping within parking areas is necessary not only to reduce the generation of heat and water runoff but also to break up visually the expanse of paved areas. Landscape islands with shade trees shall be strategically placed throughout the parking lot. Landscaping within parking areas will be required as follows:
 - a. Any open parking area (including loading areas and aisle ways) containing more than six thousand (6,000) square feet of area or fifteen (15) or more parking spaces shall provide a permeable interior landscaping area equal to at least five percent (5%) of the total parking area.
 - b. For parking areas over thirty thousand (30,000) square feet in size, the required landscaping shall be designed to break up the visual expanse of pavement with landscape features such as boulevards, larger landscape islands, or areas of preserved on-site native vegetation. This landscaping requirement may also include storm water retention areas or drainage courses, if designed so as to provide an attractive natural asset to the site.
 - c. The minimum required plant materials for the interior of parking areas shall be one deciduous tree for every three thousand (3,000) square feet of parking area. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five (5') feet above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet in height.
3. Foundation planting is required for all exterior building walls that are visible from a road. Foundation plantings shall be placed within five (5') feet of the building perimeter. Ten (10) shrubs shall be required for every one hundred (100) lineal feet of horizontal exterior building wall visible from the road, street, or highway. If foundation plantings are deemed not practical due to unique features of the site and/or building, an alternative plan may be considered as part of the site plan review process.

SECTION 4 USE REGULATIONS (cont'd)

4.8.9 Landscape Requirements (cont'd)

4. The required front yard landscape strip shall be unoccupied except for landscape material, steps, walks, terraces and driveways. Innovative treatments are encouraged in this area, but the design must not interfere with adequate sight distance. Within the landscape strip, at least one (1), two and one-half (2 ½") inch caliper deciduous or two (2), six (6') foot high evergreen trees or a combination, shall be installed for each one hundred (100') feet of property frontage along with other appropriate landscape materials.
5. All required landscape areas shall be protected by curbing or a suitable barrier to prevent vehicular encroachment.
6. An irrigation system shall be installed in all required landscape areas unless drought resistant, native species are utilized.

C) Landscape Maintenance and Replacement Requirements

The lot owner shall be responsible for the maintenance of all landscaping. The following requirements shall apply:

1. Landscape material shall not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
2. All trees, shrubs, ground covers and other plant materials shall be replaced if they fail to thrive.
3. Replacement plants shall conform to the approved plan. Dead or unhealthy plants shall be replaced within the next planting season.
4. As part of the site plan, a bond, escrow, or other suitable guarantee shall be filed with the Zoning Administrator to ensure the landscape material is installed and maintained for a two (2) year period. No Zoning Certificate shall be issued until the bond, escrow or other suitable guarantee is accepted.

SECTION 4 USE REGULATIONS (cont'd)

4.8.10 Access to Individual Parcels

Access along U.S. 20A shall be reviewed relative to the distance from other drive approaches and from roadway intersections and shall conform to ODOT's U.S. 20A Access Management Plan. Access shall be reviewed by the Lucas County Engineer and ODOT prior to approval. When deemed appropriate by the Lucas County Engineer or ODOT, the developer may be required to prepare a traffic impact study. Left and right turn lanes are encouraged and may be required as conditions of approval by the controlling jurisdiction (Lucas County Engineer or ODOT).

A) Access Permits

All access permits shall be reviewed and approved by the Lucas County Engineer and ODOT. Design and location of access driveways onto U.S. 20A must be in compliance with applicable ODOT guidelines and regulations.

B) Access Options

The preferred method of providing access to parcels is to reduce or eliminate driveways and curb cuts by using front access drives (frontage roads), rear access drives, cross access easements and shared drive approaches. When parcels abut more than one roadway, the preferred access option is to locate access points on a county or township road near the intersection with U.S. 20A.

4.8.11 Traffic Impact Study

If required by the Lucas County Engineer or ODOT, a traffic impact study shall be prepared by a qualified professional engineer at the developer's expense. The study shall investigate the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations, etc. to protect the safety and welfare of the traveling public. The traffic impact study shall be in accordance with current ODOT access management guidelines and shall include the following elements:

- A) A description of the site and study area.
- B) Anticipated development of adjacent parcels.
- C) Existing and projected future traffic volumes.
- D) Trip generation and distribution.
- E) Traffic assignment resulting from the development.
- F) An assessment of the impact resulting from driveway alternatives.
- G) Recommendations for site access and transportation improvements needed to maintain traffic flow at an acceptable and safe level of service
- H) An evaluation of the effects the proposed development will have on the level of service and roadway capacity.

SECTION 4 USE REGULATIONS (cont'd)

4.8.12 Other Requirements

A) Pole Signs

No pole signs shall be permitted in the U.S. 20A Zoning Overlay District.

B) Semi-truck Loading Areas

Semi-truck loading berths or bays for merchandise and materials which face U.S. 20A shall be suitably screened by landscaping or fencing.

C) Utilities

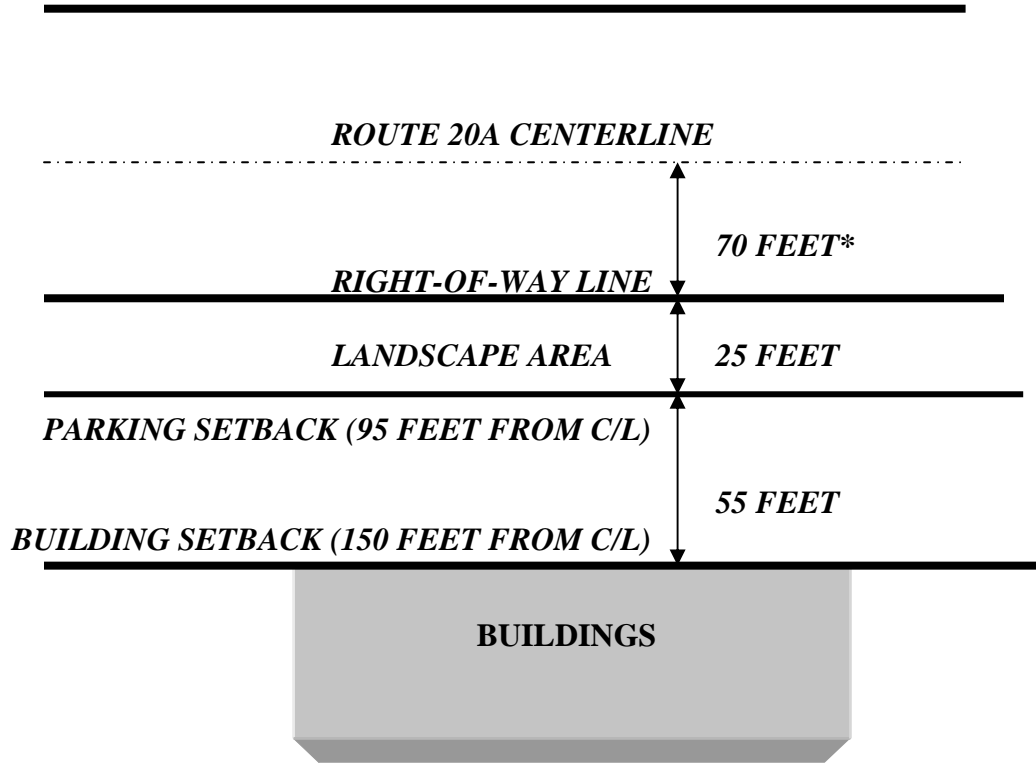
Utilities for new development shall be underground.

D) Lighting

In reviewing the lighting proposed for a development, factors to be considered include the following: safety, security, prevention of light spillage or glare onto adjoining residential properties or streets, and height/placement of lighting based on the use.

SECTION 4 USE REGULATIONS (cont'd)

FIGURE 4 – 5 DEVELOPMENT STANDARDS EXAMPLE



* 70 foot half right-of-way per ODOT U.S. 20A Access Management Plan recommended right-of-way width for segment from Strayer Road to Weckerly Road. Typical existing half right-of-way width 40 to 50 feet.

SECTION 5 SPECIAL USES

SECTION 5.1 Purpose

In addition to uses specifically classified and permitted in each District in this Resolution, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. The "special uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or the planned development of the community. The "special uses" fall into two (2) categories, as follows:

5.1.1

Uses either municipally operated, or uses traditionally affected by public interest.

5.1.2

Uses entirely private in character, which, because of their peculiar locational needs or the nature of the service they offer to the public, may have to be established in a district or districts, in which they cannot reasonably be allowed as a permitted use under the zoning regulations.

SECTION 5.2 Special Uses and Procedures

The Board of Township Trustees may permit by resolution, the amendment of this Zoning Resolution and Zoning Map, the following uses of land or structures in any district except as specifically provided otherwise, after report thereon by the Zoning Commission and subject to the requirements and procedures set forth herein. Special Uses existing at the time of adoption of this Resolution may be continued and shall be considered as uses conforming to the Resolution.

5.2.1 Special Uses Permitted

In An "A/R" District:

Animal Care Facilities
Cemetery/Memorial Gardens
Day Care Facilities
Dwelling, Two Family*
Institutional Health Care
Facilities
Landscaping-Lawn Care Services
Nursery if less than fifty percent of the nursery stock
for sale is grown on site (Revised 4/15/96 - Z17-C166)
(Revised 7/18/05 - Z17-C285)
Nursing Homes
Public Uses
Semi-Public Uses

* (Revised 5/15/95 - Z17-C157)

SECTION 5 SPECIAL USES (cont'd)

5.2.1 Special Uses Permitted (cont'd)

In An "A/R" or "R" District:

Banquet Halls (Revised 8/16/93 - Z17-C142)
Clubs (Revised 8/16/93 - Z17-C142)
Community/Public-Swimming Pools (Revised 8/16/93 -
Z17-C142)
Day Care Facilities
Golf Courses
Public Uses
Semi-Public Uses
Sports Field, Indoor/Outdoor Courts (Revised 8/16/93
Z17-C142)
Telecommunication Tower (Revised 7/19/99 - Z17-C203)

In An "R-3" District:

Health Care Clinic
Manufactured Home Parks
Nursery School
Nursing Home
Professional Services
Self Service Storage Facilities

In A "C-1" District:

Banquet Halls (Revised 8/16/93 - Z17-C142)
Clubs (Revised 8/16/93 - Z17-C142)
Community/Public-Swimming Pools (Revised 8/16/93
Z17-C142)
Golf Courses
Manufactured Home Parks
Motor Vehicle Service Station
Restaurant/Lounge
Self Service Storage Facilities
Sports Field, Indoor/Outdoor Courts (Revised 8/16/93
Z17-C142)

In A "C-2" District:

Adult-oriented Uses (Adult book stores, adult video
stores, adult movie houses, adult amusement or
entertainment, and massage parlors)(See Section
7.24) (Revised 3/20/00 - Z17-C220)
Amusement Centers (Billiards, Pool, Video Games,
etc.) (Revised 8/16/93 - Z17-C142)
Arena/Convention Center
Large-Scale Retail Project (Revised 12/1/03 - Z17-C252)

In A "C-3" District:

Manufacturing - Restricted
Research Laboratories

In A "M-1" District:

Manufacturing – General

SECTION 5 SPECIAL USES (cont'd)

5.2.1 Special Uses Permitted (cont'd)

In A "M-2" District:

Extraction Industries
Manufacturing – Heavy
Motor Vehicle Salvage Yards And Junk Yards

5.2.2 Expiration of Special Use Permit

A Special Use Permit shall be granted for only one (1) particular use and said permit shall automatically expire if, for any reason, the special use is not initiated within one (1) year of the granting of the permit or if the special use ceases to exist for more than two (2) years.

5.2.3 Procedure for Special Uses

The procedure for filing of the application, review fees, notices, referral to the County Planning Commission, public hearing by the Zoning Commission and the Trustees, passage, and determination of a Special Use shall be the same as procedures for an amendment to the Zoning Resolution as shown in Section 13.

5.2.4 Supplementary Regulations

Supplementary regulations applicable to uses permitted only as Special Uses follow in Section 5. Supplementary regulations applicable to uses which are Special Uses in some districts but permitted uses in other districts are in Section 7.

SECTION 5.3 Motor Vehicle Salvage Yards and Junk Yards

5.3.1 General

- a) The applicant shall provide a complete and accurate legal description of the entire site.
- b) A site plan shall be submitted which, at minimum, includes the dimensions of the site, size of buildings, building locations, setbacks, storage areas, driveways and fencing.

5.3.2 Storage

- a) When adding storage facilities, the applicant shall reduce the number of vehicles or junk in the storage yard.
- b) Motor vehicle wrecking yards shall maintain a list of vehicles in stock and submit this list to the township upon request.
- c) No vehicle shall be stored longer than six (6) months without written permission from the Board of Township Trustees.

5.3.3 Licensing

- a) Applicants for junk yards shall be licensed as required under Chapter 4737 O.R.C. and file with the Township proof of licensing by Lucas County Auditor.

SECTION 5 SPECIAL USES (cont'd)

5.3.3 Licensing (cont'd)

- b) Applicants for motor vehicle wrecking yards shall be licensed as required under Chapter 4738 O.R.C. and file with the Township proof of licensing by the Ohio Motor Vehicles Salvage Dealer's Licensing Board.

5.3.4 Hours of Operation

Hours of operation shall be no earlier than 7:00 A.M. nor later than 6:00 P.M., Monday through Saturday.

5.3.5 Fencing and Screening

Any area used as a motor vehicle wrecking yard or junk yard shall be effectively screened on all sides by means of walls, fences and plantings. Walls or fences shall be a minimum of six (6) feet in height with no advertising thereon. Storage of materials shall not exceed this height. A strip of land not less than 15 feet in width shall be planted and maintained on the exterior with evergreen hedge or shrubs and shall be equal to or greater than the height of the fence or wall.

5.3.6 Industrial Standards

Notwithstanding the requirements set forth herein, all motor vehicle salvage yards and junk yards shall meet the Industrial Standards as set forth in Section 8.

5.3.7 Off-Street Parking and Loading

Off-Street parking and loading shall be provided as set forth under Section 6 - Off-Street Parking and Loading.

5.3.8 Yard Requirements

- a) Front Yard: There shall be a front yard of not less than 50 feet, but where such a yard is opposite an "A" Agricultural or "R" Residential district, it shall be a minimum of 100 feet and the first 25 feet thereof shall be used only for landscaping purposes.
- b) Side Yard: There shall be a side yard of not less than 25 feet, but where abutting an "A" Agricultural or "R" Residential district it shall be a minimum of 50 feet. Storage of materials and parking of vehicles is prohibited in a side yard.
- c) Rear Yard: There shall be a rear yard of not less than 50 feet, but where such a yard is abutting an "A" Agricultural or "R" Residential district, it shall be a minimum of 100 feet.

5.3.9 Pavement

All roadways internal to the site shall be paved or maintained to minimize dust.

SECTION 5 SPECIAL USES (cont'd)

SECTION 5.4 Extraction Industries

5.4.1 Removal

The removal of soil, sand and gravel, and or minerals shall not exceed 25% of the total surface area of a parcel. All extraction industries in the removal of products shall meet the requirements of Surface Mining and Reclamation 1514.10 O.R.C.

5.4.2 Refilling

The refilling of an area which has been excavated for the extraction of soil, sand and gravel shall be considered waste disposal and shall meet the requirements set forth by the Lucas County Board of Health for solid waste disposal under 3734.05 O.R.C.

SECTION 5.5 Manufactured Home Parks

5.5.1 General Requirements

- a) The manufactured home park site shall contain not less than five (5) acres, shall be maintained as a single parcel of record, and the overall density shall conform to the density of the zoning district for a single-family.
- b) A manufactured home park site may contain less than five (5) acres if it is an extension or enlargement of an existing manufactured home park, and said extension or enlargement shall have no more than 10 manufactured home spaces per gross acre.
- c) Every manufactured home park lot shall be designed to abut upon open space or recreational facilities.
- d) Each manufactured home park shall contain a community building.
- e) No unit shall be placed closer than 50 feet of a manufactured home park boundary line nor within 20 feet of another manufactured home unit.
- f) A manufactured home park site in an "A" or "R" zone shall not be so situated that either its rear property line or a side property line shall abut a commercial or industrial zone or an existing manufactured home park.
- g) No commercial activity shall take place in a residentially zoned part of the manufactured home park.
- h) No structure designed for year-round living purposes is added to manufactured homes in the park.
- i) The land occupied by the park is maintained in single ownership or control, and no individual lot is transferred to other ownership.
- j) Manufactured home parks shall comply with the rules of the Ohio Department of Health, Public Health Council, Manufactured Home Parks, Chapter 37-1-27 of the Administrative Code; be platted in accordance with the Lucas County Subdivision Regulations and subject to site plan review.

SECTION 5.6 Large-Scale Retail Projects

5.6.1 General Requirements

- a) Minimum lot area of five (5) acres.
- b) Minimum frontage of 300 feet on a public roadway.
- c) Submission of a site plan in conformance with requirements contained in Section 8.5. Site plan review will be performed in conjunction with the special use permit application.
- d) Submission of a traffic impact study prepared by a qualified professional engineer documenting the impact of the proposed large-scale retail project on adjacent streets and roadways, necessary roadway improvements and/or traffic controls, and the developer's plan to fund such improvements. The traffic impact study shall be subject to the review and approval of the Lucas County Engineer, Monclova Township and, if applicable, the Ohio Department of Transportation.
- e) Compatibility with adjacent land uses and the adopted Monclova Land Use Plan. Items considered in determining compatibility include the following:
 1. Provision of an appropriate step-down or transition between land uses;
 2. Provision of adequate buffering and screening between land uses; and
 3. Consistency with the intent of the adopted Monclova Township Land Use Plan. (Revised 12/1/03 - Z17-C252)

5.6.2 Design Requirements

- a) The following design standards shall apply:
 1. Ground floor facades greater than 100 feet in length that face streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent of their horizontal length (See Figure 5-1).
 2. Buildings shall have architectural features fully concealing rooftop equipment, such as HVAC units, from public view.
 3. Predominant exterior building materials shall be high quality. These include, but are not limited to:
 - a. brick
 - b. wood
 - c. natural or artificial stone
 - d. tinted, textured concrete block or tilt- up masonry panels
 - e. glass, or
 - f. stucco

5.6.2 Design Requirements (cont'd)

4. Predominant exterior building materials for the side(s) of the building visible from abutting street(s) or any adjacent residential zoning district(s) shall not include the following:
 - a. smooth-faced concrete block
 - b. smooth-faced tilt-up concrete panels
 - c. pre-fabricated steel panels

5. Each building shall have a clearly defined, highly visible customer entrance(s) featuring at least three of the following elements:
 - a. canopies or porticos
 - b. overhangs
 - c. recesses or projections
 - d. arcades
 - e. raised cornice parapets over the door
 - f. peaked roof forms
 - g. arches
 - h. outdoor patios
 - i. display windows
 - j. architectural details such as tile work and moldings which are incorporated into the building structure and design
 - k. integral planters that incorporate landscaped areas and/or places for sitting.

- b) No more than sixty (60) percent of the off-street parking area shall be located between the front façade of the principal building and the primary abutting street. Customer-oriented rear entrances are encouraged.

- c) The landscaping and screening requirements of Sections 8.4 (Landscaping) and 6.2.2.h (Off-Street Parking and Loading Landscaping and Screening) shall apply.

- d) Exceptions to these design requirements may be permitted if specifically approved as part of the special use permit. (Revised 12/1/03 - Z17-C252)

SECTION 5.7 Adult-Oriented Uses (Revised 3/20/00 – Z17-C220)

1. Adult-oriented uses shall not be located within 500 feet of any residentially or agriculturally zoned district, school, church, park, playground or other use established specifically for the activities of minors, measured by radius from the property line of the adult use.

2. Adult-oriented uses shall not be located within a 1,000 foot radius of any other such use.

3. Off-street parking shall be provided in accordance with Section 6, "Off-Street Parking and Loading".

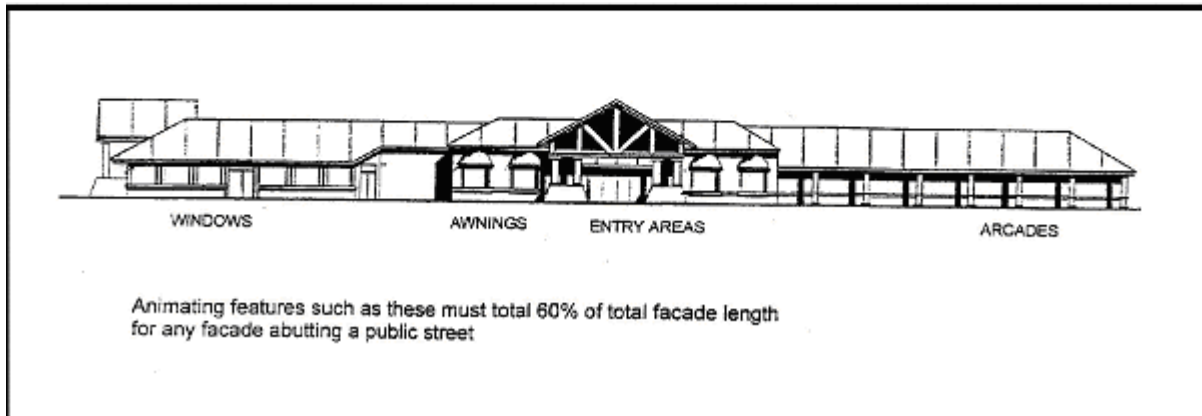
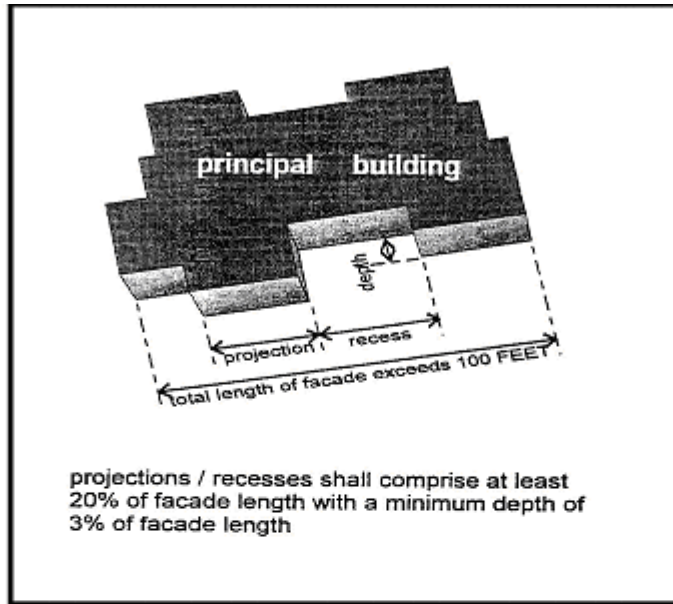
SECTION 5 SPECIAL USES (cont'd)

SECTION 5.7 Adult-Oriented Uses (cont'd)

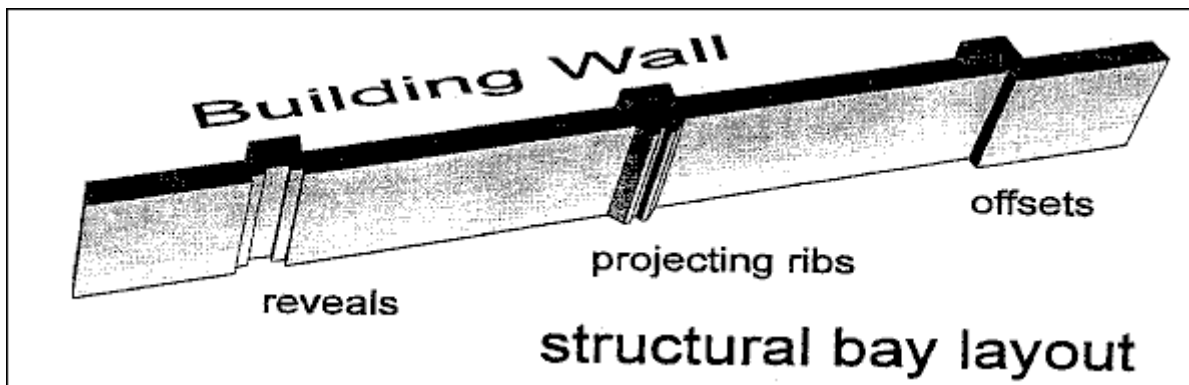
4. The Township shall reserve the right to review facilities established under this section after it has been in operation for a period of one year upon the recommendation of the Zoning Commission and/or initiation by the Township Trustees. Failure to review annually does not rescind the right of future annual review.
5. The Township shall reserve the right to revoke the Special Use Permit for any and all adult entertainment uses for any one of the following reasons:
 - a. An applicant gave false or misleading information in the application or in any document or diagram related to the operation of the adult amusement or entertainment use;
 - b. An applicant or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - c. An applicant or an employee has knowingly allowed prostitution on the premises;
 - d. An applicant or employee knowingly operated an adult amusement or entertainment business during a period of time when the applicant's Special Use Permit was suspended;
 - e. An applicant has been convicted, pleaded guilty or no lo contendre for an offense or violation of Chapter 2907 of the Ohio Revised Code for which the time periods required in Sections V (A)(7)(a)(b) and (c) have not elapsed, or any violation of the resolution or of any other ordinance or state law equivalent to any offense contained in Chapter 2907;
 - f. An applicant or an employee has knowingly allowed sexual activity to occur in or on the Special Use Permit premises. The term "sexual activity" shall have the same meaning as it is defined in the Ohio Revised Code 2907.01;
 - g. An applicant is delinquent in payment to the County of taxes or fees related to adult amusement or entertainment business;
 - h. The liquor control commission has revoked, under Section 4301.25 of the Ohio Revised Code, a permit held by any one of the persons named on the application.

SECTION 5 SPECIAL USES (cont'd)

Figure 5 - 1



Expression of Architectural or Structural Bay



SECTION 6 OFF-STREET PARKING AND LOADING (cont'd)

SECTION 6 OFF-STREET PARKING AND LOADING

SECTION 6.1 Purpose

It is the purpose of this section to regulate land use by providing adequate space for off-street parking, loading and maneuvering for all principal and accessory uses. The following provisions are intended to provide safe ingress and egress to all lots, minimize traffic congestion, limit on street parking and reduce noise and visual impact of vehicular movement and loading activities.

SECTION 6.2 Off-Street Parking and Loading Requirements

6.2.1 General

- a) When a building or structure is erected, changed or enlarged by 50% or more in floor area, or increases by 50%, the number of employees, customers/users, dwelling units, or seating capacity it shall comply with the requirements of this section.
- b) When there is a new use of an existing building or structure, which does not require enlargements or additions, it shall comply with the requirements of this section.
- c) Where a lot abuts a public or private alley or easement of access there shall be provided an access drive not less than eight (8) feet in width for a single dwelling and not less than 20 feet in width for an access drive leading to parking, loading, or storage spaces herein required for multiple dwellings and nonresidential uses.
- d) Total number of spaces required shall equal the sum of all the requirements for each separate primary and accessory use.
- e) All off-street parking and loading spaces, as required by this section, shall be located on the same parcel as the building or use requiring the spaces, except as provided for under 6.2.2(c).
- f) Off-street parking and loading spaces required for any use not specifically listed herein shall be the same as that required for a similar use as determined by the Zoning Commission.
- g) A request for a reduction of parking and/or loading requirements may be submitted to the Board of Zoning Appeals as provided for in Section 12.

6.2.2 Special Requirements

- a) **Setback**: Parking areas for multi-family and nonresidential uses shall be no closer than five (5) feet of a street, alley or right-of-way.

SECTION 6 OFF-STREET PARKING AND LOADING (cont'd)

6.2.2 Special Requirements (cont'd)

- b) **Joint Use:** Two (2) or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Township Attorney and accepted by the Board of Zoning Appeals, shall be filed with the application for a zoning certificate.
- c) **Off-site parking:** Parking spaces may be located on a lot within 300 feet other than that containing the principal use or on a lot within 600 feet for uses within a commercial or industrial district for spaces designated for employees with a written agreement approved by the Township attorney and approval by the Board of Zoning Appeals, to be filed with the application for a zoning certificate.
- d) **Surfacing and drainage:** All off-street parking and loading areas and driveways for multi-family and non-residential uses shall be surfaced with concrete, bituminous asphalt or other dust free material other than gravel or loose fill and graded to drain all surface water towards the interior of the parking lot. An internal storm drainage system shall be provided and connected to the nearest outlet subject to regulations and approval of the Lucas County Engineer. Concrete curbs may also be required as part of the overall drainage design for all or part of the parking lot or driveway perimeter.
- e) **Wheel stop device:** Whenever a parking lot extends to a property line, sidewalk, planting strip or building, a wheel stop device consisting of concrete, asphalt or plastic stops, a permanent concrete curb or an expanded sidewalk shall be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian circulation way or sidewalk, or damaging any structure or landscaping. Minimum height shall be five (5) inches and the minimum length six (6) feet. A wheel stop device shall not be required where a guardrail is provided to prevent intrusion into a protected area.
- f) **Striping and Marking:** Parking spaces and aisles shall be clearly designated and marked to assure approved utilization of space, direction of traffic flow and general safety. Parking spaces for the disabled shall be reserved and designated with a standing sign (not painted on the pavement), displaying the symbol of accessibility.
- g) **Disabled Parking**
 - 1. All parking areas must comply with current federal Americans with Disabilities Act (ADA) requirements.
 - 2. Parking spaces shall be at least 96 inches wide and shall have an adjacent access aisle 60 inches wide minimum. Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with applicable sections of the Ohio Basic Building Code. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clearance of an accessible circulation route.

SECTION 6 OFF-STREET PARKING AND LOADING (cont'd)

6.2.2 Special Requirements (cont'd)

3. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 in (2440 mm) wide minimum and shall be designed "van accessible." All such spaces may be grouped on one level of a parking structure.
 4. Curb ramps shall be required for disabled access. Minimum width shall be 36 inches with a minimum ramp slope of 1:12.
- h) **Landscaping and screening:** Notwithstanding the landscaping requirements of Section 8.4, off-street parking and loading areas for multi-family dwellings and nonresidential uses which lie within 20 feet of a building on an adjoining lot or within 10 feet of a lot line shall be separated from the building or lot line with landscaping and screening not less than four (4) feet nor greater than six (6) feet in height.
- i) **Lighting:** Any lighting used to illuminate any off-street parking areas shall be so arranged as to reflect light away from adjoining residential properties or public way.
- j) **Parking and Storage of Vehicles and Trailers:**
1. No commercial vehicles as herein defined or other vehicle which infringes on the residential character of an "A/R" or "R" district shall be stored or parked in that district, excluding vehicles which are stored in an enclosed building or vehicles used in agriculture which are an integral part of the on-site agricultural business. Infrequent short term parking of a commercial vehicle for conveying tools and materials to premises for use on the premises, and the delivery or moving of goods to or from a dwelling unit are exempted from this section. (Revised 3/21/05 - Z17-C276)
 2. No disabled vehicle shall be parked within an "A" or "R" district for a period of more than two (2) weeks, but may be stored in an enclosed building providing no business is conducted in connection therewith while such vehicle is parked or stored.
 3. Recreational vehicles, boats, boat trailers and/or trailers shall not be parked or stored in a front or side yard nor in the rear yard of an "R-1" or "R-3" District, except when loading and unloading for a temporary period not to exceed 24 hours. The aforementioned shall not be parked/stored in the front yard of an "A" District nor the front or side yard of an "R-B", "R-A" or "R-C" District. A maximum of two (2) of the above vehicles/trailers may be stored in the appropriate yard, and must be a minimum of 10 feet from a lot line. (Revised 5/15/95 - Z17-C157)
- k) **Drive-up Staging Area:** Any use having a drive-up window shall provide a staging area on site to minimize off-site traffic congestion while waiting for service. The Zoning Commission shall review and provide recommendations on all drive-up proposals.

SECTION 6 OFF-STREET PARKING AND LOADING (cont'd)

6.2.2 Special Requirements (cont'd)

- l) **Trash Receptacle Area**: A trash receptacle area, when provided, shall be in a designated location that does not interfere with any aisle, driveway, parking space, loading space or other circulation area. The location of this area, if provided, shall be shown on the site plan with proper loading and maneuvering space and for the purpose of location, shall be treated as an accessory structure. A trash receptacle area shall be screened from view on three (3) sides. Such area shall not be located in any required yard or setback and shall be maintained according to the requirements of the Lucas County Board of Health.

- m) **Maintenance**: The owner or operator of property used for parking and loading shall maintain such area in good condition so that it is safe, clean, dust-free, attractive and free of any hazard, nuisance or other unsafe condition. Striping for parking spaces shall be maintained in good condition.

- n) **Maneuvering**: Every parking and loading space shall have sufficient access and maneuvering area. The maneuvering area for a parking space may occur anywhere on a parcel except within the required minimum front, side and rear setback area. It may include an aisle or circulation area. For single and two-family residences it may include a driveway, street or parking space. The Board of Zoning Appeals may waive these requirements for lots which have an operator on duty during all hours of operation.

- o) **Loading Spaces**: Loading spaces must be located at the rear yard, but not in the required rear yard setback area.

SECTION 6 OFF-STREET PARKING AND LOADING (cont'd)

Section 6.3 Space Requirements

6.3.1 Dimensions and Design

All parking lot areas shall meet the current requirements of the federal Americans with Disabilities Act (ADA) law and the current Ohio Building Code.

DIMESION	ANGLE			
	45	60	75	90
(In feet)				
A. STALL DEPTH TO WALL	17	18.5	19	18
B. STALL DEPTH PARALLEL TO VEHICLE	18	18	18	18
C. AIDLE WIDTH	12	16	22	25
D. STALL DEPTH TO INTERLOCK	15	17	18	18
E. STALL DEPTH RESUCTION DEUT TO INTERLOCK	2	1.5	1	0
F. STALL WIDTH (PARALLEL TO AISLE)`	12.7	10.4	9.3	0
G. STALL WIDTH PERPENDICULAR TO VEHICLE	9	9	9	9
L. MODULE WIDTH INTERLOCK TO INTERLOCK	46	54	60	61
J. MODULE WIDTH INTERLOCK TO INTERLOCK	42	51	58	61

FIGURE 6 - 1

FIGURE 6 - 2

SECTION 6 OFF-STREET PARKING AND LOADING (cont'd)

Section 6.3 Space Requirements

6.3.2 Number of Spaces

The following lists are minimum requirements. Some situations may require additional spaces for proper operation.

USE

PARKING SPACES REQUIRED

a) Residential Dwellings

Boarding House, Tourist Home, Dormitory	One (1) for each sleeping room or tenant, whichever is greater
Single, Two Family	Two (2) for each unit
Multi-family	Two (2) for each unit

b) Semi-Public/Institutional

Adult Day Care, Community Centers, Church Social Centers	One (1) for every 300 square feet of gross floor area
Child Day Care or Nursery School	Six (6) or two for each classroom whichever is greater
Church or Temple	One (1) for every five (5) seats in main assembly area/auditorium
Elementary School	Two (2) for each classroom or one (1) for every five (5) seats in the main auditorium, whichever is greater
High School, College or Technical School	Four (4) for each classroom or one (1) for every four (4) seats in the main auditorium, whichever is greater
Hospital	One (1) for every four beds

SECTION 6 OFF-STREET PARKING AND LOADING (cont'd)

USE

PARKING SPACES REQUIRED

Institutional Health Care Facility, including Skilled Nursing Facilities, Independent Living Facilities, Assisted Living Facilities

One (1) for every four beds

Libraries, Museums, Art Galleries, or Community Centers

10 or one (1) for every 300 square feet of gross floor area whichever is greater

c) Recreational Facility

Bowling Alley

Four (4) for each alley plus one (1) for each 100 square feet of gross floor area used for bar, restaurant or entertainment areas

Campground

1.5 spaces for each site

Golf Course

Four (4) for each hole

Health Spa

One (1) for every 300 square feet of floor area

Lodge or Club

One (1) for every five (5) members

Skating Rinks

One (1) for every 100 square feet of gross floor area

Swimming Pools

One (1) for every 50 square feet of water surface area and one (1) for every 30 square feet of gross floor area for spectator seating

Tennis Courts/Racquet Clubs

Two (2) for each court

d) Commercial

Auditorium, Theaters, Arenas or Conference Centers

One (1) for every four (4) seats or one (1) for every 30 square feet of gross floor area, whichever is greater

Banks or Financial Institutions

One (1) for every 300 square feet of gross floor area

SECTION 6 OFF-STREET PARKING AND LOADING (cont'd)

USE

PARKING SPACES REQUIRED

Banquet / Recreational Hall	One (1) for every 200 square feet of gross floor area
Bar, Restaurant or Tavern	One (1) for every 100 square feet of gross floor area
Funeral Home / Mortuary	One (1) for every 200 square feet of gross floor area
Hotel / Motel	One (1) for every room and one (1) for every 100 square feet of gross floor area of bar, restaurant, and conference rooms
Motor Vehicle, Agricultural Implement, Recreational Vehicle, or Manufactured Home Sales	One (1) for every 5,000 square feet of lot area plus one (1) for every 300 feet of gross floor area
Motor Vehicle Service / Repair	Two (2) for each service bay or one (1) for every 2 (two) fuel pumps, whichever is greater
Offices	One (1) for every 300 square feet of gross floor area
Retail Store (appliance, printing, salon, hardware, carry-out, furniture, etc.)	One (1) for every 200 square feet of floor area
Self Service Storage Facility	Four plus number of employees on peak shift. (Revised 12/17/01 – Z17-C244)
Shopping Center	One (1) for every 200 square feet of leasable area

SECTION 6 OFF-STREET PARKING AND LOADING (cont'd)

USE

PARKING SPACES REQUIRED

e) Manufacturing / Industrial

Manufacturing / Processing / Warehousing

One (1) for every two (2) employees on the shift of the highest number of employees and one (1) for each motor vehicle used in the business

f) Loading Spaces: A loading space shall be required for each building, use or occupancy which has a gross floor area of 10,000 square feet. One (1) additional space shall be required for each 20,000 square feet of gross floor area thereafter.

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES

SECTION 7.1 General

The following supplementary district uses and structures are allowed in various zoning districts as specified in each subsection. To assure compliance with the conditions and regulations of this section, each use shall require a permit.

SECTION 7.2 Accessory Buildings

7.2.1 Setback

Accessory buildings shall have a minimum setback of five (5) feet for "R" districts and 10 feet for "A" districts providing the height of the accessory building shall not exceed 20 feet. Any accessory building 20 feet to 25 feet in height shall have a setback of 15 feet, and any accessory building 25 to 35 feet in height shall have a setback of 20 feet. No accessory building shall exceed 35 feet in height and all accessory buildings shall be 15 feet from the main dwelling and outside of utility easements. (Revised 6/6/94 - Z17-C149)

7.2.2 Yard Requirement

Accessory buildings shall not be located in any front yard nor in the side yard of a corner lot when that yard faces a street or road. Private Bus Shelters are exempted from this requirement. (Revised 12/30/89 - Z17-C117)

SECTION 7.3 Dish Antennas

Any dish antenna in any "A" or "R" district shall be located toward the rear of the lot, shall be at least 10 feet from any main building, shall have rear and side property line setbacks equal to or greater than the height of the proposed structure, and, in the case of a corner lot, shall not project beyond the front yard required or existing on the adjacent lot. Where a dish antennae is proposed to be independently supported, it shall not exceed 15 feet in height. Where a dish antenna is proposed to be mounted on the roof of a building, it shall not extend more than 15 feet above the highest point of the roof of the building which it serves.

SECTION 7.4 Fencing

7.4.1 General

- a) No fence shall be allowed within the required road right-of-way.
- b) Fences or planting screens in an "A" or "R" District may not exceed four (4) feet in height in the required front yard nor exceed six (6) feet in height in any remaining yards except as required under Section 8.4(a). (Revised 12/30/89 - Z17-C115)

7.4.2 Corner Lot

No fence, structure or planting screens shall be created or maintained within 30 feet of the corner (point of intersection of the two (2) streets rights-of-way) at a height exceeding 2 1/2 feet above curb or street grade.

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

SECTION 7.5 Home Occupation

7.5.1 Home Occupation Type (Revised 3/21/05 - Z17-C276)

A home occupation shall be classified as a home office or home based business as defined below. (Revised 3/21/05 - Z17-C276)

- a) Home Office: A secondary use of a residential dwelling for professional office activities. Typically the business or office use would be ancillary to a primary location elsewhere. Residences of accountants, architects, artists, authors, clergy, landscape architects, lawyers, professional engineers, professional land surveyors, real estate agents, teachers or similar professions used in the conduct of their professions where the home office use is incidental to the residential use of the premises. Home offices do not involve the use of special equipment or vehicles. A zoning certificate is not required.
- b) Home Based Business: A secondary use of a residential dwelling for business activities that does not meet the definition of a home office. A home based business is typically more intense than a home office and consists of a service-oriented commercial use that is still secondary to the residential use but may involve special equipment or vehicles. Agricultural and horticultural uses are not included in this definition. A zoning certificate is required.

7.5.2 General Requirements (Revised 3/21/05 - Z17-C276)

- a) For the A/R District, a home occupation may include the use of an accessory building as a place for operation of the home occupation or for purposes of storage of equipment or vehicles. The accessory building shall not exceed the lesser of ten (10) percent of the lot area or 2,000 square feet in area
- b) For all "R" Districts, a home occupation shall be confined to the dwelling.
- c) No more than one person, other than members of the family residing on the premises, shall be engaged in such occupation;
- d) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of floor area of the dwelling unit shall be used in the conduct of the home occupation.
- e) There shall be no change in the outside appearance of the building or premises, outside storage of materials incidental to the home occupation, nor other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, nonilluminated and in compliance with Section 7.10.
- f) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Section 6, and shall not be located in a required front yard;

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

7.5.2 General Requirement (cont'd)

- g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- h) Parking of commercial vehicles shall conform to Section 6.2.2(j).

7.5.3 Requirement for Zoning Certificate (Revised 3/21/05 - Z17-C276)

All home based businesses as defined above shall be required to obtain a zoning certificate in accordance with the provisions contained in Section 11.

SECTION 7.6 Kennels

7.6.1 General Requirements

- a) Minimum lot area shall be two (2) acres.
- b) Buildings, pens or enclosures used for housing or containing dogs shall be a minimum of 50 feet from all property lines and/or any dwelling unit.
- c) Suitable fencing or landscaping shall be installed around pens and/or enclosures used for housing or containing dogs.
- d) Hours of operation shall be between 8:00 A.M. and 7:00 P.M. for all days of the week.
- e) Advertising signs shall be in accordance with Section 7.10.
- f) On-site parking shall be provided in accordance with Section 6.

SECTION 7.7 Manufactured Homes

7.7.1 General Requirements

Manufactured homes as defined under Section 2 shall not be permitted to be occupied as a residence in the township except as provided for under Section 5.5.

SECTION 7.8 Ponds

7.8.1 General Requirements

- a) Ponds shall be permitted in the A/R District on parcels of three (3) acres or greater and in all "C" and "M" Districts.
- b) Ponds shall be permitted in Suburban Residential Districts on parcels of five (5) acres or greater. (Revised 5/15/95 - Z17-C157)

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

7.8.1 General Requirements (cont'd)

- c) All ponds shall require a permit and meet requirements of Section 11.4 Application and Issuance of Zoning Certificates which includes written application for a zoning certificate accompanied with a site plan. Site plan review shall be required for ponds when accessory to residential uses on lots of five (5) acres or less and shall meet the additional requirements of Section 8 as applicable. (Revised 12/30/89) - Z17-C115)
- d) Ponds shall conform to the U.S. Soil Conservation Service specifications and recommendations.
- e) If a pond is deemed to pose a safety hazard because of the density of development in the vicinity of the parcel, the township may require fencing be installed as specified under Section 7.14(b).

7.8.2 Area and Design Requirements

- a) Minimum pond surface area shall be one half (1/2) acre. Maximum surface area shall not exceed 25% of the net acreage of the parcel.
- b) The side slope of a pond shall be horizontal to vertical at a ratio of 3:1 except where a beach is desired. This ratio shall be maintained to a minimum depth of 17 feet.
- c) Beach areas may be sloped no less than at a horizontal to vertical ration of 10:1 and shall not exceed 25 % of the pond surface area.
- d) Ponds shall be graded not to exceed four (4) feet in height so it will not obstruct an adjoining property owner's view. Excess dirt may be redistributed on the parcel, but may not be removed from the site unless determined in the site plan approval that it is deemed necessary for landscaping or to provide adequate drainage of the site.
- e) To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage from pond development, then diverted to a suitable outlet or drainage ditch.

7.8.3 Setback

- a) A pond shall have 100 feet minimum setback from any public road right-of-way and a minimum rear yard setback of 25 feet. (Revised 12/6/04 – Z17-C277)
- b) Ponds on parcels of five (5) acres or less shall have a side yard setback of not less than 10 percent of the width of the parcel, with a minimum setback of 25 feet. Ponds on parcels of more than five (5) acres shall have a minimum side yard setback of 25 feet. (Revised 12/6/04 – Z17-C277)
- c) A pond shall be located no closer than 100 feet to a septic tank, or leach field.

7.8.4 Refilling

- a) The refilling of an area which has been excavated for the development of a pond shall be considered waste disposal and shall meet the requirements as set forth by the Lucas County Board of Health for solid waste disposal under 3734.05 O.R.C.

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

SECTION 7.9 Self Storage Facilities

7.9.1 General Requirements

- a) Self storage facilities shall be limited to rental of storage units and external vehicle storage spaces, pickup and deposit of stored items. (Revised 12/17/01 – Z17-C244)
- b) Radioactive material, explosives and flammable or hazardous chemicals shall be prohibited from storage. This prohibition shall be included in the lease agreement of storage units. A copy of the lease agreement shall be filed with zoning administrator as a condition of the permit.

7.9.2 Specific Requirements

- a) Lot Area:
 - 1) Minimum lot area shall be two (2) acres.
 - 2) Maximum lot area shall be three (3) acres for "R-3" Districts.
- b) Lot coverage: Maximum lot coverage of units and storage areas shall be 50% of gross lot area.
- c) Setback:
 - 1) Front yard: 50 feet
 - 2) Side or Rear Yard: 25 feet when abutting or opposite an "A" Yard or "R" District
15 feet when opposite or abutting a "C" or "M" District
- d) Height: Height of structures shall be in conformance with structures or equal the average height of structures on properties abutting or opposite to self storage facilities where no adjacent structures exist, the maximum height shall be 15 feet to highest point of building (see figure 4-3). (Revised 8/22/90 - Z17-C119)
- e) Lighting: Lighting shall be provided to illuminate facility entrances, driveways, parking areas and storage entrance areas and so arrange to reflect light away from adjoining residential property or any public way.
- f) Site Plan: A site plan shall be required and subject to approval by the Zoning Commission, with review by the Planning Director of the Lucas County Planning Commission.
- g) Signs: Shall conform to requirements under Section 7.10.
- h) Pavement: All roadways and parking areas shall be paved with concrete, asphalt or bituminous pavement.
- i) No door openings for any storage unit shall be constructed facing any residentially zoned property.

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

7.9.2 Specific Requirements (cont'd)

- j) Fencing, walls, or landscaping/plant screening shall be required around the perimeter of the facility, where deemed appropriate under the site plan review setbacks may be waived and a unit wall approved in lieu of a fence or landscaping.
- k) Special Requirements: Where abutting or opposite an "A" or "R" District:
 - 1) Fencing or walls shall consist of decorative wood or stone, decorative concrete block or similar materials compatible with surrounding residential dwellings.
 - 2) Hours of operation shall be no earlier than 7:00 A.M. nor later than 8:00 P.M. daily.
- l) External storage of vehicles: External storage of vehicles shall be limited to cars, boats and recreational vehicles; shall be limited to one external vehicle storage space per 2,000 square feet of enclosed storage space; shall be prohibited within any required yard area; and shall be suitably screened and fenced (Revised 12/17/01 - Z17-C244)

SECTION 7.10 Signs and Outdoor Advertising Structures

No signs shall be permitted in any district except as hereinafter provided:

7.10.1 Definitions

- a) Announcement/Professional Sign - A sign which serves an incidental or secondary use within a residential dwelling as provided for under Section 7.5.2(e).
- b) Area Identification Sign - A sign which identifies a subdivision, development, or an industrial park or commercial complex.
- c) Area Identification Structure - A structure located at the entrance of a subdivision, development or an industrial park intended to provide an entry way feature, with or without an attached area identification sign. (Revised 1/17/00 - Z17-C211)
- d) Banner - Means a temporary sign displayed on a flag, or strip of lightweight material made of paper, cloth or fabric attached to a frame at one or more of its edges. (Revised 8/17/92 - Z17-C134)
- e) Bulletin Board - A sign which announces or informs of events or activities for churches, schools or other public or semi-public institutions.
- f) Flag - Any fabric, banner or bunting containing colors, patterns or symbols, used as a symbol of government, political subdivision or other entity. (Revised 8/17/92 - Z17-C134)
- g) Identification Sign - A sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

7.10.1 Definitions (cont'd)

- h) Directional Sign - A sign which designates the location or direction of any place or area.
- i) Temporary Sign - A sign which is limited in use for a designated period of time to serve an event, activity or the sale or rental of property.
- j) Portable Sign - Any sign which is not permanently attached to the ground or a building.
- k) Sign Area - Total area of all sign faces.
- l) Sign Face - Total area of sign upon which copy can be placed.
- m) Wall Sign - A sign attached to a building or painted on the surface of a building.
- n) Free-Standing Sign - A sign supported by one or more poles, or other supports, which are attached to the ground.
- o) Suspended Sign - A sign which is supported by a frame or brackets which are attached to a building.
- p) Symbolical Sign - A sign which represents a product or service or is used as an advertising logo of the product or service which is sold on the premises.
- q) Billboard/Poster Panels - An outdoor advertising structure which may be a free standing or a wall sign.
- r) Low Profile Sign - A free-standing sign erected near ground and limited to identifying the name of the building or institution on the premises.
- s) Real Estate Sign - Any sign pertaining to the sale, lease or rental of land or buildings. (Revised 12/30/89 - Z17-C115)
- t) Window Sign - A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in the window.
- u) Outdoor Advertising Structure - An off site sign which advertises a product or service or announces an event or activity not necessarily provided for or sold on the premises and directs persons to an off site location. Outdoor Advertising Structures shall include billboards, poster panels, painted wall murals and signs.
- v) Pole Sign - A sign other than a low profile sign that is supported by upright structures or supports that are anchored in the ground and that are independent from any building or other structure. (Revised 10/18/04 - Z17-C205)
- w) Political Sign - A temporary sign used for and/or in connection with local, state, or national elections. (Revised 6/15/98 - Z17-C187)

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

7.10.2 General Provisions

- a) Announcement or professional signs for home occupations shall not exceed two (2) square feet in area.
- b) Bulletin boards and signs for a church, school, community or other public or semi-public institutional building shall not exceed 32 square feet in area per sign face.
- c) A free standing low profile sign shall be permitted in all agricultural and residential districts and shall not exceed 42 inches in height nor contain greater than 10 inch high letters.
- d) A single identification sign indicating the name and address of the building and the name of the management, and telephone number shall be permitted for buildings other than single-family dwellings. The sign shall be attached to the structure and shall not exceed 12 square feet in area. (Revised 8/17/92 - Z17-C134)
- e) Area Identification Signs and Area Identification Structures

1. Location and Design

An area identification sign or area identification structure may be located only at the intersection of streets of the subdivision with major streets of the Township. An area identification sign shall be a part of a wall or fence, decorative in nature, and shall contain only the name of the subdivision or development. No area identification sign or area identification structure shall be located in the public right-of-way unless approved by the Lucas County Engineer and Monclova Township. In general, location within the public right-of-way will only be approved if within the median of an entrance boulevard. Area identifications signs and area identification structures shall be located in a manner that does not create a traffic hazard with regard to sight distance or roadside obstructions.

2. Size and Setback

- a. The sign face of an area identification sign shall not exceed 32 square feet in area and 42 inches in height. The letters of identification on the sign shall be no larger than 10 inches in height. The maximum area and height of an area identification structure depend on the structure's setback and shall be reviewed on a case by case basis.
- b. Area identification signs and area identification structures located outside of the right-of-way shall be setback at least 10 feet from the right-of-way. Area identification signs and area identification structures located within the right-of-way shall be setback at least five (5) feet from the curb if within a boulevard median and at least eight (8) feet from the curb if not within a boulevard median.

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

7.10.2 General Provisions (cont'd)

3. Permits and Waiver of Liability
 - a. An area identification sign, including the structure to which it is attached, shall require a sign permit from Monclova Township. An area identification structure without an attached area identification sign shall require a zoning permit from Monclova Township.
 - b. A permit for an area identification sign or structure shall include a waiver of liability for the Township modeled on the liability waiver attached to utility permits issued by the Lucas County Engineer's Office.
 - c. All area identification signs and area identification structures shall be reviewed for sight distance and other issues. Those located within the public right-of-way shall require a utility permit and liability waiver from the Lucas County Engineer's Office.
 - d. The developer shall provide the Township with a written statement detailing ownership and maintenance responsibilities for the area identification sign or structure. (Revised 1/17/00, - Z17-C211)
- f) Private directional signs shall be permitted for off-street parking areas provided:
 1. Height does not exceed three (3) feet above grade.
 2. Each sign shall not exceed five (5) square feet per sign face.
- g) The following temporary signs shall be permitted with the following provisions:
 1. Signs announcing special public or institutional events, the erection of a building, displaying the architect, the builders or contractors name may be erected for a period of 60 days plus the construction period.
 2. Political signs may be placed at or on a parcel provided the sign face size per side not exceed 12 square feet in area and may not be located within the right-of-way or in such a manner so as to interfere with vehicular sight distance. No zoning certificates are required for political signs. (Revised 11/15/04 - Z17-C274)
 3. Real estate signs shall be located on the property advertised. (Revised 12/30/89 - Z17-C115)

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

7.10.2 General Provisions (cont'd)

4. Real Estate Signs - Maximum Dimensions

CLASSIFICATION

- | | | |
|----|--|----------------|
| a. | "A/R", "R" Single Family Districts
(Revised 5/15/95 – Z17-C115) | 15 square feet |
| b. | "R-3" Multi-family, Commercial
and Industrial Districts | 32 square feet |
| c. | All land containing greater
than 300 feet frontage
(Revised 12/30/89 – Z17-C115) | 72 square feet |
- * Excludes permanent "For Rent" or "For Lease" signs under Part p) of this section. (Revised 8/17/92 - Z17-C134)

Temporary signs other than political signs shall be removed no later than 10 days after completion of the event or transaction. (Revised 11/15/04 - Z17-C274)

- h) No portable signs shall be permitted, except for a one-time opening of a business but not to exceed 30 days.
- i) No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20% of the window surface.
- j) All signs shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign.
- k) No sign shall project into any public right-of-way nor obstruct traffic visibility at street or highway intersections.
- l) All signs other than temporary signs shall require a permit and be subject to site plan review by the Zoning Administrator. The Zoning Administrator may seek information and recommendations from the Monclova Township Zoning Commission or other appropriate agencies to aid in their review of the site plan. (Revised 8/17/92 - Z17-C134)
- m) Each application for a sign permit shall include a drawing of the proposed sign, dimensions, color, illumination, location in relation to the building and roadway, and construction details.
- n) All nonconforming signs and billboards will be permitted to remain in place, but when replaced or changed significantly shall be subject to review under this section.
- o) All signs will be maintained and subject to review by the Zoning Administrator. If it is in a state of needed repair, it will be deemed temporarily nonconforming for a period of 30 days. Upon reinspection, the sign must conform to requirements under this section or be removed. (Revised 3/21/05 - Z17-C276)
- p) "For Rent" or "For Lease" signs which advertise dwelling units on the premises shall be considered a permanent sign and shall not exceed 12 square feet in area. (Revised 8/17/92 - Z17-C134)

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

7.10.2 General Provisions (cont'd)

- q) Banners shall not be used as permanent signs, but shall be permitted in all Non-Residential Districts and for Non-Residential Uses in an "A" or "R" District for a period not to exceed the event or activity or a maximum of 30 days and shall meet the following provisions: (Revised 3/21/05 - Z17-C276)
1. Maximum length - 15 feet
 2. Total area - 30 square feet
 3. Vertical Clearance
 - a. Sidewalks, private drive or parking lot - 9 feet
 - b. Public street - 15 feet
 4. Banners shall not be permitted within a required minimum yard per Sections 4.4 and 4.6 when abutting an "A/R" or "R" District. (Revised 3/21/05 - Z17-C276)
- r) Flags - The flags, emblems or insignia of any nation, or political subdivision or corporate flag is exempt from regulation under this section. (Revised 8/17/92 - Z17-C134)

7.10.3 Commercial or Industrial District Signs

- a) Each business shall be permitted one flat wall sign or a sign suspended from the principal building/ frontage and one free-standing sign permanently affixed to the ground and located on site of that business.
- b) The area of all permanent advertising signs other than billboards and symbolical signs shall be determined and limited as follows:

Width of building in (feet) x one (1) and one-half (1/2) (feet) = sign area (square feet), but not to exceed 100 square feet.

Sign area includes total area of all sign faces.

- c) Flat Wall Signs
1. Sign width shall be limited by the width of the building frontage parallel to the street line. On corner lots, either frontage may be used to determine this width.
 2. Sign projection shall not exceed two (2) feet from the building.
- d) Free-Standing Signs
1. There shall be only one free-standing sign for each premises having frontage on a public right-of-way. This may serve a single business or a group of businesses all of which must be occupants of that building.
 2. The sign shall not exceed 15 feet in height.
- e) Suspended Signs
1. Signs shall not project more than 42 inches from a building.

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

7.10.3 Commercial or Industrial District Signs (cont'd)

2. The bottom of the sign shall be a minimum of nine (9) feet above grade or above the sidewalk.
- f) Pole Signs of Symbolical Design
1. Signs shall not exceed 45 square feet per sign face.
 2. Signs shall have a maximum height of 20 feet.
 3. Signs shall be located on site of the business advertised.
- g) Outdoor Advertising Structures - Off Site
1. Off site advertising structures will be limited to Billboards and/or Poster Panels.
 2. Billboards and Poster Panels shall not exceed 72 square feet per sign face.
 3. Height of Billboards and Poster Panels shall not exceed 15 feet above grade.
- h) Area Identification Sign

One sign may be erected to identify an industrial park or commercial complex. The sign shall be located at the intersection of principal streets of the development with major streets of the community. It shall contain only the name of the development in letters no larger than 24 inches in height with a 100 square foot maximum area per sign face.

7.10.4 Setback Requirements

- a) Real estate signs and bulletin boards for a church, school or any other public or semi-public, religious, or educational institution may be erected within 10 feet of the established right-of-way line of any street or highway.
- b) Free-standing signs or signs of symbolical design shall not be located closer than 20 feet to any street right-of-way line and closer than 30 feet to any adjoining lot line.
- c) Billboards and/or poster panels shall be set back at least as far as the required front yard depth for a principal use in that district. No sign or advertising structure shall be closer than 50 feet of a side or rear lot line.
- d) No such sign or advertising structure, which faces the front or side lot line of any lot in any agricultural or residential district, shall be permitted within 100 feet of such lot line, nor within 300 feet when facing any public parkway, public square or entrances to any public park, public or parochial school, library, church, or similar institution.

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

7.10.5 Illumination

The following provisions shall be observed in the illumination of signs and advertising structures:

- a) All signs and advertising structures except as hereinafter modified may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged so as to reflect away from the adjoining premises and provided that such illumination shall not be placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
- b) No illumination involving movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted which cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
- c) No sign may be animated by means of a flashing, scintillating, blinking, or traveling lights or any other means not providing constant illuminations.
- d) In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- e) No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. This section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.
- f) Announcement signs, except those for professional and home occupations, shall be removed by the person or persons responsible for posting same within 10 days after the completion of such scheduled event.

7.10.6 Violations

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Administrator shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this resolution. Failure to comply with any of the provisions of this Chapter shall be deemed a violation and shall be punishable under Chapter 11.6 of this resolution. Political signs posted in violation of this resolution are subject to removal five (5) days after written notice of violation has been given. (Revised 3/21/05 - Z17-C276)

SECTION 7.11 Dumping and/or Spreading of Sewage Sludge

The dumping and/or spreading of sewage sludge, industrial sludge, and any by-product of the treatment of sewage or industrial waste is prohibited within the township.

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

SECTION 7.12 Raising of Livestock (Farm Animals)

The following shall apply to platted subdivisions and areas containing 15 or more lots, each of which are less than five (5) acres in size and contiguous as determined by abutting or being opposite each other on a public dedicated road:

The breeding, raising or maintaining of farm animals such as horses, pigs, cows, sheep, goats or similar livestock is prohibited on lots of one (1) acre or less. On lots greater than one (1) acre but less than five (5) acres, farm animals or structures incident to housing farm animals shall not be permitted within 50 feet of a dwelling or an adjacent property line.

SECTION 7.13 Farm Markets

7.13.1 General

Farm markets shall be permitted where 50% or more of the gross income received from the market is derived from produce raised on farms owned or operated by a market operator within a normal crop year.

7.13.2 Setback

To allow for safe ingress and egress of vehicles and temporary parking, no building, structure, produce stand, or vehicle used for produce sale or storage shall be closer than 20 feet of any road right-of-way.

SECTION 7.14 Swimming Pools

- a) Swimming pools shall not be permitted in a side or front yard in an "A" or "R" District.
- b) Swimming pools exceeding 12 feet in diameter or length as applicable to the shape of the pool and has greater than two (2) feet of depth capacity for water shall be enclosed or protected by an adequate fence at least 42 inches high with all access gates provided with adequate key-type locks. Portable pools 42 inches or higher, require no fence if the pools are free of any cross bars and the ladder is withdrawn when the pool is not in use and placed where small children cannot reach it.
- c) Pools shall be a minimum of 10 feet from any property line.

SECTION 7.15 Private Tennis Courts

Private tennis courts shall be permitted in any "A" or "R" District with the following requirements:

- a) A site plan shall be submitted showing dimensions, and location of the court in relation to property lines, utility easements, septic fields where applicable, and setbacks from property lines. The site plan shall be subject to review by the Zoning Commission with recommendation to the Zoning Administrator.

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

SECTION 7.15 Private Tennis Courts (cont'd)

- b) Courts shall not be placed over any septic field or within any public right-of-way.
- c) Maximum court dimensions shall be 120 x 60 feet or 7200 square feet in area.
- d) The site plan shall indicate drainage flow and where appropriate, a drainage system shall be installed with suitable outlet, to prevent adverse effects of drainage onto adjoining properties.
- e) Courts shall be fenced when court surface is within 20 feet of a property line. The fence shall not exceed 10 feet in height and be separated from the property line with landscaping and/or plant screening not to exceed four (4) feet in height.
- f) Lighting where provided shall be so arranged as to reflect away from adjoining residential properties or public way.

SECTION 7.16 Nursery and Landscaping-Lawn Care Services

7.16.1 General Requirements

- a) Minimum lot size shall be subject to site plan review.
- b) Location on a major street within the A/R District.

7.16.2 Specific Requirements

- a) The only retail activity permitted is the sale of nursery stock. 50% or more of any nursery stock for retail sale shall be grown on-site.
- b) Machinery or equipment shall not be stored within the required yard areas, and shall be suitably screened or fenced.
- c) Any storage building or other non-residential building shall not be located within the required yard area for such buildings in the A/R zoning district.
- d) Off-street parking shall be provided for any business vehicles, employee vehicles and customer vehicles.

SECTION 7.17 Temporary Structures

Temporary real estate sales offices and temporary construction site offices are permitted subject to the following conditions:

- a) The structure is not located on a permanent foundation.
- b) The permit shall include a stated time limit not to exceed twelve (12) months. Twelve (12) month permit extensions may be granted subject to the review and approval of the Zoning Administrator.
- c) Permit shall be subject to such conditions as to safeguard the health, safety and general welfare. (Revised 4/7/97 - Z17-C172)

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

SECTION 7.18 Telecommunication Towers

Pursuant to the Telecommunications Act of 1996 and ORC Section 519.211, and the Township Trustees being duly notified of a person's intent to construct a telecommunication tower on a site located within an "A" or "R" zoning district, this section sets forth standards for the Zoning Commission and Township Trustees to consider when reviewing the special use request. These minimum standards include:

- a) The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation).
- b) The applicant shall provide proof of notification to adjacent property owners as required by ORC Section 519.211.
- c) The applicant must demonstrate at the time of application that no technically suitable and feasible site is available in a nonresidential district and that the site is located in the least restrictive district that includes a technically suitable and feasible site.
- d) The tower and all accessory structures shall be located in conformance with all setback requirements of the district. In addition, the distance from the base of the tower to any property line, supporting structure of another tower, or residential structure shall be a minimum of 100 percent of the proposed tower height. (Revised 12/17/01 - Z17-C240)
- e) The structure shall not exceed 135 feet in height. (Revised 12/17/01 - Z17-C240)
- f) Base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery or other screening materials. The height of this screening shall generally be five (5) feet or greater in order to adequately screen the view. (Revised 12/17/01 - Z17-C240)
- g) The applicant shall notify the Zoning Administrator within 30 days of ceasing operations at the site and shall remove the structure(s) within 60 days of ceasing operation. (Revised 3/21/05 - Z17-C276)
- h) No advertising or illumination other than that required by law may be located on the structure.
- i) The applicant must demonstrate that "co-location" of the telecommunication tower with other telecommunication towers or facilities in the vicinity was considered. Co-location shall be encouraged wherever feasible. (Revised 7/19/99 - Z17-C203)

SECTION 7.19 Blighting Factors or Causes of Blight (Revised 6/5/00 - Z17-C221)

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any premises in Monclova Township owned, leased, rented or occupied by such person, firm or corporation.

SECTION 7 SUPPLEMENTARY DISTRICT USES AND STRUCTURES (cont'd)

SECTION 7.19 Blighting Factors or Causes of Blight (cont'd)

- a) The outdoor storage upon any premises of building materials unless a zoning permit has been issued by the Township and a building permit issued by the Lucas County Department of Building Regulations not more than one (1) year previously for construction upon said premises, and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure. Provided, that outdoor storage of building materials which is not in violation of applicable zoning or safety regulations is permitted if said materials are kept out of view of the public and abutting premises. Provided further, that all construction debris shall be removed from any premises within 30 days after occupancy thereof.
- b) The storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 30 days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other materials or other castoff materials of any kind whether or not same could be put to any reasonable use.
- c) The existence of any vacant dwelling, garage, or other out-building unless the same is kept securely locked, windows kept glassed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals.
- d) In any area the existence of any structure or part of structure which because of fire, wind or other natural disaster, or physical deterioration is no longer usable for its intended purpose.
- e) In any area the existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid zoning permit issued by the Township and a building permit issued by the Lucas County Department of Building Regulation and unless exterior construction is completed within one (1) year after issuance thereof.
- f) Area identification signs or area identification structures in a state of physical deterioration. Notice regarding area identification signs or area identification structures deemed to be in a state of physical deterioration shall be provided to the responsible party identified in accordance with Section 7.13.2 (e), and to the homeowners association and developer if applicable. Homeowners associations and/or lot owners may be assessed a proportionate share of the cost incurred by the township to remove or repair area identification signs and area identification structures if the responsible party, after due notice, fails to remedy the physical deterioration.

**SECTION 8 SPECIAL PROVISIONS FOR MULTI-FAMILY,
NON-RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES**

(Z17-C236 – 8/6/01)

SECTION 8.1 Environmental Standards

8.1.1 General

No land or building shall be used or occupied for commercial, industrial or nonresidential purposes which produces any dangerous, injurious, noxious or otherwise objectionable element or condition which could adversely affect the adjacent land nor pose a threat to the public health, welfare and safety of persons at the site or external to it. Such uses permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following standards.

- a. Environmental standards will be maintained for air quality, water quality and solid waste disposal as required by the Ohio Environmental Protection Agency and the Ohio Department of Health.
- b. Glare and Heat - No direct glare or reflected lights which are visible from other properties outside the industrial or commercial district shall be permitted.
- c. Vibration and noise - Noises deemed objectionable to adjacent and nearby properties if determined a nuisance by the Township Trustees, shall not be permitted.
- d. Smoke, dust, particulates and odors - The emission of smoke, dust, particulates or odors which are objectionable or pose a threat to the health and safety of the surrounding area shall not be permitted. Compliance shall be in accordance to Air Quality Standards of the State of Ohio as administered by the City of Toledo, Environmental Services Agency.
- e. All roadways internal to the site will be paved or maintained to minimize dust.
- f. Radiation or electromagnetic disturbance - No device or material which generates hazardous radiation or causes electromagnetic disturbances to nearby areas shall be permitted.
- g. Electrical and telecommunication facilities - All electrical and telecommunication facilities should be hidden from view of adjoining properties and roadways and where feasible will be placed underground.

SECTION 8.2 Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incident to permitted or conditional nonresidential uses shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties by means of walls, fences or plantings. In no case shall this storage be maintained beyond the front building line. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. Notwithstanding the requirements of Section 8.4, in lieu of such wall or fence, a strip of land not less than 10 feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

**SECTION 8 SPECIAL PROVISIONS FOR MULTI-FAMILY, NON-RESIDENTIAL,
COMMERCIAL AND INDUSTRIAL USES (cont'd)**

SECTION 8.3 Temporary Buildings and Uses

Temporary buildings, structures or uses and/or temporary open storage of equipment shall be permitted subject to approval and conditions by the Board of Zoning Appeals under Section 12.

SECTION 8.4 Landscaping (Section Revised. 12/30/89 - Z17-C115)

- a) Landscaping shall be required for all original uses; or existing uses, when a building or structure is erected, changed, or enlarged by 50% or more or 5,000 square feet or greater in floor area.
- b) Landscaping shall be required along all road frontage.
- c) Depth of the landscaping strip shall be a minimum of 15 feet or 50% of the required minimum yard depth whichever is greater as applicable under Section 4.6 or 4.7.
- d) Landscaping shall be a minimum of four (4) feet in height and of sufficient height to shield the view of parking areas from adjacent roadways.
- e) Where uses are within, abut or opposite an "A" or "R" District, landscaping shall be required for those yards which are adjacent to the "A" or "R" District. Landscaping shall be a minimum of six (6) feet to effectively shield the view from these respective adjacent parcels.
- f) Landscaping shall consist of natural materials such as plantings, mounding, stone, walls or fences of wood, decorative stone or masonry.

SECTION 8.5 Site Plan Review

Site plan review and landscape plan review shall be required for all multi-family and non-residential uses which are original uses. Site plan review and landscape plan review shall also be required for existing uses when a building or structure is enlarged by 50 percent or more or 5,000 square feet or greater in floor area. (Z17-C236 – 8/6/01)

8.5.1 General Requirements

- 1. A formal letter of submittal shall accompany the site plan. The letter shall provide the name, address and phone number of any parties who should be informed of progress on the request, e.g. land owner, attorney, architect, engineer, etc.
- 2. All site plans shall have a title indicating the type of request being made, e.g. request for more than one main building on a parcel.
- 3. The site plan shall be accompanied by a complete legal description of the subject property and a location sketch referenced from section lines and/or major streets.
- 4. The site plan shall indicate the scale of the drawing and shall use an engineer's scale.

8.5.1 General Requirements (cont'd)

5. The site plan shall have the north arrow pointing either toward the top of the drawing or to the right side of the drawing, preferably toward the top, and should be located with the scale.
6. The following submissions are required:
 - a) nine (9) reproducible prints of the site plan; and
 - b) a velox or PMT reduction made from the original tracing, shall be submitted at a size ranging from 8 1/2" x 11" to 11" x 17".

8.5.2 Specific Requirements

1. The site plan shall show the zoning classification of the subject property and all abutting property uses (residential, commercial, etc.) and approximate location of abutting property, buildings, and/or structures.
2. The site plan shall indicate the distance of existing and proposed structure(s) from right-of-way line of all adjacent thoroughfares and show front, side, and rear yard distances to the structure(s).
3. The site plan shall indicate the exact dimensions of the property in question, and show existing structure(s) with dimensions and proposed structure(s) with dimensions. The site plan shall indicate building removals and other alterations, if any, of existing property.
4. The site plan shall indicate, by name, all adjacent thoroughfares. The site plan shall show both right-of-way and pavement widths measured from the centerline.
5. The site plan shall indicate the locations, size (height), and material of all existing and proposed fencing on the subject property.
6. The site plan shall indicate the location, dimensions and illuminating power of all existing and proposed lighting on the subject property.
7. The site plan shall show the location, dimensions and illuminating characteristics (both internal and/or external) of existing or proposed signs on the property.
8. The site plan shall indicate the widths of existing or proposed landscaping, screening, and sidewalks.
9. Site plans shall show any ditches, creeks, or other natural features that may affect development of the property in question. Where appropriate, the two-foot (2') contours and the 100-year high water elevation should be shown on the site plan. Information on this requirement may be obtained from the Toledo-Lucas County Plan Commissions.
10. The site plan shall show existing and proposed drainage with dimensions.

**SECTION 8 SPECIAL PROVISIONS FOR MULTI-FAMILY, NON-RESIDENTIAL,
COMMERCIAL AND INDUSTRIAL USES (cont'd)**

8.5.2 Specific Requirements (cont'd)

11. The site plan shall show existing and proposed sanitary and storm sewers, water mains, and location of hydrants and valves.
12. The site plan shall show existing and proposed pavements and roadways with dimensions.
13. The site plan shall indicate existing or proposed off-street parking, driveways, and recreational areas with complete dimensions. Curb cuts shall be measured at the curb and throat widths shall be indicated. The drawing shall include the number and size of proposed parking stalls along with the internal circulation pattern of the off-street parking. If the off-street parking is physically joined with abutting property, then circulation between the properties shall be shown.
14. The site plan for a proposed drive-up establishment shall indicate where vehicles can stack and how many vehicles can stack at one time. Information on the requirements for drive-up facilities may be obtained from the Toledo-Lucas County Plan Commissions.

8.5.3 Application Procedure

- a) Site plans shall be filed with the Zoning Administrator. (Revised 2/15/93 - Z17-C138)
- b) The Zoning Administrator may transmit the site plan to the Zoning Commission for review and recommendation. (Revised 2/15/93 - Z17-C138)
- c) The Zoning Administrator may seek information and recommendations from the staffs of the Lucas County Engineer and the Toledo-Lucas County Plan Commissions or other appropriate agencies to aid in review of the site plan. (Revised 2/15/93 - Z17-C138)
- d) No permit shall be issued for any use or change in use prior to the review and approval of the site plan by the Zoning Administrator. Conditions and modifications may be attached to these plans. (Revised 2/15/93 - Z17-C138)
- e) Any change in the site plan once approved, shall require approval by the Zoning Administrator. The Zoning Administrator may seek review and recommendation from the appropriate County and State Agencies prior to approval of a revision. (Revised 2/15/93 - Z17-C138)

SECTION 9 NON-CONFORMING LOTS, STRUCTURES AND USES

SECTION 9.1 Intent of Resolution Concerning Non-Conformities

Within the districts established by this Resolution or amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination, 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 non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 9.2 Avoidance of Undue Hardship

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which a valid building permit was issued, or actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

Any nonconforming structure that is ready for or under construction at the time of adoption or amendment of this Resolution may be completed and occupied in accordance with the requirements of a valid building permit and zoning permit issued prior to such adoption or amendment data.

SECTION 9.3 Single Nonconforming Lots of Record

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record existing at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area and/or width that are generally applicable in the district. Yard dimensions and requirements other than those applying to area and/or width shall conform to the regulations for the district in which such lot is located.

Variances for district requirements, other than lot area or lot width, shall be obtained only through action of the Board of Zoning Appeals as provided in Section 12.

SECTION 9.4 Nonconforming Lots of Record in Combination

If two or more nonconforming lots, or portions thereof, with continuous frontage are in single ownership, the BZA may, upon appeal of the Zoning Inspector's decision to deny a zoning permit for failure to meet the requirements of this Resolution, determine that these lots are or are not to be an undivided parcel for the purpose of this Resolution. If considered an undivided parcel, no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of said parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

SECTION 9 NON-CONFORMING LOTS, STRUCTURES AND USES (cont'd)

SECTION 9.4 Nonconforming Lots of Record in Combination (cont'd)

If each said parcel is developed separately, a finding shall be made by the BZA that such development and density will not be a detriment to the surrounding area.

SECTION 9.5 Nonconforming Uses of Land

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this resolution;
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution;
3. Additional structures which do not conform to the requirements of this Resolution shall not be erected in connection with such nonconforming use of land;
4. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located. A nonconforming use shall be considered voluntarily discontinued or abandoned:
 - a) When the intent of the owner to discontinue the use is apparent, or,
 - b) When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within the 2 year period, or,
 - c) When it has been replaced by a conforming use, or,
 - d) When it has been changed to another nonconforming use by first obtaining a permit from the Board of Zoning Appeals.

SECTION 9.6 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

SECTION 9 NON-CONFORMING LOTS, STRUCTURES AND USES (cont'd)

SECTION 9.6 Nonconforming Structures (cont'd)

2. Should such nonconforming structure or nonconforming portion of structure be damaged so extensively that such structure is rendered unfit for occupancy by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is move.

SECTION 9.7 Nonconforming Uses of Structures or of Structures and Land in Combination

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. The appeal procedure (See Section 12.2.1) requires that the request for substitution be made first to the Zoning Inspector, who must deny the zoning permit. The appeal is then taken to the BZA for the final determination. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
5. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land;

SECTION 9 NON-CONFORMING LOTS, STRUCTURES AND USES (cont'd)

SECTION 9.7 Nonconforming Uses of Structures or of Structures and Land in Combination (cont'd)

6. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. A nonconforming use shall be considered voluntarily discontinued or abandoned:
 - a) When the intent of the owner to discontinue the use is apparent, or,
 - b) When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within the two year period, or,
 - c) When it has been replaced by a conforming use, or,
 - d) When it has been changed to another nonconforming use by first obtaining a permit from the Board of Zoning Appeals.

SECTION 9.8 Expansion, Repair, and Maintenance

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content (floor area) existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 10 PLANNED UNIT DEVELOPMENT (Revised 6/5/00 - Z17-C204)

SECTION 10.1 Purpose

The Planned Unit Development (PUD) is a voluntary procedure that provides an overlay zoning district that is intended to encourage innovative design, conservation of significant natural features and consolidation of open space and provide for a mixture of uses with an integrated design. The Planned Unit Development allows greater design flexibility so that natural features and open space may be preserved and enhanced through the siting of development in a coordinated and efficient manner.

SECTION 10.2 Description

The Planned Unit Development may be a residential, commercial, or industrial development or may be a combination of uses with no minimum site area required. Where a combination of uses are proposed, a proposed, a maximum of ten (10%) percent of the total acreage may be developed with uses not permitted in the underlying zoning district. The Board of Township Trustees shall review and find that the combination of uses meets the standards set forth in 10.5.1. Signs for uses developed pursuant to the 10% provision shall conform to the sign regulations for the District in which the use is first permitted. All planned unit developments shall be platted in accordance with applicable subdivision rules and regulations.

SECTION 10.3 Procedure

The Planned Unit Development shall be submitted and processed pursuant to Section 13 - Amendments. The applicant shall submit a "Request for Zoning Change" application with 20 copies of the development plan and a reduction along with the required application fee. The application shall include the following:

10.3.1 General Information

- A. Name, address and phone number of the applicant
- B. Name and address of registered surveyor, engineer and/or landscape architect who prepared the plan.
- C. Legal description of the property
- D. Present use of the property
- E. Conceptual overview of the development
- F. Proposed provision of utilities
- G. Proposed ownership and maintenance of common open space
- H. Anticipated timing and phasing of the development

10.3.2 Development Plan Information

- A. A vicinity/project location map
- B. Location, type and density of development types
- C. Conceptual drainage plan
- D. Location and amount of open space(s)
- E. Gross lot acreage, net lot acreage, maximum allowable density, proposed density with calculations indicated
- F. Maximum site coverage
- G. Topography at two foot contour intervals
- H. Existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses
- I. Street layout and names

SECTION 10 PLANNED UNIT DEVELOPMENT (cont'd)

10.3.2 Development Plan Information (cont'd)

- J. Existing buildings to remain or to be removed, and if the existing buildings remain, proposed use
- K. All proposed signs excluding street signs
- L. Proposed method of street lighting
- M. Landscape material to be used and proposed locations
- N. Location, area, and dimensions of all lots, setbacks, and building envelopes
- O. Required number of parking spaces and number of spaces proposed
- P. Area identification (entrance) structure.

SECTION 10.4 Additional Information

The Board of Township Trustees, Zoning Commission, Zoning Inspector and/or review agencies may require additional information such as professionally prepared maps, survey drawings, studies or reports including environmental assessments and/or traffic impact studies for the development. The expense of providing this information is the responsibility of the applicant.

SECTION 10.5 Standards

10.5.1 General

- A. The development shall be in conformance with the goals and objectives of the Monclova Township Land Use Plan (adopted 1999), and Monclova Township Zoning Resolution.
- B. The uses are compatible within the PUD and with surrounding land uses.
- C. The arrangement of land uses and buildings on the site integrate the topography, natural features, views, traffic access and the arrangement of usable common open space.

10.5.2 Residential

- A. The maximum number of dwelling units permitted shall not exceed the number of units permitted without the Planned Unit Development as determined by the underlying zoning district. The maximum number of dwelling units permitted in the Planned Unit Development shall be calculated by dividing the net residential acreage by the minimum lot area per dwelling unit as shown under Section 4.4. For purposes of the calculation, net residential acreage equals 80% of the gross parcel acreage, and gross parcel acreage is the total parcel area excluding existing public rights-of-way and floodplain. The maximum number of dwelling units permitted per gross acre according to this calculation is listed below for each zoning district.

SECTION 10 PLANNED UNIT DEVELOPMENT (cont'd)

10.5.2 Residential (cont'd)

<u>Zoning District</u>	<u>Maximum Dwelling Units Per Gross Acre</u>
A/R	0.80
R-C	1.74
R-B	2.17
R-A	2.90
R-1	3.87
R-3	4.09 (single-family)
	5.80 (two-family)
	6.96 (multi-family)

- B. No more than 40% of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway, and parking area pavement.
- C. No less than 15% of the gross site acreage, none of which is part of any yard or perimeter open space, shall be allocated to usable, accessible and consolidated common open space and may be allocated on a plat by plat basis (one-third of the required common open space may be a lake or pond)
- D. An open space area void of buildings, structures, parking areas, or other above-ground improvements except fencing shall be maintained along all perimeter property lines of the Planned Unit Development as follows:
 - 1. When abutting an "A" or "R" District, the open space perimeter area shall be provided with a minimum depth equal to the required rear yard setback of the PUD's underlying zoning district;
 - 2. When a residential area of a Planned Unit Development abuts a "C" or "M" District, a open space perimeter area shall be provided that has a minimum depth of 75 feet;
- E. Building height shall be in accordance with the underlying zoning.
- F. There are no minimum lot size, lot-width, building or structure setback requirements except as provided in Section 10.5.2(D) and Section 4.7.5.
- G. Telephone, electrical, cable, and other utility appurtenances and dumpsters shall be sufficiently screened.

10.5.3 Commercial

- A. Commercial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to Section 6, Off-Street Parking Loading, and the number of spaces required shall be determined by each specific use within the Planned Unit Development. Parking and lighting shall be screened in accordance with Section 6.2.2(h) - Landscaping and Screening, and 6.2.2(i) - Lighting.

SECTION 10 PLANNED UNIT DEVELOPMENT (cont'd)

10.5.3 Commercial (cont'd)

- B. An open space area void of buildings, structures, parking areas, or other above-ground improvements except fencing shall be maintained on all perimeter property lines of the Planned Unit Development:
 - 1. A minimum open space depth of 30 feet shall be provided unless a greater setback is required as listed in the underlying zoning district;
 - 2. A minimum open space distance of 75 feet shall be provided when abutting an "A" or "R" District;
- C. No less than ten (10%) percent of the gross site acreage, none of which shall be a part of any yard, shall be allocated to usable, accessible and consolidated common open space (one-third of the required common open space may be a lake or pond).
- D. No more than 65% of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway and parking area pavement.
- E. There shall be no minimum lot size, lot-width or building or structure setback requirements except as provided in Section 10.5.3(B) and 4.7.5.
- F. Telephone, electrical, cable and other utility appurtenances and dumpsters shall be sufficiently screened.

10.5.4 Industrial

- A. Industrial developments shall utilize natural features to screen lighting and parking. Parking and lighting shall be screened in accordance with Section 6.2.2(h) - Landscaping and Screening, and 6.2.2(i) - Lighting.
- B. A minimum open space width of 75 feet void of buildings, structures, parking areas, or other above-ground improvements except fencing shall be provided and maintained on all perimeter property lines of the Planned Unit Development unless a greater setback is required by this Zoning Resolution
- C. No less than ten percent (10%) of the gross site acreage, none of which shall be a part of any yard, shall be allocated to usable, accessible and consolidated common open space (one-third of the required common open space may be a lake or a pond).
- D. There shall be no minimum lot size, lot width, or building or structure setback requirements except as provided in Section 10.5.4(B) and 4.7.5.

SECTION 10.6 Change to Approved Plan

Changes or alterations to the development plan as approved by the Board of Township Trustees that meet the criteria set forth in this section may be administratively reviewed and approved by the Zoning Administrator, except in the following circumstances:

SECTION 10 PLANNED UNIT DEVELOPMENT (cont'd)

SECTION 10.6 Change to Approved Plan (cont'd)

- A. Any change in the overall acreage or boundaries of the Planned Unit Development;
- B. Any change in use in the Planned Unit Development;
- C. Substantial alteration to open space areas and their location(s);
- D. A significant change in street pattern;
- E. An increase in the number of buildings or dwelling units;
- F. Changes in the building/building envelope location(s) or lot lines that result in a significant change in the coverage ratio, yard area or lot area.

Changes that involve one of the above shall be processed in accordance with Section 13 Amendments.

SECTION 10.7 Expiration and Extension of Approval Period

If construction of any phase of the approved Planned Unit Development begins within two (2) years after approval is granted, the approval shall be valid until the development is completed. If no construction has begun within two (2) years after the approval is granted, the Planned Unit Development shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit may be approved by the Board of Township Trustees.

SECTION 11 ENFORCEMENT

SECTION 11.1 Zoning Administrator (Revised 2/15/93 - Z17-C138)

11.1.1 It shall be the duty of the Township Zoning Administrator who shall be appointed by the Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the township to assist the Zoning Administrator by reporting to him upon new construction, reconstruction, or land uses or upon observing violations.

11.1.2 Appeal from the decision of the Zoning Administrator may be made to the Board of Appeals, as provided in Section 12. (Revised 2/15/93 - Z17-C138)

SECTION 11.2 Zoning Certificates

11.2.1 It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Administrator. It shall be the duty of the Zoning Administrator to issue a certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Resolution. No permit for excavation, construction or reconstruction shall be issued by the Zoning Administrator unless the plans, specifications and the intended use conform to the provisions of this Resolution. (Revised 2/15/93 - Z17-C138)

11.2.2 Upon written request from the owner or tenant, the Zoning Administrator shall issue a zoning certificate for any building or premises existing at the time of enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution. No charge shall be made for issuing a zoning certificate in accordance with this paragraph. (Revised 2/15/93 - Z17-C138)

SECTION 11.3 Conditions Under which Certificates are Required

A zoning certificate shall be required for any of the following, except as herein provided:

- a) Construction or structural alteration of any building, including accessory buildings.
- b) Change in use of an existing building or accessory building to a use of a different classification.
- c) Occupancy and use of vacant land SECTION 11.3 Conditions under which
Certificates are Required (cont'd)
- d) Change in the use of land to a use of a different classification.
- e) Any change in the use of a nonconforming use.
- f) The construction, installation or alteration of any fence, deck, or swimming pool (as defined in Section 2.1); the installation of any pond in excess of 100 square feet surface area; and the remodeling of any structure for which a building permit is required. (Revised 9/15/03 - (Z17-C263)

11.4.3 (cont'd)

2. Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of title transfer.
- c) Where complete and accurate information is not readily available from existing records, the Zoning Administrator may require the applicant to furnish a survey of the lot by a registered surveyor.
- d) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
- e) A file of such applications and plans shall be kept in the office of the Zoning Administrator.

11.4.4 The Zoning Administrator shall not issue a zoning certificate for any application requiring site plan review by the Zoning Commission.

SECTION 11.5 Fees

11.5.1 The Board of Township Trustees shall by resolution establish a fee schedule for zoning certificates, amendments, special use permits, site plan reviews, appeals, variances and other matters pertaining to the administration and enforcement of this Resolution. The fee schedule shall be available in the Office of the Zoning Administrator, and may be revised as necessary only by resolution of the Board of Township Trustees. These fees shall not apply to any amendments initiated by the Board of Township Trustees or Township Zoning Commission in accordance with Section 13.2.1. (Revised 5/19/03 - Z17-C259)

11.5.2 Fees shall be separate and cumulative where request is in combination or if multiple applications are required. (Revised 8/22/90 - Z17-C119)

11.5.3 The Zoning Administrator shall forthwith deposit all fees with the Township Clerk who shall credit such fees to the credit of the General Revenue Fund of the Township.

11.5.4 Every zoning certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the Office of the Zoning Administrator or his agent, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

SECTION 11.6 Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any regulation in or any provisions of this resolution or any amendment or supplement thereto adopted by the Board of Trustees. Any person, firm or corporation violating any regulation thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100.00. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense.

SECTION 11....ENFORCEMENT (cont'd)

SECTION 11.7 Violations - Remedies

11.7.1 Any certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the certificate shall be revoked by notice in writing to be delivered to the holder of the void certificate upon the premises concerned, or, if such holder be not found there, by posting the said notice or revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new certificate in accordance with this Resolution shall be deemed guilty of violation thereof.

11.7.2 In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Zoning Administrator, Township Solicitor, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute in junction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

SECTION 12 BOARD OF ZONING APPEALS

SECTION 12.1 General

The Board of Zoning Appeals is hereby established by this resolution and shall serve the purpose to hear and decide on appeals of a lawfully executed order by any administrative official in the enforcement of this Resolution. The Board shall consider and make a determination on request for variances from the terms and conditions of this resolution and the issuance of conditional use zoning certificated for the use of land, buildings or other structures as applicable under the requirements and conditions of this Resolution.

SECTION 12.2 Jurisdiction

The Board shall have appellate jurisdiction relative to appeals and variances and original jurisdiction relative to conditional uses as provided herein. (Revised 8/22/90 - Z17-C119)

12.2.1 Appeals

- a) The Board shall have the power to hear and decide where it is alleged there is an error in any order, requirement, decision or determination made by any administrative official in the enforcement of this Resolution.
- b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.
- c) The Board may, in conformity with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its option ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

12.2.2 Exceptions

In hearing and deciding appeals, the Board shall have the power to grant an exception in the following instances:

- a) Interpretation
Interpret provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this Resolution where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

SECTION 12 BOARD OF ZONING APPEALS (cont'd)

12.2.2 Exceptions (cont'd)

- b) Replacement of Nonconforming Buildings
Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 60% of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
- c) Modification of Parking and Loading Space Requirements
Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements; or permit (a) the waiver of the requirement that automobile parking space be provided on the same lot with a dwelling, if other suitable and convenient parking space is available within or without a building; or (b) the dual use of parking facilities (i.e. by stores during the day and theaters during the evening) provided there is no overlapping of use and the parking space requirements for each building or use are complied with during each period.
- d) Public Parking Areas Location
Permit in the "A" or "R" Districts, public parking areas or storage garages adjacent to any existing or proposed use in the multiple dwelling, commercial or industrial districts.
- e) Use Impact Determinations
Determine whether an industry should be permitted within an "M" Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
- f) Substitution of Nonconforming Uses
The substitution of a nonconforming use existing at the time of enactment of this Resolution of another nonconforming use, if no structural alterations except those required by law or resolution are made; provided, however that in an "A-4" or "R" District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any "A-4" or "R" District, and in a "C" District no change shall be authorized to any use which is not a permitted or conditional use in any "C" District.
- g) More Than One (1) Main Use on a Parcel
Within any zoned district, the placing of more than one (1) main building on a lot, when all of the buildings are intended to be operated as a single enterprise and the lot and all portions of it are owned, leased, or under option by a single party. In such cases, the yard requirements shall apply along all edges of the lot, but shall not be required for the internal arrangement of the buildings on the Lot. Height, bulk, and lot area per family shall apply as in the case of one main building located on a lot. An application for the placing of more than one (1) main building on a lot shall be accompanied by a site plan. Proposals for placing more than one (1) residential main building on a lot shall be referred to the Zoning Commission for review of the site plan, and Zoning Commission approval of the site plan shall be prerequisite to final approval by the Board of Zoning Appeals.

SECTION 12 BOARD OF ZONING APPEALS (cont'd)

12.2.2 Exceptions (cont'd)

h) Temporary Structures and Uses

Permit the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12 month period in undeveloped sections of the Township and not more than six (6) months in developed sections, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

12.2.3 Variances

In hearing and deciding appeals, the Board shall have the power to authorize such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Resolution. On appeal where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of the Zoning Resolution only if all of the following findings are made:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the Zoning Resolution in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or 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.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

12.2.4 Nonconforming Uses - Extensions or Permit

The Board shall have the authority to grant an extension or permit completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor areas of such extension shall not exceed in all 100% of the floor area of the existing building or buildings devoted to a nonconforming use.

SECTION 12 BOARD OF ZONING APPEALS (cont'd)

SECTION 12.3 Procedure

Appeals, variances and exceptions which are granted by the Board shall conform to the procedures and requirements of this Resolution. (Revised 8/22/90 - Z17-C119)

12.3.1 Application

- a) Application: All applications shall be in writing, shall be signed by the owner of the property involved or his duly authorized agent or attorney, shall specify the request and grounds thereof, and shall be filed in the office of the Zoning Administrator. (Revised 2/15/93 - Z17-C138)
- b) An appeal from any action, refusal or ruling of the Zoning Administrator shall be filed within 20 days after such action or refusal or the announcement of such ruling. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action or ruling appealed from was taken. (Revised 2/15/93 - Z17-C138)

12.3.2 Review by Other Officials

The Board of Zoning Appeals may request additional information or review of the appeal, variance, or request for exceptions by other Township officials, County agencies, or the Lucas County Planning Commission. Said information or review shall be delivered to the Board of Zoning Appeals within 45 days after the receipt of the request. Failure to disapprove the same within such period shall constitute approval thereof. (Revised 8/22/90 - Z17-C119)

12.3.3 Public Hearing and Notice

The Board shall hold a hearing on each appeal after at least a 10 day notice, both in writing to the parties in interest and by publishing in one (1) or more newspapers of general circulation in the Township, stating the time and place thereof. The Board shall make its findings and determination in writing within 40 days from the date of the filing of the appeal or in the case of an application for an exception within 30 days after receipt of the review or information requested from other County and Township officials and agencies or expiration of the time limit as provided for in 12.3.2. A copy of such findings and determination shall be transmitted to the applicant within 30 days thereafter. (Revised 8/22/90 - Z17-C119)

12.3.4 Supplemental Conditions and Safeguards

In granting any appeal, variances or an exception, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. If the application is approved or approved with modifications, the Board shall direct the Zoning Administrator to issue the permit listing the specific conditions specified by the Board of Approval. Violations of such conditions and safeguards, when made a part of the terms under which the use is granted, shall be deemed a violation of this Resolution and punishable under Section 11.6. (Revised 8/22/90 - Z17-C119) (Revised 2/15/93 - Z17-C138)

12.3.5 Schedule/ of Fees, Charges, and Expenses

The Board of Township Trustees shall, by Resolution, establish a schedule of fees, charges, and expenses and a collection procedure for appeals, variances, exceptions and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. (Revised 8/22/90 - Z17-C119) (Revised 2/15/93 - Z17-C138)

12.3.6 Record of Appeals, Variances, and Conditional Uses

A public record of all appeals, variances, and exception applications and disposition thereof shall be kept on file in the office of the Zoning Administrator. (Revised 8/22/90 - Z17-C119) (Revised 2/15/93 - Z17-C138)

12.3.7 Appeal of Board Decisions

If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made within 10 days of the Board's written decision.

12.3.8

The Board of Zoning Appeals has the power to revoke a variance or exception for noncompliance. The Board shall notify the affected party of their intent to revoke by the mailing of a notification by certified mail. The affected party has the right to request a hearing within 30 days of the mailing of the notification, in which case the board shall notify the party of the time and place of the hearing. Revocation of a variance or a conditional use shall become effective 30 days after notice has been given, unless a hearing has been requested. (Revised 8/22/90 - Z17-C119)

SECTION 13 AMENDMENTS

SECTION 13.1 Authority

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution, after receipt of recommendation thereon from the Zoning Commission and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property, now or hereafter established by this Resolution.

SECTION 13.2 Procedures

13.2.1 Initiation of Zoning Amendments

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

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Township Trustees;
3. By the filing of an application by at least one (1) owner of said property proposed to be changed or affected by said amendment.

13.2.2 Application

- a) The application for amendment or district changes shall be made on forms prescribed by, and obtainable at the office of the Zoning Administrator. This application shall be accompanied by information or data indicating the necessity for, or desirability of, the change requested. (Revised 2/15/93 - Z17-C138)
- b) Applications for a zoning amendment, or revisions to a previously submitted application, must be submitted to the Monclova Township Zoning Administrator ten (10) business days prior to the Monclova Township Zoning Commission's regularly scheduled meeting. The application must be full and complete, per the regulations and standards as set forth in the Monclova Township Zoning Resolution, at the time of submission. (Revised 9/1/05 - Z17-C280)

13.2.3 Fees

A fee shall be paid upon the filing of the application in accordance with the fee schedule established by the Board of Township Trustees and available in the Office of the Zoning Administrator. All additional expenses incurred by the township in excess of the minimum required fee shall be paid by the applicant. No action shall be taken on an application until all fees have been paid in full. (Revised 5/19/03 - Z17-C259)

13.2.4 Transmittal to Zoning Commission

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner of the property, said resolution or application shall be transmitted to the Zoning Commission.

SECTION 13 AMENDMENTS (cont'd)

13.2.4 Transmittal to Zoning Commission (cont'd)

The date that the Zoning Commission accepts the said resolution or application shall constitute the official filing date. All time limits shall commence from said filing date. The Zoning Commission shall record, in the official minutes, actions taken on all resolutions and applications submitted to them for review (i.e. Submitted to County Planning Commission for review. Application incomplete, have requested further information from applicant.)

13.2.5 Public Hearing and Notice by Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than 20 nor more than 40 days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application. Notice of such hearings shall be given as follows:

1. A notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least 10 days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.
2. If the proposed amendment intends to rezone or redistrict 10 or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least 10 days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such areas proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice shall not invalidate any such amendment. The notice shall contain the same information as required on notices published in the newspaper(s).

13.2.6 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 by at least one (1) owner, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map(s) pertaining to the case in question to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

SECTION 13 AMENDMENTS (cont'd)

13.2.7 Recommendation by Zoning Commission

Within 30 days after the scheduled public hearing, the Zoning Commission shall recommend to the Board of Township Trustees that 1) the amendment be granted as requested; 2) it may recommend a modification of the amendment requested; or 3) it may recommend that the amendment not be granted.

The Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Commission, and shall be a public record.

13.2.8 Public Hearing and Notice by Township Trustees

Within 30 days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least 10 days before the date of said hearing. This notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.

13.2.9 Action by Board of Township Trustees

Within 20 days after the public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees deny or modify the recommendation of the Commission, the unanimous vote of the Township Trustees is required.

SECTION 13.3 Effective Date and Referendum

Such amendment adopted by the Township Trustees shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the 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 not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit the 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 immediate effect.