

# **TRENTON TOWNSHIP ZONING CODE**

**Prepared by: The Trenton Township Zoning Commission  
Adopted by: The Trenton Township Board of Trustees**

ZONING RESOLUTION FOR TRENTON TOWNSHIP

DELAWARE COUNTY, OHIO

WHEREAS, The Board of Trustees of Trenton Township, Delaware County, Ohio has deemed it necessary to promote the public health, safety, morals and general welfare of the residents of said township; and,

WHEREAS, Zoning resolutions for the building and land use within the unincorporated territory of the township were adopted in accordance with Section 519 and related sections of the OHIO REVISED CODE; and,

WHEREAS, Five (5) persons have been duly appointed by the Board of Trustees of Trenton Township to serve as a Zoning Commission for said Township; and,

WHEREAS, Said Zoning Commission has recommended revisions of the Trenton Zoning Resolution and Official Zoning Map, and has submitted such amendments and map to the Board of Trustees of Trenton Township under authority and in accordance with the provisions of Section 519.12 of the OHIO REVISED CODE on December 20, 2004; and,

THEREFORE, The Board of Trustees of Trenton Township did adopt the following amendments to the Zoning Resolution and Map on January 6, 2005, under the authority and in accordance with the provisions of the OHIO REVISED CODE and said amendments being effective February 5, 2005, and,

FURTHERMORE, All resolutions or parts of resolutions in conflict with this zoning resolution or inconsistent with provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect.

Passed: January 6, 2005

By: Mr. Mark Almendinger  
Mr. Kevin Justice  
Mr. Richard Fisher  
Trustees

Attested: Cynthia F. Walton  
Clerk

Previous Revision dates: July 9, 1956; January 23, 1974; November 3, 1982; February 7, 1984; May 1, 1985; April 17, 1989; June 24, 1991; June 2, 1999; and May 1, 2002.

**TRENTON TOWNSHIP ZONING CODE  
TABLE OF CONTENTS**

**ARTICLE I - GENERAL PROVISIONS**

<b>Section 101</b>	<b>Purpose</b>
<b>Section 102</b>	<b>Title</b>
<b>Section 103</b>	<b>Interpretation</b>
<b>Section 104</b>	<b>Area of Jurisdiction</b>
<b>Section 105</b>	<b>Separability</b>
<b>Section 106</b>	<b>Required Conformance</b>
<b>Section 107</b>	<b>Agriculture</b>
<b>Section 108</b>	<b>Public Utilities and Railroads</b>
<b>Section 109</b>	<b>Buildings Under Construction</b>
<b>Section 110</b>	<b>Issued Zoning Certificates</b>
<b>Section 111</b>	<b>Uses Not Specifically Mentioned</b>
<b>Section 112</b>	<b>Previous Commercial Land Use</b>
<b>Section 113</b>	<b>Previous Two-Family Residence District and Single-Family Residence District</b>

**ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

<b>Section 201</b>	<b>Construction of Language</b>
<b>Section 202</b>	<b>Definitions</b>

**ARTICLE III - ESTABLISHMENT OF DISTRICTS AND MAP**

<b>Section 301</b>	<b>Establishment of Districts</b>
<b>Section 302</b>	<b>Official Zoning District Map</b>
<b>Section 303</b>	<b>Interpretation of District Boundaries</b>

**ARTICLE IV - DISTRICT REGULATIONS**

<b>Section 401</b>	<b>Farm Residential District (FR)</b>
<b>Section 402</b>	<b>Rural Residential District (RR)</b>
<b>Section 403</b>	<b>Planned Residential Conservation District (PRCD)</b>
<b>Section 404</b>	<b>Community Business District (CB)</b>
<b>Section 405</b>	<b>Restricted Industrial District (RI)</b>
<b>Section 406</b>	<b>Limited Industrial District (LI)</b>
<b>Section 407</b>	<b>Community Facilities District (CF)</b>

**ARTICLE V - SUPPLEMENTARY DISTRICT REGULATIONS**

<b>Section 501</b>	<b>Public Street Frontage Required</b>
<b>Section 502</b>	<b>Principal Buildings Per Lot</b>

<b>Section 503</b>	<b>Reduction of Area or Space</b>
<b>Section 504</b>	<b>Architectural Projections Into Required Yards</b>
<b>Section 505</b>	<b>Accessory Structures</b>
<b>Section 506</b>	<b>Fences, Walls and Vegetation</b>
<b>Section 507</b>	<b>Outdoor Storage and Waste Disposal</b>
<b>Section 508</b>	<b>Accessory Swimming Pools for Single Family Dwellings</b>
<b>Section 509</b>	<b>Kindergarten or Child Care</b>
<b>Section 510</b>	<b>Screening</b>
<b>Section 511</b>	<b>Parking and Storage of Vehicles Other Than Passenger Cars</b>
<b>Section 512</b>	<b>Residential Care Facilities</b>
<b>Section 514</b>	<b>Objectionable, Noxious or Dangerous Uses, Practices or Conditions</b>
<b>Section 515</b>	<b>Temporary Uses</b>
<b>Section 516</b>	<b>Cemeteries</b>
<b>Section 517</b>	<b>Home Occupations</b>
<b>Section 518</b>	<b>Churches</b>
<b>Section 519</b>	<b>Landing Strips</b>
<b>Section 520</b>	<b>Exceptions, Modifications and Interpretations of Height Regulations, Height Limits stipulated elsewhere in this Zoning Resolution shall not apply.</b>
<b>Section 521</b>	<b>Residential Corner Lots</b>
<b>Section 522</b>	<b>Exotic Animals</b>
<b>Section 523</b>	<b>Antennas and Satellite Dishes</b>
<b>Section 524</b>	<b>Cellular Towers</b>
<b>Section 525</b>	<b>Private Recreational Facilities</b>
<b>Section 526</b>	<b>Minimum Floor Area Requirements</b>
<b>Section 527</b>	<b>Mineral Extraction Operations</b>
<b>Section 528</b>	<b>Oil and Gas Exploration</b>
<b>Section 529</b>	<b>Off Road Motorized Vehicles</b>
<b>Section 530</b>	<b>Temporary Conditional Uses</b>
<b>Section 531</b>	<b>Golf Courses</b>
<b>Section 532</b>	<b>Reserved</b>
<b>Section 533</b>	<b>Insecure, Unsafe or Structurally Defective Buildings or Structures</b>
<b>Section 534</b>	<b>Automobile Service Stations</b>
<b>Section 535</b>	<b>Common Access Driveways</b>
<b>Section 536</b>	<b>Access Drives and Appurtenant Structures</b>
<b>Section 537</b>	<b>Private Organization Recreational Facilities, Outdoor</b>
<b>Section 538</b>	<b>Private Organization Recreational Facilities, Indoor</b>

**ARTICLE VI- OFF-STREET PARKING REGULATIONS**

<b>Section 601</b>	<b>Required Parking Plan</b>
<b>Section 602</b>	<b>Off-Street Parking Design Standards</b>
<b>Section 603</b>	<b>Parking Space Requirements</b>
<b>Section 604</b>	<b>Off-Street Loading Areas</b>

**ARTICLE VII - SIGNS**

<b>Section 701</b>	<b>Intent and Purpose</b>
<b>Section 702</b>	<b>Zoning Permit Required</b>
<b>Section 703</b>	<b>General Provisions and Safety Requirements</b>
<b>Section 704</b>	<b>Permanent Signs Which Do Not Require a Permit</b>
<b>Section 705</b>	<b>Temporary Signs Which Do Not Require a Permit</b>
<b>Section 706</b>	<b>Permanent Identification Signs</b>
<b>Section 707</b>	<b>Permanent Identification Signs in Industrial and Community Business Districts</b>
<b>Section 708</b>	<b>Permanent Identification Signs for Residential Subdivisions</b>
<b>Section 709</b>	<b>Permanent Identification Signs for Non-Residential Uses Within Residential Districts</b>
<b>Section 710</b>	<b>Advertising Signs</b>
<b>Section 711</b>	<b>Bulletin Boards</b>
<b>Section 712</b>	<b>Nonconforming Signs</b>
<b>Section 713</b>	<b>Removal of Signs by Zoning Inspector</b>
<b>Section 714</b>	<b>Prohibited Signs</b>
<b>Section 715</b>	<b>Table of Height, Area, and Setback Requirements</b>
<b>Figure 1</b>	<b>Sign Types</b>
<b>Figure 2</b>	<b>Sign Area Calculations</b>
<b>Figure 3</b>	<b>Primary and Second Images</b>

**ARTICLE VIII - NONCONFORMITIES**

<b>Section 801</b>	<b>Nonconforming Lots</b>
<b>Section 802</b>	<b>Nonconforming Uses of Land</b>
<b>Section 803</b>	<b>Nonconforming Structures</b>
<b>Section 804</b>	<b>Incompatibility of Nonconformities</b>
<b>Section 805</b>	<b>Substitution of Nonconforming Uses</b>
<b>Section 806</b>	<b>Certificates for Nonconforming Uses</b>

**ARTICLE IX - ADMINISTRATIVE BODIES AND THEIR DUTIES**

<b>Section 901</b>	<b>Township Zoning Inspector</b>
<b>Section 902</b>	<b>Township Zoning Commission</b>

**Section 903                      Board of Zoning Appeals**  
**Section 904                      Township Trustees**

**ARTICLE X - ZONING PERMITS AND CERTIFICATES OF OCCUPANCY**

**Section 1001                      Application for Zoning Permit**  
**Section 1002                      Processing of Permit**  
**Section 1003                      Record of Zoning Permits**  
**Section 1004                      Failure to Obtain a Zoning Permit**  
**Section 1005                      Construction and Use to be as Provided in**  
**Applications, Plans, and Permits**

**ARTICLE XI - CONDITIONAL USE PERMITS, APPEALS AND VARIANCES**

**Section 1101                      Conditional Use Permits**  
**Section 1102                      Conditional Use Standards**  
**Section 1103                      Processing of Conditional Uses**  
**Section 1104                      Expiration of Conditional Use Permit**  
**Section 1105                      Administrative Appeals**  
**Section 1106                      Variances**

**ARTICLE XII - AMENDMENTS**

**Section 1201                      Initiation of Amendments**  
**Section 1202                      Application for Amendments**  
**Section 1203                      Procedure for Amendments**

**ARTICLE XIII - ENFORCEMENT**

**Section 1301                      Violations**  
**Section 1302                      Remedies and Penalties**  
**Section 1303                      Fees**

## ARTICLE I

### GENERAL PROVISIONS

#### **Section 101 Purpose**

This is a Zoning Resolution for Trenton Township, Delaware County, Ohio adopted and amended pursuant to Chapter 519 of the Ohio Revised Code for the following purposes, among others:

- 101.01 To promote and protect the health, safety, morals, and general welfare of the present and future inhabitants of Trenton Township.
- 101.02 To protect the quality of life within Trenton Township through the protection of the total environment, the prevention of nuisances and hazards, and the provision of adequate light, air, and convenient access to property.
- 101.03 To ensure the compatibility of land uses which are either adjacent or in proximity to each other.
- 101.04 To promote, insure and control the orderly development of all lands within the Township to its appropriate use.
- 101.05 To promote and secure the most appropriate use of land to facilitate and provide adequate public and private improvements.
- 101.06 To conserve and protect the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land.
- 101.07 To recognize and to protect the right to farm all suitable land in Trenton Township. The right to farm includes the use of large irrigation pumps and equipment, aerial and ground seeding and spraying, large tractors and agricultural implements and the application of fertilizers, insecticides, pesticides and herbicides. When conducted in accordance with generally accepted agricultural practices, farming may occur at any time and on any day, and the noise, odors, dust and fumes necessarily associated with such a use are expressly permitted as part of the exercise of the right to farm.

#### **Section 102 Title**

This Resolution, including the official Zoning District map made a part hereof, shall be known and may be referred to or cited as the "Trenton Township Zoning Resolution."

#### **Section 103 Interpretation**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare. Whenever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions, or private deed restrictions or private covenants, the more restrictive or that imposing the higher standards shall govern.

#### **Section 104 Area of Jurisdiction**

The provisions of this Resolution shall apply to all land within the unincorporated area of Trenton Township, Delaware County, Ohio.

### **Section 105 Separability**

If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution shall be declared by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid, and the invalidity of any section, sentence, clause, or part of this Zoning Resolution in one or more instances shall not affect or prejudice in any way the validity of this Zoning Resolution in any other instance.

### **Section 106 Required Conformance**

Except as herein provided, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building, structure or land be used, nor shall any excavation or fill be made:

106.01 Except for any expressed purpose permitted in the district in which such building or structure or land is located.

106.02 Except in conformance to the height and floor space requirements established for the district in which such building or structure or use is located.

106.03 Except in conformance to the area, frontage, and yard regulation of the district in which such building or structure or use is located.

106.04 Except in conformance to the off-street parking regulations of the district in which such building or structure or use is located.

### **Section 107 Agriculture**

Except for lands developed pursuant to ORC 519.21, nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no Zoning Certificate shall be required for any such use, building or structure. All such structures, however, shall conform to the yard and set back requirements of this resolution and other applicable laws and regulations.

### **Section 108 Public Utilities and Railroads**

Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. All structures, however, shall conform to yard, height, and set back requirements of this Resolution and other applicable laws and regulations.

### **Section 109 Buildings Under Construction**

Nothing contained in this Resolution shall require any change in plans, construction, size or designated use of a building upon which construction was begun before the effective date of this Resolution or applicable amendments hereof. The zoning

inspector may require proof in the form of an affidavit or other similar document that the original intended use of the building has not been changed. The ground story framework, including structural parts of the second floor, shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Resolution or applicable amendments hereto; if not so completed the protection afforded by this Section shall not apply to such construction or use.

### **Section 110 Issued Zoning Certificates**

Any new proposed construction for which a zoning certificate is issued shall have been started within six (6) months of issuance of said permit and the ground story framework, including structural parts of a second floor shall have been completed within one (1) year after the issuance of the zoning certificate; provided, however, that any project or building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the Township Zoning Inspector with the original request for the certificate.

### **Section 111 Uses Not Specifically Mentioned**

Any use of land or buildings which is not specifically mentioned as a permitted principal, permitted accessory, or conditional use within any district shall not be permitted by the Zoning Inspector until it is determined by the Board of Appeals that such use is similar and compatible to uses permitted within such district. In determining if such uses are similar and compatible, the process outlined under Article XI for Appeals shall be followed.

### **Section 112 Previous Commercial Land Use**

Any land previously zoned as Commercial District C from the previous code shall be considered zoned under Community Business District (CB) to carry forth the same uses permitted for the specific district as outlined in the previous code.

### **Section 113 Previous Two-Family Residence District and Single-Family Residence District**

Any land previously zoned Two-Family Residence District and Single-Family Residence District from the previous code shall be considered zoned under Rural Residential.

**ARTICLE II**  
**CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

**Section 201 Construction of Language**

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

- Words used in the singular shall include the plural, and the plural the singular.
- Words used in the present tense shall include the future tense.
- The word “shall” is mandatory and not discretionary.
- The word “may” is permissive.
- The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

**Section 202 Definitions**

All words used in this Resolution shall have their customary meanings as defined in the latest edition of Webster’s New World Dictionary, except those specifically defined in this Article.

**Abandoned Sign.** A sign associated with an abandoned use, a sign that remains after the termination of the business or a sign on its immediate premises not adequately maintained and not repaired within the specified time.

**Accessory Use or Structure.** Any purpose for which a building, structure, or a tract of land may be designed, arranged, intended, maintained, or occupied which:

- Is customarily incidental and subordinate in area, extent or purpose to the principal building, structure or use which it serves; and
- Is located on the same zoning lot as the principal building, structure or use, with the single exception of such accessory off street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

**Adult.** An individual eighteen years of age or older.

**Adult Entertainment.** Any material or performance where any of the following apply:

- Its dominant appeal is to prurient interest;
- Its dominant tendency is to arouse lust by displaying or depicting "Specified Sexual Activities", Specified Anatomical Areas", sexual excitement, or nudity in a way that tends to represent " human beings as mere objects of sexual appetite;
- Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;

- Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;
- It contains a series of displays or descriptions of "Specified Sexual Activities", "Specified Anatomical Areas", sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, brutality, or human bodily functions or elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

**Adult Entertainment Facility.** A facility having a significant portion of its function as adult entertainment. Such facilities include but are not limited to:

- Adult Bookstore and/or Adult Video Store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, other periodicals and/or video rentals or sales which are distinguished or characterized by their emphasis on matter depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as herein defined or an establishment with a segment or section devoted to the sale, display, or rental of such material.
- Adult Mini Motion Picture Theater. A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons therein.
- Adult Motion Picture Theater. A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons therein.
- Adult Entertainment Business. Any establishment involved in the sale of services or products characterized by the exposure or presentation of "Specified Anatomical Areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, escort/dating services and similar functions, which utilize activities as specified above.
- Massage Establishments. Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, licensed massage therapist or

physical therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

**Advertising Sign.** One which directs attention to a use, commodity or service.

**Agriculture.** The use of a tract of land five (5) acres or larger for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided however, that:

- The operation of any such accessory use shall be secondary to that of normal agricultural activities;
- The above uses shall not include the feeding of garbage or offal to swine or other animals;
- The above uses shall not include the operation or maintenance of a feedlot or a commercial stockyard.

**Alteration.** Any change in the supporting members (such as bearing walls, beams, columns, roof structure, or girders) of a building or structure or any addition to the exterior of a structure or any movement of a building or structure from one location to another.

**Animated Sign.** Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

**Antenna, Aerial.** Means any exterior apparatus used for transmitting and receiving, mounted on a tower, alternative tower structure, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**Antenna Tower.** Means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like.

**Antenna Tower Alternative Structure.** Means man made trees, clock towers, bell steeples, and similar alternative-design mounting structures that substantially camouflage or conceal the presence of antennas or towers such that one would not identify the structure as an antenna tower.

**Antenna Tower Height.** Means, when referring to a tower or other structure within the provisions of Sections 408 and 523, the distance measured from the average grade plane of the antenna tower base to the highest point on the tower or other structure, including any antenna and additional height required for co-location. Lightning rods up to six feet (6') in length and 1.25 inches in diameter may extend above the maximum height measured. When roof-mounted, antenna tower height shall be measured from the average grade plane of the building to the highest point on the tower or other structure, including any antenna and additional height required for co-location.

**Apartment.** A portion of a building consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one family.

**Apartment House.** See dwellings, multi-family.

**Area of Shallow Flooding.** A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard.** The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.

**ATM (Automated Teller Machine).** An electronically operated device used to conduct financial transaction on site, by means of direct computerized access. Such devices may be accessible by automobile and/or pedestrians.

**Attached.** Any structure or part of a structure immediately adjacent to another structure or part of a structure, and fastened securely to it.

**Average Grade Plane.** Means a reference plane representing the average of finished ground level adjoining the structure or building at all exterior surfaces.

**Backhaul Network.** Means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**Banner.** A nonrigid cloth, plastic, paper, or canvas sign typically related to a special event or promotion, that is cultural, educational, charitable, or recreational in its function, under the sponsorship of a for-profit establishment or business, or a public, private nonprofit, or religious organization.

**Barn.** An accessory structure upon a lot customarily used for the housing of livestock and/or for the storage of crops and/or machinery used in bona-fide agricultural activities as previously defined in this Article.

**Base Flood.** A flood which is representative of large floods known to have occurred in the central Ohio region and characteristic of floods expected to have a one per cent chance of being equaled or exceeded in any given year. Sometimes referred to as Regional Flood or 100 Year Flood.

**Basement.** Floor space in a building partially or wholly underground, but having more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground. A basement shall be counted as a story if it does not meet the definition above.

**Bedroom.** A dwelling room used or intended to be used by human beings for sleeping purposes.

**Bench Sign.** Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public roadway

**Billboard.** A billboard shall be defined as an outdoor display intended to advertise products or services at locations where activities related to their sale, distribution, production, repair and associated administrative functions are not maintained. Billboards also include outdoor displays intended to convey information, ideas, or opinions to the public at locations not used by their sponsors for other professional administrative activities. Billboards are subject to the building permit requirements of Delaware County, Ohio.

**Board of Zoning Appeals.** The Board of Zoning Appeals of Trenton Township, Delaware County, Ohio.

**Boarding House.** A facility, which provides rooms for rent and meals for boarders.

**Borrow Pit.** A pit adjacent to a fill or embankment from which material is taken for the purpose of making the fill or constructing and maintaining that embankment.

**Building.** Any structure having a roof supported by poles, columns, or by walls which is designed for the shelter, support, or enclosure for persons, animals, chattels, crops, materials or property of any kind.

**Building Height.** The vertical distance from the average elevation of the finished grade at the front of the building to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; the average height between the eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof.

**Building Line.** A line parallel to the front lot line representing the distance which all or any part of the building is to be set back from said front lot line as may be provided by this Zoning Resolution or as established by the Board of Zoning Appeals.

**Building, Principal.** A building in which is conducted the main or principal use of the property on which such building is situated.

**Bulletin Board.** A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of use for the announcement of services or activities to be held therein.

**Bus Shelter Sign.** Any sign painted on or affixed to any bus shelter.

**CABO.** Council of American Building Officials.

**Camping and Recreational Equipment.** For the purpose of this Resolution, camping and recreational equipment shall include the following:

- Boat and Boat Trailer. Boat and boat trailer shall include boats, floats and rafts plus the normal equipment to transport the same on the highway.
- Folding Tent Trailer. A folding structure mounted on wheels and designed for travel and vacation uses.
- Motorized Home. A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- Pickup Camper. A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use also as a temporary dwelling for travel, recreational, or vacation uses.

- Travel Trailer. A vehicular, portable structure built on a chassis, designed and/or used as a temporary dwelling for travel, recreational and vacation uses.
- Horse Trailer. A structure mounted on wheels used to transport animals and designed to be drawn by a motor vehicle.

**Cellular Towers.** As defined in Ohio Revised Code and to include PCS.

**Cemetery.** Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**Certificate of Zoning Compliance.** A document issued by the zoning administrator which stipulates whether a planned use either meets or does not meet the requirements of this zoning resolution.

**Changeable Copy Sign.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic or manual means without altering the face or surface of the sign.

**Channel.** A natural or artificial depression of perceptible extent with definite bed and banks to confine and conduct flowing water either continuously or periodically.

**Channel Letters.** The outline of a letter, border, or similar object with a vertical sidewall to confine the lighting on the face either to restrict vision at an angle or to prevent light spillage over adjacent areas.

**Child Daycare.** Any place, home or institution which cares for young children apart from their parents when received for regular periods of time for compensation such as kindergarten, nursery school or class for young children that develops basic skills and social behavior by games, exercises, toys and simple handicraft. Day care is included in the definition of childcare; the care of more than 12 children is a business.

**Club.** A premises owned or operated by a person or persons for a civic, social, cultural, religious, literary, scientific, artistic, political, recreational or like activity, but not for profit or to render a service which is customarily carried on as a business.

**Co-location.** Means the use of wireless communications facilities by more than one wireless communications provider.

**Common Access Drive (CAD).** Privately constructed, owned and maintained drive within a platted ingress/egress easement, properly shown on a subdivision plat approved by the Delaware County Regional Planning Commission.

**Commission.** The Zoning Commission of Trenton Township, Delaware County.

**Common Open Space.** As used herein, parcels of land together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites of the particular development and is accessible to all tenants or residents within the zoning property.

**Community Activity.** Activity that is open to the general public and sponsored by a public, private nonprofit or religious organization that is educational, cultural, or recreational in function. Charitable events sponsored by for-profit organizations are also

considered community activities. Examples of a community activity are a school play or church fair.

**Community NFIP Administrator.** The person, persons, agency, or other local government entity responsible for the administration and enforcement of the National Flood Insurance Program in compliance with Federal Law 44 CFR Parts 59 and 60. For Unincorporated Delaware County (NFIP Community Number 390146) the Delaware County Department of Code Compliance is the Community NFIP Administrator.

**Conditional Use.** A use permitted within a district other than a Permitted Principal Use, requiring a Conditional Use Permit and approved by the Board of Zoning Appeals. These uses are permitted only after the applicant has followed the procedures outlined in Article XI. If for any reason, the Conditional Use shall cease for more than six (6) months, the Permit for the Conditional Use shall expire.

**Conditional Use Permit.** A permit issued by the Zoning Inspector after authorization by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in a particular zoning district. These permits are issued only after the applicant has followed the procedures as stated in Article XI of this Resolution. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and follows conditions exactly and must reapply for a permit before deviating from that plan. If, for any reason, the Conditional Use shall not start within six (6) months or cease for more than six (6) months, the Permit shall expire in accordance with Section 1104.

**Conforming Use.** Any lawful use of a building, structure, lot, sign or fence, which complies, with the provisions of this resolution.

**Density.** A unit of measurement designating the number of dwelling units per acre of land as follows:

- Gross Density: The number of dwelling units per acre of the total land to be developed.
- Net Density: The number of dwelling units per acre of land when the average involved includes only the land devoted to residential uses and excludes such areas as street rights of way, parks, common open space and other similar uses.

**Development Sign** A temporary sign indicating such things as the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the development, structure, or project. This includes both private and public projects.

**Development Standards.** Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Development standards include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage and maximum floor area ratio.

**Directional Sign.** A temporary or permanent sign that provides information regarding locations, instructions for use, or functional/directional data.

**District.** A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply uniformly under the provisions of this Resolution.

**Drive-through Business or Window.** An establishment or part of an establishment designed for the conduct of business with customers who remain within a vehicle during the transaction.

**Dwelling.** Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a mobile home, tent, cabin, trailer or trailer coach or other temporary or transient structure or facility.

**Dwelling, Attached, Single Family.** A dwelling unit which is attached to one or more dwelling units, each of which has independent access to the outside of the building to ground level and which has no less than two exterior walls fully exposed and not in common with the exterior walls of any other unit.

**Dwelling, Detached, Single Family.** A dwelling standing by itself and containing only one dwelling unit, separate from other dwellings by open space, which dwelling unit shall be constructed in accordance with the any of the following:

- The CABO One and Two Family Building Code;
- The Ohio Basic Building Code for industrialized units as provided in ORC 3781.06, (C).
- Permanently sited manufactured housing pursuant to SB 142 122<sup>nd</sup> Ohio Assembly which meets all of the following criteria:
  - a.) The United States Department of Housing and Urban Development 1974 Manufactured Housing Construction Safety Standards
  - b.) The structure fronts on an approved public or private street.
  - c.) The structure is affixed to a permanent frost-free foundation (slab, crawl, or full foundation constructed in accordance with the CABO 1995 One and Two Family Code.)
  - d.) The structure is connected to appropriate utilities.
  - e.) The structure is at least 22 feet minimum in both length and width, with a minimum habitable area of 900 square feet.
  - f.) The structure has a six-inch minimum eave overhang, including appropriate guttering, a minimum roof pitch of 3/12, and conventional residential siding (lap, clapboard, shake, masonry, vertical natural materials.
  - g.) The structure has the indicia of mobility (trailer tongue, running lights, wheels and axles) removed prior to placement on its foundation.
  - h.) Safety requirements for egress shall be one 5.0 net square foot window opening (represents the half of a double hung sash window) in each

bedroom on the first floor. The area measured shall be the net opening without special tools, and shall be no more than 44 inches off the interior floor. Smoke detectors shall be provided in every bedroom.

- i.) The structure is intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the county auditor upon its fixture to a permanent foundation and such surrender shall be notice to the auditor to tax said structure as real estate from that day forward.
- j.) The structure was manufactured after January 1, 1995 in accordance with Ohio Revised Code 3781.05 (F).

**Dwelling, Two-Family.** A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units living independently of each other.

**Dwelling, (Multi-Family) or Apartments.** A residential building arranged or intended for three or more dwelling units, as separate housekeeping units.

**Dwelling Unit.** One or more rooms designed for or used as a unit to provide complete housekeeping facilities for one (1) individual family with sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities.

**Electronic Scoreboard.** An electronically-controlled changeable copy sign used to display scoring information for sporting events. Such signs are located on the sports field.

**Engineer.** Means a registered engineer licensed in the State of Ohio to provide any information of an engineering nature whether civil, electrical or mechanical.

**Entry Feature Sign.** An on-premises ground-mounted sign that graphically identifies a residential subdivision and/or multifamily development. For commercial properties, see **Joint Identifications Sign.**

**Erection.** The acts of building, constructing, altering, reconstructing, moving a structure upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, material storage, hauling, and the like shall be considered a part of erection.

**Essential Services.** The erection, construction, alteration, or maintenance by public utilities or other governmental agencies of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public or private utility or government agency or for the public health, safety and morals, but not including buildings.

**Established Grade Line.** The average finished grade for that area of the site where the sign is to be located, provided however that the height of the sign shall not be artificially increased by the use of mounding. All references to sign height are from the established grade line unless otherwise noted.

**Excavation.** The act of digging, hollowing out, or any other breaking of ground resulting in a total quantity of more than one hundred (100) cubic yards of material or a vertical depth of more than four (4) feet. Common household gardening and ground care, or plowing of ground for agricultural purposes, shall be excepted from this definition.

**Extension.** A wall or other structure which is connected to an extended from a building.

**FAA.** Means the Federal Aviation Administration.

**Facility.** See Wireless Communications Facility

**Family.** One or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons. Licensed Residential Care Facilities shall be excluded from this definition.

**Farm.** A tract of land five (5) acres or larger on which bona-fide agricultural activities are conducted as the primary use, operated as a single unit by the owner, farm manager, tenant or renter.

**Farm Buildings.** Any building or structure, other than a dwelling unit, built, or placed upon land within a bona-fide farm and considered essential and standard to the carrying on of farm operations.

**FCC.** Means the Federal Communications Commission.

**Feed Lot.** Land used for the confining and commercial feeding of livestock for mass production and marketing, and not necessarily connected with any general farming upon the same lot.

**FEMA.** Federal Emergency Management Agency. This agency has overall responsibility for administering the National Flood Insurance Program.

**Fence.** Any free-standing structure, other than part of a building, which encloses or partially encloses any premises and is of sufficient strength and dimensions to prevent straying from within or intrusion from without. Live vegetation shall not be included in this definition.

**Fill.** Soil, clay, sand, gravel and other such materials (excluding sludge) which may be deposited onto or placed into the ground.

**FIRM.** Flood Insurance Rate Map, which is an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.

**Flag.** Any fabric or bunting containing the officially recognized and adopted colors, patterns, or symbols used as the official symbol of a government, political, or corporate entity.

**Flashing Sign.** Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

**Flood, 100 Year.** The temporary inundation of normally dry land areas by a flood that is likely to occur once every one hundred (100) years (i.e. that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry areas from (1) the overflow of inland or tidal waters, and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Study.** The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than that prescribed by the Flood Insurance Study.

**Flood Plain, Regulatory.** The land area of Trenton Township which is subject to inundation by the one hundred (100) year flood as identified by the Federal Emergency Management Agency Flood Boundary and Floodway Maps dated October 18, 1983 or any revisions thereto. Such maps are identified by Community Number 390146 with panel numbers 0095B and 0070B.

**Floor Area.** The sum of the gross horizontal area of all the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. In calculating floor area, the following shall not be included:

- Attic space providing structural headroom of less than seven (7) feet, six (6) inches.
- Uncovered steps.
- Terraces, breezeways and porches.
- Automobile parking space in a basement or garage
- Basements.

**For Sale/For Lease Sign.** A sign indicating the sale, rental, or lease of a structure or property.

**Freestanding Sign.** One which is supported or suspended by one (1) or more uprights or braces in or upon the ground surface.

**Frontage.** The distance between the side lot lines measured along the street right of way; in the case of a corner lot, frontage shall be measured along the shortest front lot line abutting the street right of way; in the case of a Common Access Drive (CAD), frontage is measured between the side lot lines along the CAD.

**Gas-Inflatable Sign/Device.** Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.

**Garage, Private.** A detached accessory building or a portion of a main building, intended for the parking or storage of automobiles, motorized recreational vehicles or boats owned by the occupants of the premises.

**Garage Sale.** A sale of personal property to the general public conducted in or on any property within any zoning district, to include, without limitation, garage sales, patio sales, yard sales, porch sales, driveway sales, attic and basement sales and the like.

**Governmental Sign.** A sign erected and maintained pursuant to and in discharge of any government functions or required by law, ordinance, or other governmental regulations.

**Grade, Average.** The average elevation of the finished surface of the ground at the exterior walls of a building or structure.

**Greenbelt.** An open landscaped area which is used as a buffer between land uses.

**Greenhouse - Hothouse – Nursery.** A sun or artificially heated structure in which to grow out of season plants, flowers or vegetables or a form of agriculture whose chief function is the field growing of plants, shrubs, and trees.

**Ground Sign.** Any sign which is physically attached to a foundation. These are commonly known as freestanding, pole, pylon, or monument signs.

**Home Occupation.** An occupation conducted by an owner on the same premises as his principal place of residence.

**Homeowners Association.** A community association, which is organized in a development in which individual owners share common interests in open space or facilities.

**Hospital Sign.** A sign identifying any medical facility that is capable of retaining patients overnight.

**Identification Sign.** A sign which displays only the same address and/or use of the premises upon which the sign is located or to which it is affixed or the product or service offered therein.

**Illuminated Sign.** Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

**Information Sign.** A sign displaying necessary information for the convenience and safety of residents and visitors, and containing no advertising.

**Joint Identification Sign.** A sign that identifies the name, through type, graphics, or other symbols, of a shopping center, office park, industrial park, or other building complex containing three or more uses on the same lot, allowed in addition to the permitted signs of the individual occupants.

**Junk.** For the purposes of this resolution, junk refers to any machinery, appliances, products or merchandise with parts missing, materials that are damaged, or deteriorated or scrap including copper, brass, rope, rags, batteries, paper, rubber, iron, steel and other old or scrap ferrous or nonferrous materials which are not held for sale or remelting purposes by an establishment having facilities for processing such materials.

**Junk Vehicle or Inoperable Vehicle.** A vehicle shall be deemed junk or an inoperable vehicle whenever any two or more of the following occur for a period of two weeks prior to the filing of a cease and desist order:

- The vehicle is without a valid, current registration and/or license plate.
- The vehicle is apparently inoperable.
- The vehicle is without fully inflated tires and/or has any type of support under it.
- The vehicle has a missing or shattered window or windshield.
- The vehicle has an extensively damaged or missing door, motor, transmission or other similar major mechanical or body part (such as a fender).

**Kennel.** A lot or premises on which five (5) or more domesticated animals (pets) more than four (4) months of age are housed, groomed, bred, boarded, trained or sold for commercial purposes.

**Landscaping.** The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass, and other vegetation.

**Life Care Retirement Center.** Nursing homes, rest homes, and convalescent houses which include individual dwelling units for the elderly as an integral part of the facility where the total floor area devoted to individual dwelling units does not exceed seventy (70) percent of the total floor area of the entire facility.

**Logo.** See **Primary Images** and **Secondary Images**.

**Lot.** A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory building and uses, including such open spaces as are required under the provision of this Resolution. Every lot shall have the minimum required frontage upon a public street.

- **Corner Lot:** A lot abutting two (2) or more streets at their intersection, or two parts of the same street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less as measured at the center line of the road or the interior right of way line as applicable.
- **Interior Lot:** A lot, other than a corner lot, with only one frontage on a public street.
- **Double Frontage Lot:** A lot having frontage on two (2) non-intersecting streets or two approximately perpendicular portions of the same street.

**Lot Coverage.** That percentage of the lot area which, when viewed directly from above, would be covered by the principal and accessory structure or structures or any part thereof, excluding projecting roof eaves of less than twenty-four (24) inches.

**Lot Lines.** Lines bounding the lot as shown in the accepted plat or survey record.

- **Front Lot Line:** A lot line which either falls along a street right of way line or falls approximately along the centerline of the right of way. On a corner, lot lines along both streets shall be considered front lot lines.

- Side Lot Line: A lot line which is neither a front lot line nor a rear lot line.
- Rear Lot Line: The lot line that is most distant from and most nearly parallel to the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to, and a maximum distance from the front lot line. In the case of a corner lot, the rear lot line shall be the lot line opposite the shortest front lot line.

**Lot Width:** See Frontage.

**Manufactured Home.** Any non self-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

**Massage.** A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

**Minerals.** Sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous or nonmetalliferous ore, or other material or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but not including coal, peat or top soil.

**Mobile Homes (House Trailer).** A non self-propelled dwelling unit built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home. Specifically it does not conform to the 1974 HUD standards for manufactured homes.

**Monopole.** Means a single pole with no above ground lateral support from secondary structural members in either tension or compression.

**Monument Sign.** A ground sign attached to a wall or a base constructed specifically for the display of the sign. A common example is a permanent subdivision sign.

**Motor Vehicle.** Motor vehicle means any vehicle, including recreational vehicles, propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires.

**NFIP.** National Flood Insurance Program.

**No Build Zone.** That portion of a development where because of the need to preserve an area's natural features, slope, soils, native vegetation and watercourses, no structure shall be erected or permitted to extend.

**No Disturb Zone.** That portion of a development where because of the need to preserve an area's natural features, slope, soils, native vegetation and water courses, no structure shall be erected or permitted to extend into any zone nor shall any of the existing natural features be disturbed, removed or physically altered.

**No-Impact Wireless Communications Facility.** Means a facility which is either: (1) virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure, or (2) camouflaged with stealth design so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surroundings in which it is located, such as a flagpole serving as an antenna.

**Nonconforming Building or Structure.** A building or structure lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this Resolution.

**Nonconforming Lot.** A lot existing at the time of enactment of this Resolution or any subsequent amendments which does not conform to the lot area and frontage requirements of the district in which it is located.

**Nonconforming Sign.** A pre-existing legal or illegal sign which does not conform to the standards set forth in this code.

**Nonconforming Use.** A use of land lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this Resolution.

**Nursery, Day Care, or Child Care Center.** A building used for the care of three (3) or more children, not members or wards of the family.

**Nuisance.** An offensive, annoying, unpleasant, or obnoxious thing, act or practice; a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line of another so as to cause harm or discomfort to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare, and smoke are examples of nuisances.

**Obstruction.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter which is in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by

such water or which is placed where the flow of water might carry the same downstream to the damage of life or property.

**Off-Road Motorized Vehicles.** For the purposes of this Resolution off-road-motorized vehicles shall include the following: all terrain vehicles, snowmobiles, motorbikes or what is commonly referred to as dirt bikes.

**Off-Street Parking Lot.** A facility providing means of temporarily storing a motor vehicle in a defined space, and including adequate aisles and drives for maneuvering such motor vehicle, including access for entrance and exit so as to accommodate two (2) or more vehicles.

**Open House.** A temporary public showing of a structure available for sale, rental, or lease.

**Open Space.** An area open and unobstructed to the sky; such area may be on the same lot with a building. The area may include natural environmental features ponds or retention / detention areas (not including water area), swimming pools, tennis courts, and other recreational facilities that the Zoning Commission, Board of Zoning Appeals, or Township Trustees, whichever is applicable, deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

**Outdoor Storage.** Storing or keeping of chattels not enclosed in a building.

**Parking Space, Off-Street.** A space located totally outside of any street or alley right of way for the parking of an automobile or other vehicle either in a parking structure or on a lot and where each parking space conforms to the standards specified in Article VI.

**Pennant.** A flag or banner longer in the fly than in the hoist, usually tapering to a point.

**Permitted Use.** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Pole Sign.** See **Ground Sign.**

**Political Sign.** A sign concerning candidates for elective office, public issues and similar matters to be decided by the public at an election.

**Porch.** A covered space located on any side of a building with a roof supported by columns and attached to the main structure but not considered an integral part of the main structure.

**Portable Sign.** Any sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds.

**Preexisting Towers and Preexisting Antennas.** Means any tower or antenna for which a building permit has been properly issued prior to the effective date of this code, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

**Primary Image.** The name of the primary use or business inscribed identified on a sign. The primary image must be displayed in text, regardless of font, form or letter style. For the purpose of this section, the name of a business shall be that name that a

company “does business as”, advertises to the public or is commonly identified as in the market place.

**Principal Use.** The land use designation given to a legally defined parcel of land and based upon the primary activity occurring on such parcel.

**Product Sign.** A sign typically located in a window, advertising a product or service offered by a business.

**Projected Image.** An image projected onto a building, structure, or sign.

**Projecting Sign.** A sign that is wholly or partly dependent upon a building for support or suspended from a pole attached to a building. Such signs must be perpendicular to the building face upon which they are attached.

**Promotional Sign.** A temporary sign that provides information regarding time, place, and the like of a special event or community activity, or similar activity.

**Public Improvement.** Any improvement, facility or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utilities, energy or similar essential services.

**Public Property.** Means real estate owned, leased, or otherwise controlled by Trenton Township, Delaware County, the State of Ohio, or Agencies of the Federal Government.

**Public Service Facility.** The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail or passenger bus transport, communication, public water and sewerage services.

**Public Use Facility.** Government owned facilities to which the public has access such as public parks, schools, school administrative buildings, recreational, cultural and service buildings, but not including public land or buildings devoted solely to the storage and maintenance of equipment and material or the disposal of refuse.

**Pylon Sign.** See **Ground Sign.**

**Raceway.** An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.

**Recreational Facilities, Governmental.** Facilities operated by Trenton Township or other governmental entities that are open to the public with or without charge.

**Recreational Facilities, Private.** Facilities which are not operated by Trenton Township or any other governmental entity and include both indoor and outdoor recreation uses, but exclude swimming pools as regulated by Section 525 and golf courses as regulated by Section 531.

**Refacing.** Any alteration to the face of a sign involving the replacement of materials or parts. Refacing does not refer to the entire sign structure or the removal of the sign.

**Regulatory Floodplain.** A watercourse and the areas adjoining a watercourse which have been or hereafter may be covered by the Base Flood.

**Recreational Vehicle.** A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Religious Use.** A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

**Residential Care Facility.**

- Foster Home: A private residence providing resident services and protective supervision for the care and/or rehabilitation of not more than eight (8) children, adolescents, or adults within a home environment, all under the regulation of the appropriate social service agency having authority under law to license the operation.
- Family Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All family care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.
- Group Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for more than eight (8) but not more than sixteen (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All group care homes shall possess a license from the appropriate state or local agencies having authority under the law to license the operation.
- Home for Adjustment: A residential facility operated by a court, a social service agency, or private citizens which provides therapy, counseling, and a residential environment for eight (8) or fewer adolescents or adults for the following purposes:

- to assist them in recuperating from the effects of drugs or alcohol;
  - to assist them in adjusting to living with handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or
  - to provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution.
- Institution: Any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home or a group care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment.

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

**Roadside Stand.** A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

**Roof Line.** The uppermost line or point of the façade or parapet of a flat roof structure, or the lower edge of an eave, gable or rake of a sloped roof structure.

**Roof-Sign.** Any sign erected on or above the roofline of a building.

**Sandwich Board Sign.** A sign with two hinged boards which can be placed on the ground.

**Satellite Dish Antenna.** Satellite dishes shall mean one or more of the following:

- A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extra-terrestrial sources.
- A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

**Screening.** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**Secondary Image.** Any and all text, graphics, or images displayed on a sign other than in addition to the name of the primary use or business (primary image), including but not limited to pictorial representations, tag lines corporate logos or designs, products, services, and phone numbers.

**Section.** In the text, the term “section” refers to the Arabic numeral under which it appears in this chapter.

**Septic System.** An underground system with a septic tank used for the decomposition of domestic waters.

**Setback.** The distance from the property line and/or right-of-way line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line and/or right-of-way line.

- Front Setback Line: An imaginary line, parallel to the front lot line, extending the full width of the lot, representing the distance which all or any part of any structure or building is to be set from the front lot line.
- Side Setback Line: An imaginary line parallel to any side lot line representing the distance which all or any part of any principal building is to be set back from the side lot line.
- Rear Setback Line: An imaginary line parallel to any rear lot line representing the distance which all or any part of any principal building is to be set back from the rear lot line.

**Sewage Disposal System, Central.** A wastewater treatment system, approved by the appropriate county, state, city and/or federal agencies, which provides a collection network and a central wastewater treatment facility for a single development, a community, or a region.

**Sewage Disposal System, On-site.** A septic tank or similar installation on an individual lot which utilizes an aerobic or anaerobic bacteriological process or equally satisfactory process approved by the Delaware County, Ohio, Board of Health or the Ohio Environmental Protection Agency, for the treatment of sewage, and provides for the proper and safe disposal of the effluent.

- **Sign.** A sign is defined as any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization, or business. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior façade of any building or structure as well as back-lighted translucent panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify and attract attention rather than illuminate space for human activity. A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land, or affixed to the glass on the outside or inside of a window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization, or business, as to any building or structure.

**Sign Area (Sign Face).** The surface intended for the display of information on the sign. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the

necessary supports or uprights on which such sign is placed. The area of a sign having more than one display surface shall be computed as the total of the exposed exterior display surface area.

**Sign Height.** The vertical distance from the uppermost point used in measuring the area of the sign to the crown of the road on which property fronts.

**Sign Structure.** The supporting unit of a sign face, including but not limited to frames, braces and poles.

**Special Event.** A special event or activity that is open to the general public.

#### **Specified Anatomical Areas**

- Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola;
- Human male genitals in a discernable turgid state even if completely and opaquely covered.

#### **Specified Sexual Activities**

- Human genitals in a state of sexual stimulation or arousal;
- Acts, real or simulated, of human masturbation, sexual intercourse, Sodom, cunnilingus, or fellatio;
- Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

**Stealth Design.** Means any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include, but are not limited to, antenna tower alternative structures, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing and/or proposed trees and landscaping and antenna structures designed to look like light poles.

**Story.** The part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the ceiling next above. The floor of a story may have split-levels provided that there not be more than four feet difference in elevation between the different levels of the floor. A basement (as defined in 204.03) shall not be counted as a story.

**Streamer.** A ribbon-shaped or cord-like rope which may have pennants and/or banners attached or hung between two or more supports.

**Structure.** An existing building or anything constructed or erected, the use of which requires location on the ground or attachment to the ground or a building. Among other things structure includes buildings, walls, fences, porches, swimming pools, tennis courts, antennas and signs.

**Swimming Pool.** Any artificially constructed receptacle or natural body of water which contains a depth of water of at least 1 ½ feet at any point used or intended to be used for swimming or bathing and maintained by an owner or manager, including any accessory recreational structure.

**Temporary Use or Structure.** A transient, non-permanent use or structure permitted to exist for a designated period of time during periods of construction of the principal use or structure, or for special events. A temporary structure shall not be intended to be permanently affixed to the ground.

**Thoroughfare Plan.** The Official Thoroughfare Plan of, and as adopted by the Planning Commission of Delaware County, establishing the location and official right of way widths of principal highways, streets and roads in Delaware County, together with all amendments thereto subsequently adopted.

**Thoroughfare, Road, Street.** The principal public means of access to abutting property, including the following types:

- Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
- Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn around.
- Dead-End-Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
- Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street and are not normally more than six hundred (600) feet from each other.
- Marginal Access Street: A local or collector street, parallel to and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

**Tower.** See Antenna Tower

**Township Trustees.** The Board of Trustees of Trenton Township, Delaware County, Ohio.

**Trailblazer Sign.** A government sign identifying company logos for lodging, gasoline stations, restaurants and other such establishments.

**Trailer Sign.** Any sign which is attached to, supported by, or part of a structure which is designed to move on trailer wheels, skids, or other similar devices, or transported, pushed, or pulled by a motor vehicle.

**Tree Lawn.** That portion of a public right-of-way lying between the back face of the curb and the leading edge of the sidewalk.

**Ultra light Vehicles.** For the purposes of this Resolution an unpowered or powered ultra light vehicle is one that is used or intended to be used for manned operation in the air by occupant(s) for sport or recreation. Ultra light aircraft do not have any United States or foreign airworthiness certificate. They weigh less than two hundred fifty four (254) pounds empty weight and have a fuel capacity not exceeding five (5) U.S. gallons. If powered such vehicles are capable of not more than fifty-five (55) knots calibrated airspeed at full power in level flight.

**Use.** The specific purpose for which land, a structure, or a building is designed, arranged, intended, occupied, or maintained.

**Variance.** A variance is a modification of the strict terms of this Resolution where such modifications 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 this Resolution would result in unnecessary hardship. Variances are granted only after the applicant has followed the procedures stated in Article XI of this Resolution.

**Vicinity Map.** A drawing which sets forth by dimensions or other means the relationship of a property or use to other nearby developments of landmarks and community facilities and services within Trenton Township in order to better locate and orient the area in question.

**Wall Sign.** One that is affixed to, painted on, or attached to a building wall or extension of a building which faces a street, parking lot or service drive. Such signs may not extend beyond any building set back lines. Wall signs shall be attached parallel to the building face and shall not extend outward more than ten (10) inches except that such signs may be painted on an awning area or attached canopy or marquee which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee.

**Wastewater.** Water carrying wastes from homes, businesses, and industries that is a mixture of water and dissolved or suspended solids, or excess irrigation water that is runoff to adjacent land.

**Water System, Central.** A water supply system approved by the appropriate county, state, and/or federal agencies which provides a water supply to a single development, a community, or a region.

**Water System, On-Site.** A well or other similar installation on an individual lot which provides a water supply to any structures or uses upon the lot, subject to the approval of health and sanitation officials having jurisdiction.

**Watercourse.** A channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

**Window Sign.** Any signs, posters, symbols and other types of identification or information about the use or premises directly attached to the window of a building or

erected on the inside of the building and visible from any public right-of-way or adjacent property.

**Wireless Communication Facility.** Is an all-encompassing term that includes towers, poles, antennas and other facilities intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

**Yard.** An open or unoccupied space other than a court on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except by trees or shrubbery or as otherwise provided herein. The minimum depth of a yard shall be determined by the setback lines as defined in this Resolution. No part of a yard provided for any building or structure shall be included as a part of any yard required for any other building or structure unless specifically permitted herein.

- Front Yard: An open space extending the full width of the lot between a building or structure and the front lot line of a street unoccupied and unobstructed from the ground upward except as hereinafter specified. Minimum depth shall be measured from the front lot line, existing right of way line, or proposed right of way line established on the Official Thoroughfare Plan or by any other method specified elsewhere in this Resolution, as appropriate.
- Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot line unoccupied and unobstructed from the ground upward except as herein specified.
- Rear Yard: An open space extending the full width of the lot between a building or structure and the rear lot line, unoccupied and unobstructed from the ground upward except as herein specified.

**Zoning Commission.** The Zoning Commission of Trenton Township, Delaware County, Ohio.

**Zoning Inspector.** The Zoning Inspector or his authorized representative appointed by the Trenton Township Trustees.

**Zoning Map.** The zoning map of Trenton Township or portion thereof with all amendments thereto subsequently adopted. This map or maps may be in both hard copy and computerized form.

## ARTICLE III

### ESTABLISHMENT OF DISTRICTS AND MAP

#### **Section 301      Establishment of Districts**

In order to carry out the purposes and provisions of this Resolution, Trenton Township is hereby divided into the following zoning districts:

Farm Residential District	(FR)
Rural Residential District	(RR)
Community Business	(CB)
Farm Village District	(FV)
Restricted Industrial	(RI)
Limited Industrial	(LI)

#### **Section 302      Official Zoning District Map**

The zoning districts and their boundaries are shown on the Official Zoning District Map of Trenton Township. The Official Zoning District Map shall be identified by the signature of the Chairman of the Township Trustees, attested by the Township Clerk. The map, together with all explanatory data and changes is hereby incorporated into and made part of this Resolution. A resolution number and date corresponding to each change shall be included on the map. The original and one copy of the official map are to be maintained and kept up-to-date by the Zoning Inspector. The original shall be the final authority as to the current zoning status of lands, buildings, and other structures within the Township. It shall be maintained at the Trenton Township Hall in a fireproof file.

#### **Section 303      Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, the following rules shall apply:

- 303.01 Boundaries indicated as approximately following the center lines or right of way lines of streets, highways, and/or alleys shall be construed to follow such center lines or their extensions.
- 303.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
- 303.03 Boundaries indicated as approximately following municipal limits shall be construed as following municipal lines.
- 303.04 Boundaries indicated as following railroad lines shall be construed to be located midway between the main tracks.
- 303.05 Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- 303.06 Boundaries indicated as parallel to or extensions of features or lines indicated in subsections 303.01 through 303.05 above shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

303.07 Questions concerning the exact location of district boundary lines shall be determined by the Zoning Inspector, subject to the owner's right of appeal to the Board of Zoning Appeals as provided herein.

303.08 Where physical or cultural features existing on the ground are at a variance With those shown on the Official Zoning District Map, or in other Circumstances not covered by preceding subsections 303.01 through 303.07, the Board of Zoning Appeals shall conduct a public hearing to determine the exact location of any district boundary.

## ARTICLE IV

### DISTRICT REGULATIONS

#### Section 401 Farm Residential District (FR)

##### 401.01 Intent and purpose

The purpose of this Farm Residence District is to provide for the use of appropriate land for continued agricultural purposes and to permit construction of low density single family residences and for other non-urban types of residential and agricultural activities so that the rural character of these areas may be maintained and preserved.

##### 401.02 Uses Permitted

In a Farm Residence District (designated FR) no building shall be used or changed in use and no building shall be hereafter located, erected or structurally altered, unless otherwise provided in this Resolution, except for one or more of the following uses:

- a) One family dwellings.
- b) Accessory buildings and accessory use including private garages, servants or farm laborers quarters, and non-commercial guest houses.
- c) Farms and all other agricultural pursuits without restrictions on the operation of all vehicles and machinery incident to such uses, no restriction on the sale or marketing of products raised on the premises provided that buildings, structures or yards for the sale of livestock or poultry shall not be located less than thirty (30) feet from any street or lot line.
- d) Truck gardens and related field crops, general gardening, nurseries and greenhouses.
- e) Cemeteries provided further that any new cemetery shall contain an area of not less than ten (10) acres and be located no closer than two hundred (200) feet from the right of way of the public road.
- f) Projects, including buildings, specifically designed for watershed protection, conservation of soil or water or flood control.
- g) The keeping of not more than two (2) roomers or two (2) boarders.
- h) Conservation subdivisions, as regulated by Section 403, Planned Residential Conservation District.
- i) Home Occupations conducted by the resident of a permitted dwelling as regulated by Section 517.

##### 401.02 Building Height Limit

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height; provided that the height limit for any building may be increased to not exceed forty-five (45) feet, nor more than three (3) stories when side yards, of not

less than thirty (30) feet each are provided. Barns, silos, church spires, domes, flagpoles, aerials, and windmills are excepted from any height regulations, and may be erected to any lawful and safe height.

**401.03 Dwelling Dimensions**

Each residential dwelling hereafter erected in this District shall have a minimum floor area per dwelling unit as specified in Section 526.

**401.04 Lot Area, Frontage and Yard Requirements**

With the exception of Conservation subdivisions as regulated by Section 403, no parcel of land in this district shall be used for residential purposes which have an area of less than five (5) acres. All lot sizes referred to in this Section are exclusive of existing public road right of way.

Lot Frontage: With the exception of Conservation subdivisions as regulated by Section 403, all parcels, lots and tracts of land in this district shall have the following minimum frontage on the right of way of a public road or approved common access drive which footage shall be contiguous and uninterrupted:

Dwellings	Lot Area	Lot Frontage	Front Yard Depths	Side Yard Width Each Side Yard	Rear Yard Depths
Farming, Other permitted Uses	5 acres	300 ft.	75 ft. from centerline of the road	25 ft.	50 ft.

**401.05 Conditionally Permitted Uses**

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article IX of this resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are discontinued for a period of excess of two years. If the premises upon which a conditional use has been granted is sold or conveyed to a third party, any previously granted conditional use shall be void and the subsequent owner(s) shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector after approval by the Board of Zoning Appeals.

- a) Private landing fields for aircraft for use by the owner of the property and his guests provided that no commercial activities take place on said premises.

- b) Public or Private Schools, Colleges, Public Libraries, Public Museums, and Public Art Galleries provided that said institution occupies not less than 20 acres. Instructional areas whether improved with buildings or not, shall provide adequate parking areas for faculty, staff and students. Such parking may not exist within the right of way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.
- c) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for fences to control the accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.
- d) Churches or other places of worship provided it occupies a lot of not less than five (5) acres plus one acre for each 100 permanent seats over 300 in the main assembly area.
- e) Hospitals, Sanitariums, Convalescent Homes, Rest Homes or Homes for Children or Aged provided that the area of the tract is adequate to provide setbacks and recreational areas prescribed by the Board of Zoning Appeals.
- f) Parks, Playgrounds, Playfields and Picnic Areas provided the same are opened to the public without fee or membership requirements with adequate off-street parking areas.
- g) Borrow Pits provided the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Zoning Appeals to conform to the restrictions and conditions imposed to insure regarding, reseeding and general restoration of the area. All applications or plans submitted incident thereto shall be reviewed by the Delaware County Engineer and his comments shall be in the record regarding the matter.
- h) Dog kennels or catteries provided that no commercial activity is conducted and the building or structure dedicated to the use is located at least two hundred (200) feet from the lot line in any Residential District.
- i) Sanitary Land Fills provided that all required licenses and approvals are issued by appropriate state agencies. In addition to requirements imposed by state agencies the Board of Zoning Appeals may require such screening as is necessary to protect adjacent neighborhoods.
- j) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Board of Zoning Appeals.
  - 1) No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures

- shall be compatible in residential design with the surrounding neighborhood.
- 2) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.
  - 3) No Family Care home should be located within one-quarter (1/4) mile radius of another such facility in a given neighborhood.
- l) Public or Private Golf Courses, Country Clubs, Hunt Clubs, Sportsmen's Clubs, Fishing Lakes or Similar Recreational Uses with all buildings and club houses incident thereto including restaurants to serve members and/or users of the facility.
  - m) Cellular Towers: Cellular towers may be allowed as a conditional use, provided all applicable regulations are satisfied and the conditions in Section 524 are met,
  - n) Home Occupations conducted by the resident of a permitted dwelling specified in 517.

**401.06 No activity shall be conducted or permitted which creates a nuisance to neighboring properties.**

## **Section 402 Rural Residential District (RR)**

### **402.01 Intent and purpose**

The intent of the Rural Residential District is to recognize the existence of and the demand for residential lots of a relatively spacious nature located within Trenton Township. This district is to be applied primarily to areas not currently served or planned to be served by central sewers and/or water or by other services. When central sewer wastewater treatment plants operated by the Delaware County Sanitary Engineer or an OEPA approved plant operated by a licensed treatment operator are available, other zoning options may be considered.

### **402.02 Permitted Principal Uses**

- a) Single family dwellings on lots of three (3) acres or greater.
- b) Agriculture purposes, beekeeping, dairying, floriculture, grazing and raising livestock (except commercial feed lots as herein defined and prohibited), orchards, plant nurseries, poultry raising (except commercial operations as herein defined and prohibited), raising of grains, sod farming, truck farming, equestrian trails, greenhouses, nature trails and walks subject to the following restriction:

No animals, except household pets, shall be kept on any parcel of less than five (5) acres unless the building housing said animals is at least fifty (50) feet from any lot line. Swine and goats may be kept on such tract only if the building housing such swine or goats is located at least

two hundred (200) feet from any lot line. This subsection shall apply only to those parcels where the total land holdings of the using party is five (5) acres or less and shall not be construed to apply to individual pens, pastures or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.

- c) Churches and other places of worship as regulated by Section 518.
- d) Public buildings and/or uses which are supported in whole or part by taxes or by special public assessment. Such uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, wastewater treatment and pumping facilities.
- e) Forest and wildlife preserves.
- f) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- g) Foster homes provided such homes comply with all appropriate state and local agency licensing requirements.
- h) Conservation subdivisions, as regulated by Section 403, Planned Residential Conservation District.

#### **402.03 Permitted Accessory Uses**

- a) Bona-fide accessory structures including, but not limited to barns, stables, sheds, tool rooms, shops, bins, tanks, silos, and fences.
- b) Accessory structures as regulated by Section 505, including permanent dwellings for full time farm labor employed on the premises.
- c) Accessory signs as regulated by Article VII.
- d) Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers and other vehicles other than passenger cars as regulated by Section 511.
- e) Private swimming pools as regulated by Section 508 together with game courts for the use of occupants and their guests.
- f) Fences as regulated by Section 506.
- g) Temporary uses specified in and regulated by Section 515.
- h) Satellite dish antennas and aerial antennas as regulated by Section 523.
- i) The operation and use of off road motorized vehicles as regulated by Section 529.
- j) The keeping of animals and/or fowl as pets or for domestic use.
- k) Facilities for the storage, sorting, preliminary processing, or sale of agricultural products, if such products are used in the production of other farm products and if said storage, processing, sorting, or sales is carried as an incident to other farming operation by the owner/ proprietor.
- l) Any parcel of land located within the Rural Residential District and containing less than five (5) acres shall contain no more than one (1) large animal. Large animal is defined for the purposes of this Section as being any animal weighing more than one hundred fifty (150) pounds.

- m) Home occupations conducted by the resident of a permitted dwelling as regulated by Section 517.

#### **402.04 Conditional Uses**

The following uses shall be permitted only in accordance with Article XI, the supplemental regulations specified in Article V, and the regulations specified in Article VII.

- a) Swimming pools as regulated by Section 525 and golf courses as regulated by Section 531.
- b) Kindergarten or childcare facilities as regulated by Section 509.
- c) Public or private schools and colleges provided that said institution occupies not less than twenty (20) acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff and students. Such parking may not exist within the right of way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.
- d) Family-care homes as regulated by Section 512.
- e) Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to residents of the subdivision served.
- f) Temporary conditional uses specified in and regulated by Section 530.
- g) Kennels on lots of five (5) acres or more provided that any building, outside an enclosed area, or outside run is a minimum of five hundred (500) feet from any existing dwelling and a minimum of two hundred (200) feet from any side or rear lot line.
- h) Private landing fields as regulated by Section 519 for aircraft for use by the Owner of the property and his/her guests provided that no commercial activities take place on said premises.
- j) Hospitals, sanitariums, life care retirement centers or homes for children provided that the area of the tract is adequate to provide setbacks of the districts and recreational areas prescribed by the Board of Zoning Appeals.
- k) Cellular Towers: Cellular towers may be allowed as a conditional use, provided all applicable regulations are satisfied and the conditions in Section 524 are met.
- l) Home Occupations conducted by the resident of a permitted dwelling s specified by Section 517.

#### **402.05 Prohibited Uses**

- a) All uses not specifically authorized as a permitted or conditionally permitted use by the express terms of this Section of the Zoning Resolution are hereby prohibited unless it is specifically determined by the Board of Zoning Appeals that the proposed use is similar to and compatible with other uses permitted within the District.

- b) For the purposes of this Resolution, the operation of a feed lot for the feeding for sale of cattle, sheep or hogs shall be deemed commercial if the number of such animals is greater than five (5) head of cattle or ten (10) head of sheep or hogs per acre of farmland operated by the proprietor in Trenton Township. The feeding for sale of more than one thousand (1,000) chickens, five hundred (500) turkeys or two-hundred fifty (250) of other species of poultry at any one time shall be deemed commercial. Neither of these commercial operations shall be permitted in the Rural Residential District.
- c) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Such vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- d) Except as specifically permitted by Section 515 and Section 530 no mobile home or mobile office shall be placed or occupied in this district.
- e) Adult entertainment and adult entertainment facilities are prohibited.
- f) Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.

#### **402.06 Dimensional Requirements**

- a) Minimum lot area – with the exception of Conservation subdivisions as regulated by Section 403 no parcel of land in this district shall be used for residential purposes which has an area of less than three (3) acres.
- b) Minimum lot frontage: as defined in Section 208.13 except as hereinafter set forth, all lots or parcels shall have two-hundred fifty (250) feet frontage.
- c) Any parcel of land which at the building setback line is separated or removed from the public road by more than one other parcel of land shall be accessed only by a Common Access Drive (CAD) as regulated by section 535.

For lots having frontage on streets having extreme curvature, the lot shall have the minimum width as specified above at the building setback line. Where streets have extreme curvature, no more than three (3) lots with such reduced lot width at the street line shall be permitted.

- d) Minimum corner lot frontage: two hundred fifty (250) feet frontage.
- e) Minimum front yard depth: seventy-five (75) feet.
- f) Minimum side yard width, each side: no principal building or structure shall be located closer than twenty-five (25) feet to any side lot line.
- g) Minimum rear yard depth: no principal dwelling shall be located closer than fifty (50) feet to the rear lot line.
- h) Building height limits: no principal building in this district shall exceed thirty-five (35) feet in height, as defined in Section 204.07.
- i) Lot coverage: on no lot or parcel in this zoning district shall buildings be constructed which cover more than ten (10) percent of the lot area.

- j) Accessory structures: all accessory structures shall conform to the requirements of Section 505.
- k) Floor space requirements: each residential dwelling hereafter erected in this district shall have a minimum floor area per dwelling unit as specified in Section 526.

#### **403.00 PLANNED RESIDENTIAL CONSERVATION DISTRICT (PRCD)**

*The Planned Residential Conservation district is created pursuant to Section 519.021 (C) of the Ohio Revised Code for the purpose of:*

- a.) furthering the purpose of promoting the general public welfare;*
- b.) encouraging the efficient use of land and resources;*
- c.) promoting greater efficiency in providing public and utility services;*
- d.) encouraging innovation in the planning of residential subdivisions.*

*The PRCD achieves this purpose by permanently preserving and integrating open space within rural residential developments; offering landowners alternatives to standard tract of their land, thereby establishing a less sprawling, more efficient use of land, streets and utilities; preserving natural topography in wooded areas; creating usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and encouraging creativity in design through a controlled process of review and approval of the development plan and related documents.*

#### **403.01 Overlay Area**

*The Planned Residential Conservation District is an overlay district pursuant to Section 519.021(C) of the Ohio Revised Code that includes all land that is currently zoned Farm Residential or Rural Residential on the date of this amendment to the Trenton Township Zoning Resolution.*

#### **403.02. Effect of PRCD Overlay Designation.**

*This designated territory is eligible for PRCD overlay zoning as of the effective date of this amendment and as also shown on the Trenton Township Zoning District Map dated February 5, 2005, which map is hereby adopted as the official Zoning District Map as part of this amendment.*

*The Farm Residential (FR) and Rural Residential (RR) zoning regulations shall continue to apply to all property within the above territory unless the Trenton Township Zoning Commission approves an application of an owner of property within the FR or RR District within the eligible territory described above to subject the owner's property to the provisions of the PRCD.*

*Such an application shall be made in accordance with the provisions of Section 403 of the Trenton Township Zoning Resolution and shall include a development plan in compliance with the provisions of said Section.*

Upon receiving such an application, the Trenton Township Zoning Commission shall determine whether the application and development plan comply with the provisions of Section 403.06.

If the Zoning Commission determines that the application and development plan comply with the provisions of Section 403 and approves the application, the Zoning Commission shall cause the zoning map to be changed so that the Farm Residential or Rural Residential District no longer applies to such property, with the property being thenceforth located in the Planned Residential Conservation District and subject to the regulations there under. The approval of the application and development plan and the removal of the prior Farm Residential Zoning District from the zoning map is a ministerial act and shall not be considered to be an amendment to the Trenton Township Zoning Resolution.

### **403.03 Definitions**

**A. Existing Features (Site Analysis) Plan.** Plan that depicts:

1. a topographic map as published by the Delaware County Auditor's DALIS office;
2. the location of steep slopes (over 20%), wetlands, watercourses, intermittent streams and 100-year floodplains, and all existing rights-of-way and easements;
3. soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps; and
4. the location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails, and any sites listed on the ODNR Natural Diversity Inventory.

**B. Primary Conservation Areas-** steep slopes (over 20%), wetlands, watercourses, intermittent streams and 100-year floodplains.

**C. Secondary Conservation Areas-** land typically consisting of upland forest, meadows, pastures, and farm fields that are part of the ecologically connected matrix of natural areas significant for wildlife habitat and/or water quality protection; historic, archaeological or cultural features listed (or eligible to be listed) on national, state or county registers or inventories, and scenic views into the property from existing public roads and other reasons. Secondary conservation areas are the "nice places" that are to be saved in a conservation subdivision in addition to the primary conservation areas.

**D. Open space:** Any parcel or area of unimproved land or water set aside, dedicated designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space land may be classified as either "common open space" or "natural green space" (as

herein defined), or a combination of both. It does not include the areas of individual fee simple lots conveyed to homeowners. Common open space is typically land set-aside for passive or active recreational purposes. These areas may contain accessory buildings and improvements necessary and appropriate for recreational uses such as water areas, swimming pools, and tennis courts, other recreational facilities or land for on-site wastewater disposal if deemed appropriate by the zoning commission. Natural Green Space is typically land perpetually set aside for the purposes of protecting and preserving its natural, scenic, open, wooded, water or wetlands against modification or encroachment. Lands set-aside as natural green space might be, but are not limited to ravines, wetlands, floodplains, woods, scenic views, or appropriate agriculture. If deemed appropriate by the zoning commission, open space may incorporate land for on-site wastewater disposal.

#### **403.04 Designing a Conservation Subdivision**

A conservation subdivision is an open space development designed in accordance with the following process:

- A. Five Step Sequential Design Process:
1. Delineate all primary conservation areas; preserve as natural open space.
  2. Delineate selected secondary conservation areas to be preserved as improved common open space.
  3. Draw house footprints outside the conservation areas. The number of houses is based on a yield plan or formula as provided herein.
  4. Draw roads to connect the houses.
  5. Draw lot lines.

B. Design Requirements:

A conservation subdivision shall incorporate the following design features:

Dwellings should generally be located along the edges of fields, to reduce visual impact as seen from existing public roads, rather than in the center.

1. 85% or more of all house lots shall abut open space.
2. Retain or replant native vegetation adjacent to wetlands and surface waters.

3. *Preserve existing hedge and tree lines.*
4. *Preserve scenic views and vistas.*
5. *Avoid new construction on prominent hilltops or ridges.*
6. *Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.*
7. *Preserve historic or archaeological sites (i.e. earthworks, burial grounds).*
8. *Front dwellings on internal roads, not on external roads.*
9. *Landscape or retain vegetation in common areas with native trees and shrubs. Shade trees along internal roads shall be planted at fifty-foot intervals on at least one side of the road.*
10. *Provide active recreational areas in suitable locations.*
11. *Include a viable pedestrian circulation system.*
12. *Protect natural drainage swales and creeks. No construction of buildings inside the 100 year floodplain.*

#### **403.05    PROCEDURE TO CREATE A CONSERVATION SUBDIVISION**

**A. Prepare Site Analysis Plan-** *The applicant shall prepare a site analysis plan and calculate the net developable acreage and yield as provided herein.*

**B. Submit Site Analysis Plan without fee.** *The applicant shall submit the existing features (site analysis) plan for a tract(s) of land to be considered as a Conservation Subdivision under this Section with the Zoning Commission, and schedule an agreeable time to jointly visit the site for an on-site walkabout.*

**C. On-Site Walkabout-** *The applicant and the Zoning Commission shall walk the site, at which time the primary and secondary conservation areas shall be identified. At the completion of the site walk or shortly thereafter a very conceptual development plan should be quickly sketched on the site analysis map by the applicant or his consultant for impromptu comments from the Zoning Commission. No binding decisions or votes are made at the on-site walkabout. Based upon such comments, a formal development plan can be prepared for public hearing. The On-Site Walkabout is a public meeting pursuant to Ohio Sunshine law and must be properly noticed.*

**D. Prepare Application and Formal Development Plan-** Applicant shall prepare and submit a formal application and development plan, with fifteen (15) copies and fees, to the Zoning Commission. Zoning Commission schedules a public hearing. Abutting landowners within 500 feet of the subject tract shall be notified. Zoning Commission may request the Delaware County Regional Planning Commission (DCRPC) to comment. Zoning Commission's review is administrative; no zoning amendment is required. The DCRPC's review is also administrative.

The final Development Plan shall include in text and map form the following:

1. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
2. An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually preserve the required open space.
3. The Development Plan drawn to a scale of at least 1" = 100' including and depicting:
  - a. Location of buildings and structures.
  - b. Streets, roadways, pathways, sidewalks and parking areas.
  - c. Utility easements
  - d. The general development character, design features and the proposed permitted and accessory uses, including the limitations or controls to be placed on each.
  - e. Proposed lot sizes.
  - f. Minimum setback and spacing requirements.
  - g. Signs.
  - h. Recreational facilities.
  - i. Preserved open space areas and a description of proposed open space improvements; and
  - j. All commonly owned structures in detail that identifies the location, quantity, type and typical section of each.

- k. *A landscape plan that depicts and identifies all proposed landscaping and entrance features, including those specified herein. The landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.*
- l. *Dwelling unit densities, dwelling unit types, the total number of dwelling units proposed for the site, and the method and manner used to calculate density.*
- m. *Primary conservation areas such as the 100-year floodplain, wetlands, and slopes greater than 20%.*
- n. *Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown. No structure (other than approved drainage structures as shown on The Development Plan) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Delaware County.*
- o. *The extent of environmental conservation and change and the exact location of all no cut/no disturb zones.*
- p. *Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These shall also include specific renderings of the elevations of structures.*
- q. *The proposed provisions for water supply, fire hydrants, sewage disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.*
- r. *A traffic impact analysis by a professional engineer skilled in traffic analyses showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship and connections to existing streets and conditions.*
- s. *The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.*
- t. *Identification and location of all schools, parks and other public facility sites within or adjacent to the site. This includes a showing of:*



*architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio, and shall stamp their individual plans.*

**E. Public Hearing-** *The Zoning Commission shall hold a public hearing on the request within a reasonable period of time after receipt of the application, final development plan and submission of fees.*

**F. Action by Zoning Commission-** *The Zoning Commission may approve the application and final development plan for the PRCD provided it finds that:*

- 1. the proposed use complies with all purposes, requirements and standards established in this zoning resolution and that any divergence is warranted by the design and amenities incorporated in the development plan;*
- 2. The design preserves and protects primary conservation areas, and adequately provides useable open space in secondary conservation areas;*
- 3. That the proposed use is in accord with applicable plans or policies for the area;*
- 4. That the proposed development will be adequately served by essential public facilities and services such as roads, walks, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and*
- 5. That the proposed development is in keeping with the existing land use character and physical development potential of the area. In approving the application and Final Development Plan, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry-out the purpose and intent of this district.*

**G. Subdivision Plat**

*No zoning certificate shall be issued for any structure in any portion of a planned development for which a plat is required by the Delaware County Subdivision Regulations unless and until:*

- 1. The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, Delaware County Commissioners and recorded.*
- 2. A full size and an 11"x 17" copy have been filed with the zoning inspector.*

No modification of the provisions of the Final Development Plan, or part thereof, as finally approved shall be made unless the provisions of section 403 are followed. The applicant shall submit the subdivision plat to the Zoning Inspector for review in order to assure the notes and agreed conditions on the Development Plan are not compromised by final engineering.

#### **H. Zoning Certificate**

After the Final Development Plan is approved and any required final Subdivision Plat is recorded, the Zoning Inspector may issue a zoning permit upon payment of the required fees and submission of the detailed landscaping plan for each platted lot. The zoning permit for a planned development shall be for a period not to exceed three (3) years or that period approved in the final development plan. If no construction has begun within three (3) years after approval is granted the Final Development Plan approval shall be void.

### **403.06      PRCD DEVELOPMENT PLAN STANDARDS**

**A. Permitted Uses- Single** family detached dwellings; attached two and three unit dwellings; open space; recreation facilities accessory to the development.

**B. Minimum tract size for a PRCD Subdivision**- 25 acres.

**C. Open Space**- At least 50% of the gross tract acreage shall be designated as permanent open space, not to be further subdivided. Open space shall be owned, administered and maintained pursuant to Section 403.07 of the Trenton Township Resolution. Dedication of land for public purposes approved with the development plan including trails, active recreation, spray irrigation fields, etc. may be encouraged by the Township. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Township Trustees. Land dedicated to public purposes may count toward the open space requirement if approved on the development plan.

1. At least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable proportion of natural open space on the site. The development plan shall specify the purposes for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the development plan.
2. In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included.

3. *The required open space may be used for underground drainage fields for individual or community septic systems, and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system as approved per the development plan. Primary conservation areas as defined in Section 403.07.02, plus storm water management detention/retention ponds, plus constructed wetlands acting as detention basins, plus sewage treatment ponds may count in their combined aggregate for up to 50% of the required open space.*
4. *Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the development plan and shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the development plan.*

**D. Determining Density or "Yield"**

*The permitted density is the number of dwelling units in the development. Applicants shall have two options to establish the legally permitted density.*

*Either:*

1. *Multiply the net developable area (in acres) by either:  
(a) .6 (six tenths) dwelling unit per net developable acre for conservation subdivisions to be served by on-site sewage disposal systems or .75 (seventy five hundredths) dwelling units per net developable acre for conservation subdivisions to be served by centralized sewer. The result in either case shall be rounded down to the nearest whole number;*

*Or:*

2. *Create a "yield plan" for a conventional subdivision of 3-acre lots. The conservation subdivision may cluster the same number of dwellings as provided herein. Such "yield plan" consists of a conventional lot and street layout and must conform to the Township's regulations for the Rural Residential Zoning District governing lot dimensions, land suitable for development, street design, parking, water supply and general sewage disposal feasibility (by soils mapping or other alternative). Although such plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional layout.*

Typical "yield plans" would include, at minimum, basic topography, location of wetlands, 100-year floodplains, slopes exceeding 20%, and soils subject to slumping, as indicated on the medium-intensity maps contained in the county soil survey published by the USDA Natural Resources Conservation Service.

- E. Sewage Disposal**- Sewage disposal feasibility shall be demonstrated by a letter from the Delaware General Health District for sites not served by public centralized sewer. For sites served by centralized sanitary sewer, the applicant must submit a letter from either the OEPA or the Delaware County Sanitary Engineer stating that the centralized sewer system is feasible and acceptable to those respective agencies. This letter is not a permit to install, which would come later, but is a recognition of the reasonableness and feasibility of the proposed sewer system or extension and connection to an approved sewer system.
- F. Perimeter Setback**- No building shall be constructed within 50 feet of the external boundary of the conservation subdivision.
- G. Storm Water**- No features shall be designed which are likely to cause erosion or flooding.
- H. Subdivision standards**- Street and drainage improvements shall conform to the subdivision standards for Delaware County Engineer's Specifications.
- I. Paths**- Sidewalks or walking paths may be required for subdivisions of more than 15 lots. Sidewalks/paths shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed strip. The Zoning Commission may require paved/unpaved walkways to connect residential areas and open spaces.
- J. Street Trees**- Deciduous, broad leaf street trees with a minimum caliper of two inches (2") at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s).
- K. Minimum Front Setbacks**- Dwelling Units shall be set back forty (40) feet from the street right of way. Front load garages shall be setback at least ten (10) feet behind the front building line of the dwelling unit, or may be flush with the dwelling unit front if the dwelling unit sets back at least fifty (50) feet from the street right of way. Side load garages shall be setback at least forty (40) feet from the street right of way.
- L. Minimum lot size**: Fifteen thousand (15,000) square feet for single-family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the final development plan.
- M. Minimum Lot Width** at the building line- One hundred (100) feet for single family detached dwelling units on fee simple ownership lots.

- N. Minimum Side yards**- Twelve and one-half (12 ½) feet each side for single-family detached dwellings on fee simple ownership lots, with no encroachments, including chimneys, air conditioning units, etc. In all other cases, the minimum separation between buildings containing dwelling units shall be thirty (30) feet
- O. Driveway Setbacks**- Two feet from side lot line. Side-load garages shall provide at least 24 feet of paved apron, exclusive of the 2-foot side driveway setback from side lot line for single-family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the final development plan.
- P. Minimum Rear yard**- 30 feet for single family detached dwellings on fee simple ownership lots and attached garages. 15 feet for accessory buildings. Attached units or detached condominiums as approved per the final development plan.
- Q. Building Height Requirement**- No principal building in this district shall exceed forty-five (45) feet in height, as defined in Section 401.02 of the Trenton Township Zoning Resolution.
- R. Minimum Dwelling Unit Floor Area**- Fourteen hundred (1400) square feet per dwelling unit.
- S. Street lighting**- if provided must be of white light, maximum height 16 feet with a downward directed light source.
- T. Landscaping** - All yards, front, side and rear, shall be landscaped. All improved common open space shall be landscaped per the approved development plan. A landscape plan for the common open space and streetscape within road right of way shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, and shall be submitted with and approved as a part of the final development plan.
- U. Parking** – Off-street parking shall be provided at the time of construction of each principal structure or building, with adequate provisions for ingress and egress in accordance with the development plan. Off-street parking shall comply with the provisions of Article VI of the Trenton Township Zoning Resolution.
- V. Signs**- All signs shall be in accordance with Article VII of the Trenton Township Zoning Resolution or as otherwise approved per development plan.
- W. Other Requirements**- Unless specifically supplemented by the standards contained in Section 403.07 or those standards approved in the development plan, the development shall comply with the requirements contained in Trenton Township Zoning Code and the General Development Standards applicable to all zoning districts as set forth in Articles I-XII of the Trenton Township Zoning Resolution.

**X. Supplemental Conditions and Safeguards-** *The Trenton Township Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement and maintenance of open space (whether improved common open space or natural open space), and any other pertinent development characteristics.*

**Y. Divergences-** *The Zoning Commission, as a part of development plan approval, may grant divergences from any standard or requirement in this Section with the exception of density and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the development plan submittals with a request that the proposed divergence be approved "per plan".*

#### **403.07      OWNERSHIP AND MAINTENANCE OF OPEN SPACE**

**A.      Ownership of Common Open Space**

*Different ownership and management options apply to the permanently protected common open space created through the development process. The common open space shall remain undivided and may be owned and managed by a homeowners association, the township, or a recognized land trust or conservation district (conservancy). A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.*

*Ownership Standards. Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the township.*

- 1) Offer of Dedication. The Township shall have the first offer of undivided common open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The Township may, but is not required to accept undivided common open space provided: 1) such land is accessible to all the residents of the Township; 2) there is not cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township agrees to maintain such lands. Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.*

2) *Homeowners Association. The undivided common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following provisions:*

a) *The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.*

b) *The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.*

c) *Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.*

d) *The association shall be responsible for maintenance of insurance and taxes on the undivided common open space, enforceable by liens placed by the Township on the association. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.*

e) *The members of the association shall share equitably the the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.*

f) *In the event of transfer, within the methods here permitted, of undivided common open space land by the homeowners association, or the assumption of maintenance of undivided common open space land by the Township, notice of such pending action shall be given to all property owners within the development.*

g) *The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.*

h) *The homeowners association may lease common open lands to any other qualified person, or cooperation, for operation and maintenance of common open space lands, but such lease agreement shall provide:*

- 1) *That the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season).*
- 2) *That the undivided common open space shall be maintained for purposes set forth in the Section; and,*
- 3) *That the operation of common open space may be for the benefit of the residents only, or may be open to all residents of the township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the township, all residents of the township shall be access to such identified paths/walkways.*
  - i) *The lease shall be subject to the approval of the homeowner's association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorders office and notification shall be provided to the Township Trustees within 30 days of action by the Board.*
- 3) *Condominiums. The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.*
- 4) *Dedication of Easements. The Township may, but shall not be required to accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners association, provided:*
  - a) *Such land is accessible to township residents;*
  - b) *There is no cost of acquisition other than incidental transfer of ownership costs;*
  - c) *A satisfactory maintenance agreement is reached between the developer, association and the Township.*
- 5) *Transfer of Easements to a Private Conservation Organization. With the permission of the Township, and owner may transfer*

*easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:*

- a) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;*
- b) The conveyance contains appropriate provisions for the Township Trustees is entered into by the developer and the organization.*

**B. *Maintenance of Open Space***

- 1) The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.*
- 2) In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured.*

*If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said (30) days or any extension thereof, the Township Trustees may pursue the enforcement as a zoning violation.*

**403.08**

**A. *Extension or Modification of Final Development Plan***

- a) An extension of the time limit for the approved Final Development Plan may be granted by the Zoning Commission without public hearing provided the Zoning Commission finds that such extension is not in conflict with public interest.*

- b) *A request for minor changes to the Final Development Plan may be approved by the Zoning Commission without being subject to the same procedures as the original application. In approving such requests, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carryout the purpose and intent of this district.*
  
- c) *In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:*
  - 1) *A change in the use or character of the development*
  - 2) *An increase in overall coverage of structures*
  - 3) *An increase in the density*
  - 4) *An increase in the problems of traffic circulation and public utilities*
  - 5) *A reduction in approved open space*
  - 6) *A reduction of off-street parking and loading space*
  - 7) *A reduction in required pavement widths*
  - 8) *A reduction of the acreage in the planned development*

*In approving such requests, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.*

## **Section 404 Community Business District (CB)**

### **404.01 Intent and Purpose**

The intent of the Community Business District is to provide within Trenton Township areas for business and service establishments which are pleasant, safe, and convenient to the neighborhood.

### **404.02 Permitted Principal Uses**

- a) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, architects, engineers, law offices, offices of physicians, surgeons, dentists, chiropractors, or podiatrists or other allied medical, dental or optical fields.

- b) Offices of credit agencies, banks, savings and loan associations, personal credit institutions or loan offices. These businesses may be drive through businesses, provided the following requirements are met.
  - (1) The minimum size of the property of which the drive through business is a portion is not less than five (5) acres.
  - (2) A specific plan for development drive- through traffic circulation within the development site, is submitted and approved by the Township Trustees.
- c) Offices of veterinarians provided that the practice of said veterinarians is limited to small domestic animals, that no animals are boarded on the premises except for the confinement of small animals under emergency treatment in facilities within the office, and that no outside runs or exercise areas are provided.
- d) Bake-goods shop, retail only.
- e) Barber and beauty shop.
- f) Candy and ice cream stores.
- g) Drug stores.
- h) Pick up stations for dry cleaning and laundry.
- l) Self serve dry cleaning and laundromats.
- j) Grocery and delicatessen stores.
- k) Shoe repair.
- l) Florists.
- m) Hardware.
- n) Health studios.
- o) Photo studios.
- p) Radio and television sales and service.
- q) Sporting goods.
- r) Variety stores.
- s) Watch, clock, and jewelry sales and service.

#### **404.03 Permitted Accessory Uses**

- a) Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.
- b) Off-street parking and loading spaces as regulated by Article VI.
- c) Signs as regulated by Article VII.

#### **404.04 Conditional Uses**

The following uses shall be permitted only in accordance with this Section, the requirements of Article XI, the supplemental regulations specified in Article V, and the regulations specified in Article VII.

- a) Veterinary or animal hospitals provided that any building, outside enclosed area, or outside run is a minimum of five hundred (500) feet from any existing dwelling or residence district.
- b) Temporary uses specified in and regulated by Section 515.

- c) Equipment rental and lease (but not including automobiles, trucks, and trailers).
- d) Automobile service stations as regulated by Section 534.
- e) Indoor-recreation facilities.
- f) Small-engine service and repair.
- g) Eating establishments without drive-in facilities and without live entertainment.
- h) Small business activities which are not listed as a prohibited use and which fulfill the requirements of this Section.

#### **404.05 Required Standards**

No zoning certificate shall be issued for or any use in a Community Business District until the applicant shall have certified to the Zoning Inspector that:

- a) The business activity shall be conducted wholly within a completely enclosed building or other structural elements appropriate for business use.
- b) All business shall be of retail or service character.
- c) No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- d) All premises shall be furnished with all- weathered hard surface walks of a material such as bituminous or portland cement, concrete, wood, tile, terrazzo or similar material, and, except for parking areas, the grounds shall be planted and landscaped.
- e) Where the property lines separate a business district from a residential district, a visual and mechanical barrier, a minimum of five and one-half (5 ½) feet in height, shall be provided along the common lot line, as regulated by Section 510.
- f) No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- g) The emission of smoke or other air pollutants and dust borne by wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- h) There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the lot lines.
- i) There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

Failure to comply with any of the Required Standards by property owners or users shall be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

#### **404.06 Prohibited Uses**

- a) All uses not specifically authorized as a permitted or conditionally permitted use by the express terms of this Section of the Zoning Resolution are hereby prohibited unless it is specifically determined by the Board of Zoning Appeals that the proposed use is similar to and compatible with other uses permitted within the District.
- b) The outdoor storage of inoperable, unlicensed, or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicle, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line of any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions on the plat or deed.
- d) Except as specifically permitted by Section 515 no mobile home or mobile home office structure shall be placed or occupied in this district.
- e) Adult entertainment and adult entertainment facilities are prohibited.
- f) Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.

#### **404.07 Dimensional Requirements**

In addition to any other provisions of this Resolution, all lands and uses within a Community Business District shall be developed in strict compliance with the standards hereinafter established:

- a) Minimum lot area: twenty thousand (20,000) square feet or as required by the Delaware County Board of Health and/or OEPA.
- b) Minimum lot frontage: except as hereinafter set forth all lots or parcels shall have one-hundred (100) feet frontage. Lots or parcels having less than the above listed minimum frontage must have a lot width fifty (50) feet forward of the building line which is equal to the minimum lot frontage requirement. In no case shall the parcel have a lot width less than eighty-five (85) feet at the right of way line and the width of eighty-five (85) feet shall not be decreased at any point forward of the building line of the principal building located on the premises.
- c) Minimum corner lot frontage: one hundred (100) feet.

- d) Minimum front yard depth (measured from the front lot line): fifty (50) feet.
- e) Minimum side yard width, each side: no principal building or structure shall be located closer than twenty (20) feet to any side lot line.
- f) Minimum rear yard depth: no principal building or structure shall be located closer than thirty-five (35) feet to the rear lot line.
- g) Building height limits: no building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. No aerial antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line less (10) feet of said tract.
- h) Lot coverage: on no lot or parcel in this zoning district shall buildings be constructed which cover more than thirty-five (35) percent of the lot area.

#### **404.08 General Development Requirements**

- a) The maximum square feet of floor area for individual retail and service establishments shall be determined by the ratio of: Building area in square feet = lot size in acres x 10,000.
- b) Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the applicant showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. Parking areas shall be adequately lighted.
- c) Provision for storm drainage shall be adequate to protect the public and owners of surrounding lands.
- d) Trash and litter shall be controlled and stored in container systems which are located and enclosed in a manner to screen them from view.
- e) All service and delivery shall be at the rear of the structures; provided, however, that under hardship conditions provisions may be made for service and delivery at the side of the structures.
- f) Outdoor storage and display of merchandise on pedestrian areas is prohibited unless a five (5) foot wide strip is left for pedestrian traffic.
- g) For conditional uses the Township Board of Appeals may request additional information from the applicants and may attach conditions for approval as are deemed necessary to meet the objectives of this Resolution.
- h) Parking areas shall be no closer to main structures than ten (10) feet.
- i) Pavement areas adjacent to a residential district shall be screened. Such screening shall have a minimum height of five and one-half (5 ½) feet and a maximum height of eight (8) feet.
- j) The following regulations shall be adhered to when vending machines and display racks are used:

- 1) All vending machines, except ice machines, newspaper vending machines, and telephone booths shall be located inside the building.
- 2) Ice machines may be located on an exterior wall, provided less than one-half ( $\frac{1}{2}$ ) of the machine extends beyond the surface of the wall.
- 3) All other uses of outside display racks and of outside vending machines, and the display of merchandise outside are prohibited.

## **Section 405 RESTRICTED INDUSTRIAL DISTRICT (RI)**

### **405.01 Purpose**

There is hereby created in Trenton Township a Restricted Industrial District which is intended to provide industrial uses which seek locations or in very close proximity to residential areas. These industrial uses generally require a minimum of services and facilities and generate little industrial traffic. They typically operate within an enclosed structure and have little or no adverse effect on adjacent land by producing noise, odor, dust, smoke, glare or hazard.

The Restricted Industrial District is intended to encourage areas of industrial use with architecturally attractive structures surrounded by landscaped yards. Such industrial development may be in close proximity to other land use areas, but is best accomplished at the periphery of such areas.

The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the Restricted Industrial District (RI).

### **405.02 Identification of Uses**

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

When a listed use has a number preceding the name it is the code number and activity title as listed in the Standard Industrial Classification Manual, Executive Office of the President, Bureau of the Budget, 1987 edition.

- a) Group code and title (two or three (3) digits) shall include all industry codes and titles listed in the group other than those specifically excepted.
- b) Industry code and title (two, three or four (4) digits) shall include all activities listed under the industry code other than those specifically excepted.

The full text of the listings in the Standard Industrial Classification Manual shall be a part of the definition of the use listed in this Zoning Resolution and is hereby adopted as a part of SECTION 405.

#### **405.03 Permitted Use**

The following uses shall be permitted in the RESTRICTED INDUSTRIAL DISTRICT.

##### Manufacturing -

- 152 Residential Building Contractors
- 203 Canning and Preserving Fruits, Vegetables, and Sea Foods (except 2031, Canned and Cured Sea Foods, and 2036, Fresh or Frozen Packaged Fish)
- 205 Bakery Products
- 2071 Candy and Other Confectionery Products
- 23 Apparel and other textile products
- 27 Printing and Publishing
- 283 Drugs
- 314 Footwear, except Rubber
- 315 Leather Gloves and Mittens
- 316 Luggage
- 317 Handbags and other Personal Leather Goods
- 323 Glass Products, made of Purchased Glass
- 342 Cutlery, Handtools and hardware
- 345 Screw machine products
- 3571 Electronic computers
- 3575 Computer terminals
- 3578 Calculating and Accounting Equipment
- 366 Communication Equipment
- 367 Electronic Components and Accessories
- 38 Instruments and related products
- 39 Miscellaneous small manufacturing industries
- 412 Taxicabs
- 43 US Postal Service
- 44 Water Transportation
- 48 Communication Services

##### Wholesaling -

- 502 Furniture and Home Furnishings
- 503 Dry Goods and Apparel
- 504 Groceries and Related Products
- 506 Electrical Goods
- 507 Hardware and Plumbing and Heating Equipment and Supplies
- 508 Machinery, Equipment and Supplies
- 5094 Tobacco and its Products
- 5095 Beer, Wine, and Distilled Alcoholic Beverages

- 5096 Paper and its Products
- 5097 Furniture and Home Furnishings
- 58 Eating and Drinking Places (except those allowing adult entertainment).

#### **405.04 Conditional Use**

The following uses shall be allowed in the RESTRICTED INDUSTRIAL DISTRICT, subject to approval in accordance with ARTICLE XI.

Laboratories, provided the following conditions are met:

- a) No radioactive or hazardous waste is generated or stored within 500 feet of a residence.
- b) No electronic, electric or magnetic interference is generated which exceeds the limits of the property lines.

7391 Research, Development and Testing Laboratories

#### **405.05 Development Standards**

In addition to the provisions of ARTICLE V, VI, and VII, the following standards for arrangement and development of land and buildings are required in the RESTRICTED INDUSTRIAL DISTRICT.

- a) Minimum Lot Size
  - 1) There is no minimum lot size if public water and sanitary sewer are provided. If they are not provided, minimum lot size shall be 40,000 square feet or larger, according to the requirements for on site wastewater treatment systems.
  - 2) Lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS and the following provisions:
    - a) Enclosure - A use allowed in this district shall operate entirely within an enclosed structure, emitting no dust, smoke, noxious odor or fumes outside this structure, and producing a noise level audible at the property line no greater than the average noise level occurring on any adjacent street.
    - b) Screening exterior uses - Open service areas and loading docks shall be screened by walls or fences at least six (6) feet but not more than eight (8) feet in height. These walls or fences shall have an opaqueness of eighty percent (80%) or more, so as to effectively conceal service and loading operations from adjoining streets and from a Residential Zoning District as listed in ARTICLE III.
- a) Minimum Lot Width - All lots shall have adequate lot width to provide the yard space required by these DEVELOPMENT STANDARDS. All lots must

- have at least 100 feet of frontage on an accepted public street or 50 feet of frontage on an approved private industrial street.
- b) Minimum Side Yards (For main and accessory structures, parking and open service and loading areas) – a minimum side yard shall be provided as follows:
- 1) 1/3 the sum of the height and length of the wall most parallel to the interior lot line, or 15 feet, whichever is greater. If fireproof industrial walls are used on abutting industrial lots, the side yard may be reduced to 0.
  - 2) 1/3 the sum of the height and length of the wall most parallel to the exterior lot line abutting a residential district, or 25 feet, whichever is greater.
- d) Rear Yards - (For main and accessory structures) - a minimum rear yard shall be provided equal to the following:
- 1) 1/3 of the sum of the height and length of the wall most nearly parallel to the interior lot line, or 15 feet, whichever is greater.
  - 2) 1/3 the sum of the height and length of the wall most nearly parallel to the exterior lot line when adjacent to a residential district, or 25 feet, whichever is greater.
- e) Maximum Building Height - 40 feet
- f) Front Green Belt - A landscaped area of at least 30 feet in width shall be provided between the existing street right of way line, or the right of way line as depicted on the Delaware County Thoroughfare plan, whichever is greater, and any structure or paved area. Green belts shall supersede any parking encroachment into setbacks permitted under Article VI; the greenbelt shall be provided.
- g) Minimum Landscaped Open Space - 30 percent of the lot area must be landscaped open space in accordance with a landscape plan by a registered landscape architect.

## **Section 406 Limited Industrial District (LI)**

### **406.01 Purpose**

There is hereby created in Trenton Township a Limited Industrial District, the purpose of which shall be to provide for a broad range of industrial activities which are more intense than those permitted in the Restricted Industrial District. Outdoor storage, general warehouse-related truck traffic, service vehicles and equipment may occur in this district.

The regulations set forth in this Article, or set forth elsewhere in this Amendment, when referred to in this Article, are the district regulations in the “LI” Limited Industrial District”.

## **406.02 Identification of Uses**

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

When a listed use has a number preceding the name it is the code number and activity title as listed in the Standard Industrial Classification Manual, Executive Office of the President, Bureau of the Budget, 1987 edition.

- a) Group code and title (two or three (3) digits) shall include all industry codes and titles listed in the group other than those specifically excepted.
- b.) Industry code and title (two, three or four (4) digits) shall include all activities listed under the industry code other than those specifically excepted.

The full text of the listings in the Standard Industrial Classification Manual shall be a part of the definition of the use listed in this Zoning Resolution and is hereby adopted as a part of SECTION 406.

## **406.03 Permitted Uses**

The following uses shall be permitted in the LIMITED INDUSTRIAL DISTRICT.

- a) Restricted Industrial Districts - Any PERMITTED USE of the RESTRICTED INDUSTRIAL DISTRICT shall be permitted in the LIMITED INDUSTRIAL DISTRICT.
- b) Manufacturing -
  - 15 Building Construction; General contractors and Operative Builders
  - 16 Heavy Construction Contractors
  - 17 Special Trade Contractors, except demolition landfills
  - 2013 Sausages and Other Prepared Meat Products
  - 202 Dairy Products
  - 204 Grain Mill Products
  - 208 Beverage Industries
  - 22 Textile Products
  - 24 Lumber and Wood Products
  - 25 Furniture and fixtures
  - 264 Converted Paper and Paperboard Products, except Containers and Boxes
  - 265 Paperboard Containers and Boxes
  - 267 Misc. corrugated paper products
  - 313 Boot and Shoe Cut Stock and Findings
  - 319 Leather Goods, not elsewhere classified
  - 326 Pottery and related products
  - 328 Cut Stone
  - 336 Nonferrous Foundries
  - 3444 Sheet Metal Work

- 3591 Machine Shops, Jobbing and Repair
- 363 Household Appliances
- 364 Electric Lighting and Wiring Equipment
- 365 Household audio and video equipment
- 369 Miscellaneous Electrical Machinery, Equipment and Supplies
- 37 Transportation Equipment
- 393 Musical Instruments and Parts
- 394 Toys, Amusements, Sporting and Athletic Goods
- 395 Pens, Pencils and Other Office and Artists' Materials
- 396 Costume Jewelry, Costume Novelties, Button and Miscellaneous Notions, except Precious Metal
- 398 Miscellaneous Manufacturing Industries
- 399 Manufacturing Industries, not elsewhere classified
- 40 Railroads
- 41 Local and interurban transit
- 42 Trucking and Warehousing
- 43 US Postal Service
- 45 Transportation by air
- 46 Pipelines, except natural gas
- 47 Transportation Services
- 49 Electric, Gas and Sanitary services, except sanitary landfills and waste disposal sites, which require Exceptional Use zoning
- 50 Wholesale Trade, durable goods
- 51 Wholesale trade, nondurable goods
- 598 Fuel dealers

**406.04 Other Permitted uses**

- a) Commercial Establishments - Commercial establishments normally associated with and intended to serve the industrial establishments of their employees.

- 581 Eating and Drinking Places
- 602 Commercial and Stock Savings Banks
- 612 Savings and Loan Associations
- 614 Personal Credit Institutions
- 615 Business Credit Institutions
- 801 Offices of Physicians and Surgeons
- 802 Offices of Dentists and Dental Surgeons
- 803 Offices of Osteopathic Physicians
- 807 Medical and Allied Services
- 891 Engineering and Architectural Services
- 893 Accounting, Auditing, and Bookkeeping Services

- b) Administrative Offices - Administrative offices primarily engaged in general administrative supervision, purchasing, accounting and other management functions.

- c) Personal and Consumer Services - Personal services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption intended to serve the industrial establishments or their employees.

Personal

- 723 Beauty Shops
- 724 Barber Shops
- 725 Shoe Repair Shops, Shoe Shine Parlors, and Hat Cleaning Shops
- 727 Pressing, Alterations and Garment Repair
- 729 Miscellaneous Personal Services

Business

- 731 Advertising
- 732 Consumer Credit Reporting Agencies, Mercantile Reporting Agencies, and Adjustment and Collecting Agencies
- 733 Duplicating, Addressing, Blueprinting, Photocopying, Mailing, Mailing List, and Stenographic Services
- 736 Private Employment Agencies
- 739 Business Services, not elsewhere classified (except 7391, Research, Development, and Testing Laboratories)

**406.05 DEVELOPMENT STANDARDS**

In addition to the provisions of ARTICLE V, VI, and VII, the following standards for arrangement and development of land and buildings are required in the LIMITED INDUSTRIAL DISTRICT.

- a) Minimum Lot Size
- 1) There is no minimum lot size if public water and sanitary sewer are provided. If they are not provided, minimum lot size shall be 40,000 square feet, or larger according to the requirements for on-site wastewater treatment systems.
  - 2) Lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS and the following provisions:
    - a) Enclosure - A use allowed in this district shall entirely enclose its primary operation within a structure. Open storage and service areas and loading docks shall be screened by walls or fences at least six (6) feet but not more than twelve (12) feet in height. These walls or fences shall have an opaqueness of eighty (80%) or more, so as to effectively conceal production, storage, service, and loading operations from adjoining streets and from a Residential Zoning District as listed in ARTICLE III.

- b) PERMITTED USES of this district may be developed in accordance with the DEVELOPMENT STANDARDS of SECTION 405, RESTRICTED INDUSTRIAL DISTRICT.
- b) Minimum Lot Width - All lots shall have adequate lot width to provide the yard space required by these DEVELOPMENT STANDARDS. All lots must have at least 100 feet of frontage on either an accepted public street, or 50 feet frontage on approved private industrial street.
- c) Minimum Side Yards (For main and accessory structures, parking and open storage, service and loading areas):
  - 1) 1/3 the sum of the height and length of the wall most parallel to the interior lot line, or 15 feet, whichever is greater.
  - 2) Where fireproof industrial buildings abut, no side yard is required.
  - 3) When abutting a residential district, 1/3 the sum of the height and length of the wall most parallel to the exterior lot line abutting a residential district, or 50 feet, whichever is greater.
- d) Rear Yards - shall be provided as follows: (For main and accessory structures)
  - 1) Abutting commercial or industrial lots: 1/3 the sum of the height and length of the wall most nearly parallel to the rear lot line, or 15 feet whichever is less.
  - 2) Abutting Residential Districts: 1/3 the sum of the height and length of the wall most nearly parallel to the rear lot line, or 50' whichever is greater.
- e) Maximum Height - 40 feet. Chimneys, spires, and appurtenant structures to the principal use may be up to 150 feet. Communications antennae are exempt from zoning height restrictions, but must comply with Federal Communications and Federal Aviation Requirements.
- f) Front Green Belt - A landscaped area of at least 20 feet in width shall be provided between the existing street right of way line and any structure or paved areas. Green belts shall supersede any parking lot encroachment into setbacks permitted in Article VI; the greenbelt shall be provided.
- g) Front Yard Setback - Structures shall setback from the road:
  - 1) Fronting on public streets: Setback shall be measured from the centerline of the paved street a distance equal to the width of the street right of way, or the width of the right of way as shown on the Delaware County Thoroughfare Plan, whichever is greater. No building shall be erected, reconstructed, or altered nearer to the street line or lines than the average setback observed by the industrial buildings on the same side of the street or streets within the same block.
  - 2) Fronting on private industrial streets: The structures shall setback a distance from the centerline of the road equivalent to the width of the existing street right of way.

- h) Minimum Landscaped Open Space: 20 percent of the lot area must be landscaped open space for industrial lots of ten acres or less. For industrial lots of greater than ten acres, so long as required perimeter greenbelts and yard setbacks to adjacent non industrial uses are provided, overall green space may be reduced to 10% of the gross site area.

## **Section 407 Community Facilities District (CF)**

### **407.01 Intent and Purpose**

The purpose of the Community Facilities District is to provide zoning classification for governmental, civic, recreational, and similar community facilities in proper location and extent so as to promote the general safety, convenience, comfort, and welfare. The Community Facilities District encourages the use of existing facilities and regulates the location of new facilities to ensure their proper functioning in consideration of traffic, access and general compatibility and to minimize the adverse visual effects on surrounding areas through design and landscaping standards. The district is designed to protect community facilities and institutions from the encroachment of certain other uses and to make sure uses compatible with adjoining residential uses.

### **407.02 General Requirements**

No zoning certificate shall be issued in a Community Facilities District until the applicant shall have certified to the Zoning Commission that:

- a) The proposed building or use shall be located on a major arterial or collector street so as to generate a minimum of traffic on local streets. Elementary schools and playgrounds or parks intended for neighborhood use may, however, be located on local streets.
- b) The proposed building or use shall be located properly in accordance with this article.
- c) The location, design, and operation of the Community Facility shall not impose undue adverse impacts on surrounding residents. Conditional uses shall be subject to additional noise and traffic standards as may be adopted by the Township Trustees.
- d) In the case of antennae and telecommunications towers, all of the relevant conditions of 523 must be satisfied.

Failure of property owners or users to comply with any of the Required Conditions will be considered a zoning violation appropriate for prosecution under the terms of this Resolution, and any injury caused by any Community Facility shall be amended or justly compensated as determined appropriate by the Township Trustees.

### **407.03 Permitted Principal Uses**

- a) Village, Township, County, State, and Federal Government buildings for administrative functions and use by the general public.

- b) Art galleries, libraries, museums, memorials, monuments, and other public facilities.
- c) Primary and secondary public, private, or parochial schools; nursery schools and other educational facilities.
- d) General and special hospitals and clinics, convalescent centers, institutions for the care of children or senior citizens.
- e) Senior citizen retirement, residential, and congregate care centers.
- f) Churches and places of worship.
- g) Buildings housing equipment and offices related to the provision of essential services, including smaller structures such as pump stations.
- h) Government recreational facilities such as parks, recreation fields and playgrounds, lakes, nature preserves, cemeteries, and similar open space facilities, not including such facilities developed for private use by occupants of a residence on the premises and private recreational facilities as regulated by Sections 537 and 538.

#### **407.04 Permitted Accessory Uses**

- a) Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use excluding offices or broadcast studios and long-term vehicle or other equipment storage or similar uses.
- b) Parking and loading areas as regulated by Article VI.
- c) Playgrounds and other recreation space as regulated by Section 537.
- d) Bulletin boards and signs as regulated by Article VII.
- e) Maintenance and administrative facilities.
- f) Residences for custodians or guards.

#### **407.05 Conditional Uses**

- a) Food service and familiar concessions operated within public facilities.
- b) Boat liveries or launches.
- c) Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhoods or community associations and use is limited to residents of the subdivision served.
- d) Antennas as regulated in Section 523.

#### **407.06 Yard Requirements**

- a) The front yard shall not be less than the largest front yard setback for any adjacent zoning district.
- b) Driveways and parking areas serving the community facility may be located within the side or rear yard set forth in the above schedule but driveways shall be located not less than ten (10) feet and parking areas not less than twenty (20) feet from any adjacent lot line, and play areas shall not be located less than fifty (50) feet from any adjacent district where residences are a permitted use.
- c) If the proposed community facility structure is located adjacent to a non-residential zoning district, then the side and rear yards shall not be

less than the largest yard required in the district and not less than set forth below:

Type of Facility Setback

- |   |         |
|---|---------|
| 1) Government/Administrative                    | 50 feet |
| 2) Civic Assembly                               | 75 feet |
| 3) Civic Non-assembly                           | 50 feet |
| 4) Educational                                  | 75 feet |
| 5) Health Care                                  | 50 feet |
| 6) Senior citizen care/housing                  | 50 feet |
| 7) Religious                                    | 75 feet |
| 8) Recreational                                 | 75 feet |
| 9) Infrastructure                               | 50 feet |
| 10) Telecommunication - the height of the tower |         |

## ARTICLE V

### SUPPLEMENTARY DISTRICT REGULATIONS

The following supplementary regulations are applicable to all zoning districts within Trenton Township unless otherwise stipulated or modified by the requirements of a specific zoning district.

#### **Section 501 Public Street Frontage Required**

No new lot shall be created nor shall any building be erected upon a lot which does not possess the required minimum frontage upon a public/private street, or common access drive, established for the district in which such lot is located. All access drives shall meet the requirements of Section 536.

#### **Section 502 Principal Buildings Per Lot**

No more than one principal building or structure may be constructed upon any one lot for the purposes of this Resolution. The construction of more than one principal building or structure upon any one lot shall require a variance from the Trenton Township Board of Zoning Appeals.

#### **Section 503 Reduction of Area or Space**

No lot, yard, court, parking area, or other space shall be reduced in area or dimension thus making said area or dimension less than the minimum required by this Resolution. If said area or dimension is already less than the minimum required by this Resolution it shall not be further reduced.

No part of a yard, court, parking area, or other space provided for any building or structure for the purpose of complying with the provisions of this Zoning Resolution shall be included as part of a yard, court, parking area or other space required under this Zoning Resolution for another building or structure.

#### **Section 504 Architectural Projections Into Required Yards**

All architectural projections shall be in accordance with the following provisions:

- 504.01 Sills, pilasters, cornices, eaves, gutters, and other similar architectural features, except chimneys, may project into any required yard a maximum of twenty-four (24) inches. However, nothing may project into any no build or no disturb zone.
- 504.02 Unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet. Open structures such as roofed porches, canopies, balconies, decks, platforms, and carports, shall be considered parts of the building to which attached and shall not project into any required yard.
- 504.03 No structure may project into a required side yard except in the case of a single nonconforming lot of record which is of insufficient width to meet the side yard requirements of this Resolution. The Board of Zoning Appeals may grant a minimum specified variance to permit the construction of a one-family residence in such a case.

#### **Section 505 Accessory Structures**

All accessory structures occupying less than five (5) acres shall be in conformity with the following provisions:

- 505.01 No accessory structure shall be erected within any required front yard, excluding gazebos and picnic shelters. No accessory structure shall be located within fifteen (15) feet of any side lot line.
- 505.02 Accessory structure may be erected not less than fifteen (15) feet from a rear lot line nor less than fifteen (15) feet from the main building.
- 505.03 On a parcel of less than one acre, the number of accessory structures, excluding gazebos, or picnic shelters, shall be limited to one and shall not exceed six hundred (600) square feet.
- 505.04 On a parcel of one acre or more but less than five acres, the number of accessory structures, excluding gazebos, or picnic shelters shall be limited to two structures. The maximum floor area of any single accessory building and the maximum of all accessory structures combined shall not exceed twelve hundred (1200) square feet.
- 505.05 No accessory building in any district shall exceed twenty-two feet in height. All accessory structures occupying parcels of three (3) acres or less shall be in conformance with the following provisions:
- 505.06 No accessory structure shall be erected within any required front yard or within fifteen (15) feet of any side lot line.
- 505.07 Accessory structures may be erected not less than fifteen (15) feet from a rear lot line nor less than fifteen (15) feet from the main building.
- 505.09 The maximum height for accessory structures shall not exceed thirty-five (35) feet.

### **Section 506 Fences, Walls and Vegetation**

The location and height of all fences, walls, and vegetation shall be in accordance with the following provisions.

- 506.01 No structure, fill or vegetation shall be erected, placed, planted, or allowed to grow on any corner lot so as to create a sight impediment within seventy-five (75) feet of the intersecting center lines of any two or more streets. In determining if any sight impediment exists, the Zoning Inspector shall measure the sight distance between the center lines of such streets at a height of three feet, nine inches (3'9") above the actual grades of the streets.
- 506.02 Fences and walls shall not be permitted within any road right of way.
- 506.03 No fence shall exceed eight (8) feet unless approved by the Board of Zoning Appeals.
- 506.04 On lots of less than one (1) acre, electrified fences that follow the property line or parcel boundary shall be prohibited. Electrical fences shall only be permitted on lots of less than one (1) acre if they are located within the required lot setback.
- 506.05 No accessory structure, wall, fence, or vegetation of any kind may be constructed, placed, planted, or allowed to grow which would visibly obscure, hide, or

screen fire hydrants, street address numbering, and other security or emergency service equipment, controls or components.

### **Section 507 Outdoor Storage and Waste Disposal**

All outdoor storage and waste disposal shall be in accordance with the following provisions:

- 507.01 Highly flammable or explosive liquids, solids, or gases shall not be stored in bulk above or below ground in any residential district.
- 507.02 The storage of hazardous or toxic materials shall not be permitted without documented approval by the Ohio Environmental Protection Agency.
- 507.03 Materials or wastes which might cause fumes or dust, which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.
- 507.04 No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by wind, flood, or natural causes or forces.

### **Section 508 Accessory Swimming Pools for Single Family Dwellings.**

Private accessory swimming pools for single family dwellings may be permitted in any district, provided the following provisions are met:

- 508.01 The pool is intended solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.
- 508.02 It may not be located closer than fifteen (15) feet to any property line and may not encroach upon any required front yard, side yard, or any required on- site wastewater leaching areas.
- 508.03 Any inground swimming pool shall be walled or fenced in order to prevent uncontrolled access by children from any street or adjacent property. Any such fence shall not be less than four (4) feet in height and maintained in good condition with a gate and lock.
- 508.04 Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or any public street.

### **Section 509 Kindergarten or Child Care**

Kindergarten or child care facilities may be permitted in specified districts provided the following conditions are met:

- 509.01 The building occupied by the use is compatible with neighborhood structures in dimension, size, and architecture.
- 509.02 There shall be an outdoor play area of eighty-five (85) square feet or more per child.
- 509.03 Such play area shall be enclosed with a chain link fence or its equivalent in strength and protective character to a height of five (5) feet to control accessibility of children to adjoining hazardous conditions such as streets, ponds, etc., or adjacent yards.

509.04 A drop off area is provided so those children do not have to walk through the parking lot to enter the facility.

509.05 Parking spaces are provided as specified in Section 603.

### **Section 510 Screening**

When screening is required in any district the provisions of this Section shall apply. In addition the Board of Zoning Appeals may require a screening plan in approving a conditional use. In such instances the Board of Zoning Appeals shall determine the need for screening and shall review a proposed screening plan in accordance with the following provisions:

510.01 Screening shall be provided for one or more of the following purposes:

- a) A visual barrier to partially or completely obstruct the view of structures or activities.
- b) As an acoustic screen to aid in absorbing or deflecting noise.
- c) For the containment of debris and litter.

510.02 Screening may be one of the following or a combination of two or more, as determined by the Board of Zoning Appeals.

- a) A solid masonry wall.
- b) A solidly constructed decorative fence.
- c) Louvered fence.
- d) Dense evergreen plantings.
- e) Landscaped mounding.

510.03 Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one half (5 ½) feet high in order to accomplish the desired screening effects.

510.04 Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings.

510.05 Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs.

### **Section 511 Parking and Storage of Vehicles Other Than Passenger Cars**

511.02 No dwelling unit shall be maintained and no business shall be conducted within any camping or recreational equipment while such equipment is parked within any residential district.

- 511.03 The wheels or any similar transporting devices of any camping or recreational equipment shall not be removed except for repairs, nor shall any such equipment be permanently attached to the ground.
- 511.04 Outdoor storage or parking of backhoes, bulldozers, well rigs, and other similar construction equipment, other than equipment temporarily used for construction upon the site, shall not be permitted within any residential district.
- 511.05 No motor home, mobile home, or camper of any type may be occupied for more than fourteen (14) days per calendar year.
- 511.06 Parked or stored camping or recreational equipment shall not have fixed connections to electricity, water, gas, or sanitary sewer facilities.

### **Section 512 Residential Care Facilities**

Selected residential care facilities providing resident services for the care and/or rehabilitation of individuals who require protective supervision within a residential environment shall be conditionally permitted in designated residential districts only in accordance with the following provisions:

- 512.01 Foster homes for children or adults who for various reasons cannot reside with their natural family may be permitted within any residential dwelling provided such homes possess a valid, appropriate license.
- 512.02 Family Care Homes may be permitted as a conditional use within an adequately sized unattached residential dwelling within any residential district provided that:
- a) The home shall possess a valid license from appropriate state and/or local agencies.
  - b) The home shall be required to meet the district regulations applicable to single family residences within the district in which such home is located.
  - c) The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.
  - d) The zoning permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.
- 512.03 Group Care Homes may be conditionally permitted within an adequately sized unattached residential dwelling within designated residential districts subject to the following criteria:
- a) No group care home may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.
  - b) The home shall not be located closer than twenty thousand (20,000) feet to another Family Care Home or Group Care Home. Variances of more than ten percent (10%) of this requirement may not be considered.
  - c) The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.

- d) Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant.
- e) The operator or agency applying for a conditional use permit to operate such a facility shall provide the Board of Zoning Appeals with a plan that documents:
  - 1) The need for the home in relation to the specific clientele served,
  - 2) A description of program objectives and the nature of other community-based residential social service facilities operated by such operator or agency,
  - 3) A list of the licensing agencies' standards and the sponsoring agency's standards for the operation of the desired facility.
- f) The home shall provide adequate off-street parking area for each resident supervisor and/or resident who is permitted to own or operate an automobile.
- g) The proposed use of the site as a group care home shall be compatible with the present character of the neighborhood, considering noise, traffic, lights, exterior alterations of the structure, or other potentially offensive characteristics.
- h) The conditional use permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.

512.04 Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.

512.05 No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.

512.06 All exterior lighting shall be suitably directed and shaded to prevent any glare upon adjoining residential properties.

512.07 In its review of each proposed facility, the Board of Zoning Appeals shall make specific findings of fact relative to the following criteria. Specifically the Board shall determine that the proposed facility:

- a) Is in fact a residential care facility and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction).
- b) Is in fact a needed facility in the location proposed, based upon evidence acceptable to the Board of Zoning Appeals.
- c) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned uses of the general vicinity and that such use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area.

- d) Will not be hazardous or disturbing to existing or officially planned future neighboring uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.
- e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- f) Will not involve uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare.
- g) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- h) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

512.08 The Board of Zoning Appeals may issue a conditional use permit for a period of one (1) year. At the completion of the one (1) year period, the residential care facility operation shall be reviewed by the Board of Zoning Appeals. The Board of Zoning Appeals may extend the conditional use or deny the conditional use.

#### **Section 514 Objectionable, Noxious or Dangerous Uses, Practices or Conditions**

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious or objectionable, or which otherwise adversely affect surrounding areas or adjoining premises. Specifically the occupation or use of any land or building in any district shall be in violation of this Resolution if one or more of the following conditions is found to exist at any time:

- 514.01 The storage or accumulation of trash, garbage, refuse and other debris (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush and other vegetation and other similar materials) shall be a nuisance per se and shall be prohibited excepting trash, garbage, refuse and debris that is completely enclosed within an appropriate container and placed at an assigned location for regularly scheduled pick-up. In all cases, there shall be full compliance with all applicable zoning district standards.
- 514.02 The storage or accumulation of junk, junk vehicles, vehicle parts and other similar debris shall be a nuisance per se and shall be prohibited excepting the outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days provided such vehicles are completely enclosed within a building so as not to be visible from any adjoining property or public road. In all cases there shall be full compliance with applicable zoning district standards.
- 514.03 Noise or vibration which, at the property line of the property on which such noise or vibration is produced, exceeds the level that is normally perceptible from other activities in the area shall be prohibited.

514.04 Direct or reflected glare that adversely affects neighboring areas or interferes with safety on any public street, road or highway shall be prohibited.

### **Section 515 Temporary Uses**

The following regulations are necessary to govern the operation of certain uses that are non-permanent in nature. Application for a Temporary Zoning Permit, where applicable, shall be made to the Zoning Inspector, containing a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setback, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

- 515.01 A real estate sales office including a mobile office may be permitted within any district for any new subdivision which has been approved by the Delaware County Regional Planning Commission under subdivision regulations for Delaware County. Such office shall contain no living accommodations. The permit shall be valid for six (6) months, but may be granted six-month extensions if conditions warrant such renewal. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Zoning Permit, whichever occurs sooner.
- 515.02 Temporary offices including mobile offices for contractors and equipment sheds incidental to construction projects may be permitted within any district. The permit shall not be valid for more than one (1) year but may be renewed for a six-month extension if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Zoning Permit whichever occurs sooner.
- 515.03 The seasonal sale of agricultural produce grown on the premises may be permitted within any district when in compliance with Section 529.21 of the Ohio Revised Code. Such sales shall not extend for more than five (5) months in any calendar year and all structures or roadside stands shall be removed at the conclusion of the seasonal sale. All such structures must be set back from the roadway pavement a minimum of thirty-five (35) feet and the site shall contain adequate off-street parking area so as not to create a traffic hazard and to provide for safe ingress and egress.
- 515.04 Garage sales may be permitted within any district in which dwellings are permitted in accordance with the following standards:
- a) No person shall sell or offer for sale at a garage sale any merchandise that has been purchased, consigned, or otherwise acquired for purposes of resale. The offering of new merchandise for sale shall be prima-facie evidence that such merchandise was acquired by the resident for purpose of resale. The provisions of this paragraph shall not apply to corporations not for profit, churches, temples, schools, fraternities, sororities, associations, clubs or lodges. Such organizations may conduct sales of personal property donated to them on real estate owned or occupied by such organizations.
  - b) Only one such sale may be conducted on any parcel of real estate in any six (6) month period, which sale shall be limited to not more than three (3)

consecutive days or two (2) consecutive weekends of two (2) days each. No sale may extend later than sunset.

- c) No sign except advertising a garage sale may be displayed at any place except on the premises on which the sale is held. Only one (1) such sign may be displayed. A maximum of three (3) directional signs may be placed off the premises to direct the public to the sale. The display of such advertising and directional signs shall be limited to the dates and hours during which the sale is held. Such signs shall not be larger than four (4) square feet in display area, shall not be illuminated or animated, shall not be placed in a right of way of any public street or road, and shall not interfere or obstruct visibility when entering or leaving property.
- d) Except as provided above, the provisions of this Section shall not apply to a sale of property publicized solely by classified newspaper advertising, which describes or identifies the specific property offered for sale and does not designate the date, hours, or location of the sale other than by stating name, address or telephone number of the seller.

### **Section 516 Cemeteries**

The following standards shall apply to the development and construction of cemeteries within Trenton Township:

- 516.01 The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of facility proposed.
- 516.02 Any new cemetery shall be located on a site containing not less than twenty (20) acres.
- 516.03 All buildings, including but not limited to mausoleums and maintenance buildings, shall respect the required yard setbacks of the district in which it is located.
- 516.04 All graves or burial lots shall be set back not less than twenty-five (25) feet from any street right of way line.
- 516.05 All required yards shall be landscaped and maintained in good order. A plan for perpetual care of the grounds shall be required.

### **Section 517 Home Occupations**

- 517.01 The following standards shall govern home occupations as a permitted use within Trenton Township.
  - a) The owner of the premises must reside in the dwelling unit used for the home occupation.
  - b) No person or persons, other than the owners of the premises shall operate a home occupation.
  - c) Not more than one worker exclusive of the owners shall be employed in a home occupation at any one time.

- d) All home occupations shall be conducted entirely within the dwelling unit or accessory building, and 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.
- e) Not more than twenty (20) percent or four hundred (400) square feet of the gross floor area, whichever is less, of any dwelling unit shall be used for a home occupation.
- f) Home occupations shall not occupy more than 50% of the space in any accessory building within any district.
- g) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non- illuminated, and mounted flat against the wall of the building in which the home occupation is located.
- h) There shall be no sale on the premises of commodities other than those produced as the result of the home occupation.
- I) 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 this Resolution, and shall not be located in a required front yard.
- j) Equipment or processes shall not be used in such home occupation, which create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises.
- k) There shall be no increased burden placed upon existing public services provided to the residence as a result of a home occupation.

517.02 A person may apply for a conditional use permit for a home occupation, which does not comply with the requirement of Section 517.01 a-k. The criteria for the issuance of such a permit for a home occupation are as follows:

- a) There shall be no more that two (2) non- residential employees or volunteers to be engaged in the proposed use.
- b) Sales of commodities not produced on the premises may be permitted provided that the commodities are specified in the application and are reasonably related to the home occupation.
- c) Outside storage related to the home occupation may be permitted if totally screened from adjacent residential lots, provided the application so specifies.
- d) Not more than thirty (30) percent of the gross floor area of any residence shall be devoted to the proposed home occupation.

- e) The external appearance of the structure in which the use is to be conducted shall not be altered. Home Occupation signs must comply with Article 7.
- f) Minor or moderate alterations in accordance with (specify code) may be permitted to accommodate the proposed use but there shall be no substantial construction or reconstruction.
- g) No equipment process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x- rays, radiation or electrical disturbances.
- h) No more than two (2) additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard.

### **Section 518 Churches**

The following standards shall apply to the development and construction of churches and their accessory uses within Trenton Township:

- 518.01 The minimum lot area shall be three (3) acres and the minimum lot width shall be three hundred (300) feet.
- 518.02 The lot area shall be adequate to accommodate the required off-street parking requirements of the church in accordance with Article VI. In no event shall parking be permitted on adjacent streets or within a street right of way.
- 518.03 The church building shall be set back from any adjacent residential property line a distance equal to or greater than the height of the structure exclusive of the steeple or spire.
- 518.04 The church lot shall be accessible to a major arterial in a manner that does not require the passage of traffic through local residential streets.
- 518.05 Accessory living quarters may be provided on the church lot as a conditional use. The location, density, and the additional lot area required for such uses shall be subject to approval by Board of Zoning Appeals.
- 518.06 Accessory recreational uses may be provided on the church lot as a conditional use subject to approval by the Board of Zoning Appeals and provided that other applicable standards contained in Section 537 and in other sections of this Resolution are met.

### **Section 519 Landing Strips**

- 519.01 All landing strips shall be approved by the Ohio Department of Transportation, Division of Aviation and shall be situated so as to not create a nuisance or hazard to residential dwellings or other structures within the vicinity.
- 519.02 Ultralight vehicles or any aircraft shall be prohibited from taking off or landing within any district except at a landing strip approved in 519.01.

**Section 520 Exceptions, Modification and Interpretations of Height Regulations. Height limits stipulated elsewhere in this Zoning Resolution shall not apply:**

- 520.01 To barns, silos or other farm related structures on farms, provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, bulkheads and elevator penthouses; to parapet walls extending not more than four (4) feet above the limiting height of the building.
- 520.02 To fire towers, cooling towers, grain elevators, gas holders or other structures; provided, however, that, all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than twenty-five (25) feet in all parts from every lot line.

**Section 521 Residential Corner Lots**

On a corner lot the principal building and all accessory structures shall be required to have the same setback distance from all street right of way lines as required for the front yard in the district in which such structures are located.

**Section 522 Exotic Animals**

- 522.01 No person shall own, harbor, keep, breed, sell or import any exotic animals or reptiles. The term "exotic animal or reptiles" shall mean wild animals/reptiles not indigenous to Ohio.
- 522.02 Exemptions to 522.01 and special provisions include:
- a) Exotic animals purchased or adopted and housed on the subject property prior to the adoption of this Zoning Resolution, provided a bill of sale or notarized statement which verifies the sale date is provided and that the exotic animal(s) is confined in a house, building, or other enclosure in such a way that human contact, other than with the owner(s), cannot occur.
  - b) Wild animals held for exhibit or use by research institutions and other government agencies having legal authority to possess wild animals, publicly supported zoos, circuses, or extensions thereof.
  - c) Any animal which is commonly sold by a bona fide commercial pet shop.

**Section 523 Antennas and Satellite Dishes**

Dish type signal-receiving satellites up to ten (10) feet in diameter; antennas used for personal or "ham" radios; citizen band (CB) radios, portable, hand held and vehicular transmissions; industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the FCC; a source of non-ionizing electromagnetic radiation with an effective radiated power of seven (7) watts or less; telecommunications devices that only receive an RF signal; a sole source emitter with an average output of one (1) kilowatt or less if used for amateur purposes; and marketed consumer products such as microwave ovens and remote control toys may be located in any district provided they meet the following requirements:

- a) No antenna installation shall be constructed in any front or side yard. All installations shall be constructed to the rear of the residence or main structure, unless a tower would be attached to the principal structure, in which case it may be located to the side.
- b) No antenna installation shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line less ten (10) percent of the height of the antenna, unless the design of the antenna foundation and guying system have been designed by, and the plans and computations imprinted with the seal of, a Professional Engineer registered to practice in the State of Ohio, and these plans and computations are placed on file with the Zoning Inspector.
- c) In no instance shall an antenna installation be erected within a required minimum setback.
- d) Ground-mounted satellite dishes shall be governed by the following additional requirements:
  - 1) All satellite dish antenna installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
  - 2) All satellite dish antenna installations shall employ materials and colors that blend with the surroundings.
- e) Roof-mounted satellite dish antennas may be permitted provided:
  - 1) The applicant demonstrates that a ground-mounted installation would obstruct the antenna's reception window and that such obstructions involve factors beyond the control of the applicant.
  - 2) The applicant for a zoning permit includes certification by a registered engineer that the proposed installation conforms to the structural requirements of the Ohio Building Code.

**Section 524 Cellular Towers**

Cellular towers may be allowed as a conditional use in residentially zoned areas, provided all applicable regulations are satisfied and the following conditions are met:

- 524.01 The maximum height of the tower shall not exceed 150 feet.
- 524.02 The tower shall not be placed closer than 180 feet from any residential dwelling and be setback 150 feet from any lot line;
- 524.03 The minimum lot size for a lot on which a tower is to be placed shall be 2 acres.
- 524.04 Accessory buildings shall meet all requirements of the district in which it is to be located.

- 524.05 Security fencing shall be provided to prevent uncontrolled access to the tower site.
- 524.06 To the extent possible the tower shall be designed to aesthetically complement the surrounding community. Towers shall be painted in a non-contrasting color, minimizing visibility, unless otherwise required by the FCC or FAA;
- 524.07 A landscaping plan must be submitted and approved by the Board of Zoning Appeals. An evergreen hedge planted three feet on center or an evergreen tree line planted five feet on center is suggested. All existing vegetation shall be retained and maintained to the extent possible.
- 524.08 Advertising shall not be permitted anywhere on the tower or site, with the exception of identification signs and no trespassing signs, which are required;
- 524.09 The tower shall not be artificially lighted except to assure safety or as required by the FAA;
- 524.10 Towers must be designed and certified by an engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
- 524.11 The tower shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.
- 524.12 The applicant or tower provider shall demonstrate that the cellular tower must be located where it is proposed in order to service the applicant's service area and that there are no alternative sites reasonably available. This shall include an explanation and accompanying documentation as to why a tower on this proposed site is technically necessary.
- 524.13 Where the tower is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided to the tower.
- 524.14 The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other towers to the extent possible, the removal of the tower within one hundred eighty (180) days after the site's use is discontinued, and proof of notice has been provided as required in section 519.211 of the Ohio Revised Code.
- 524.15 A tower may be attached to a residential or nonresidential building or a structure that is a permitted use in the district, provided conditions 2 through 14 above are met and the tower height does not exceed 8 feet above the existing building or structure to which the tower is attached.

## **Waiver of Conditional Use Permit**

Exception #1 – Should an applicant desire to site a cellular tower on property that falls under the direct ownership of the Board of Township Trustees, then a Zoning Permit may be obtained in lieu of a Conditional Use Permit, provided conditions 5,6,7,11 and 15 are observed.

Exception #2 – Should an applicant desire to co-locate a cellular tower with either another existing cellular tower or a utility structure (i.e. water tower), then a Zoning Permit may be obtained in lieu of a Conditional Use Permit, provided conditions 4, 5, 6, 7 and 11 are observed.

## **Section 525 Private Recreational Facilities**

- 525.01 Swimming pools, except for a pool for the occupants of a single family dwelling, shall comply with the following conditions and requirements:
- a) The pool and accessory structures thereto, including the areas used by bathers, shall not be closer than seventy-five (75) feet to any property line.
  - b) The swimming pool and all of the area used by bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.
- 525.02 Loud speakers, juke boxes, public address systems and electric amplifiers shall be permitted only if the use of the same is solely for the occupants of the building, and only if the equipment is installed within the building and does not create a nuisance and disturb the peace of other persons or properties in this or any other District.
- 525.03 Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any other property or upon any public street.
- 525.04 Off-street parking shall be provided in accordance with Article VI.

## **Section 526 Minimum Floor Area Requirements**

The minimum residential floor area per dwelling unit within Trenton Township shall be in accordance with the following. The minimum square footage of floor area shall be exclusive of porches, breezeways, utility areas, storage areas, unheated areas, unfinished areas, basements and garages.

<u>Dwelling Type</u>	<u>Minimum Floor Area</u>
One story	One thousand four hundred (1400) square feet of floor area above grade.
One and one-half stories	One thousand five hundred (1500) square feet of floor area with one thousand two hundred (1200) square feet above grade.
Split level	One thousand five hundred (1500)

square feet of floor area with one thousand two hundred (1200) square feet above grade.

Bi-level and hillside ranch	One thousand five hundred (1500) square feet of floor area with one thousand two hundred (1200) square feet above grade.
Two stories	One thousand eight hundred (1800) square feet of floor area with one thousand (1000) square feet on first floor above grade.
Garage	Minimum floor area for a garage, four hundred (400) square feet.

## **Section 527 Mineral Extraction Operations**

Quarries, sand and gravel operations, or other mineral extraction operations may be permitted as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties. The following conditions shall be guaranteed by the applicant:

- 527.01 All conditional use applications for mineral extraction operations within Trenton Township shall be accompanied by the following:
- a) Vicinity maps, drawn at a scale of one (1) inch equal to one thousand (1,000) feet, illustrating the extraction in relation to surrounding existing and proposed land uses, existing and proposed roads, and surrounding zoning districts.
  - b) A map at a scale of at least one (1) inch equals one hundred (100) feet showing existing contours at intervals of five (5) feet or less, any existing building structures, and any public utilities or easements on the property.
  - c) Name and address of the owner or owners of the surface rights of the land from which removal is to be made.
  - d) Name and address of the applicant making request for such a permit.
  - e) Name and address of all persons or corporations that will conduct the actual mining operations. Should the operator subsequently change before mining is completed the applicant shall notify the Zoning Inspector three (3) days prior to the new operator initiating mining operations.
  - f) Vertical aerial photograph showing site, contiguous land and accessible public roads. (1" equals 200')
  - g) The location, description, and size of the total anticipated area of excavation.
  - h) A timetable for excavation of the site and list of the types of resources or minerals to be extracted.

- I) The proposed method of removal of such resources and whether or not blasting or other use of explosives will be required.
  - j) A study of the anticipated depth of excavations and the probable effect to the existing water table conducted by a qualified professional engineer registered in the State of Ohio. If the water table is to be affected, the operator shall provide proof, before permission for excavation is given, that the source of any public or private water supply shall not be adversely affected due to a lowering of the water table or contamination of the supply.
  - k) A general description of the equipment to be used for excavating, processing, and/or transporting of the extracted mineral resources.
  - l) A transportation plan for the site illustrating any proposed external routes of access to the site and any proposed internal circulation routes within the site.
  - m) A plan for the rehabilitation and reclamation of the excavated area as specified in this Section.
  - n) The location of any processing plant to be used, and any accessory or kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation.
  - o) A copy of the state application as approved by the Division of Reclamation. Any revisions to the application over the life of the permit shall be submitted within ten (10) days of approval to the Board of Zoning Appeals.
  - p) A performance bond of two thousand five hundred (\$2,500.00) dollars per acre with a minimum bond of five thousand (\$5,000.00) dollars to the Township of Trenton as a guarantee that surface mining problems of local concern that are not within the purview of State Law are addressed. The purpose of this subsection is to safeguard health and safety, environmental quality, off site property damage, land use compatibility and site monitoring.
  - q) Any other information the Board of Zoning Appeals may deem necessary in order to determine if the proposed extraction operation will not be detrimental to surrounding land uses and the community in general.
- 527.02 All proposed mineral extraction operations shall be required to secure a permit for such activities from the Chief of the Division of Reclamation, Ohio Department of Natural Resources, prior to the issuance of a conditional use permit.
- 527.03 Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity.
- 527.04 Mineral extraction to a depth not exceeding six (6) feet may be conducted up to one-hundred fifty (150) feet of any property line, provided the operation is conducted over a temporary period not to exceed twelve (12) months and the operation of equipment is limited to the extraction process. Quarrying shall not be conducted closer than five hundred (500) feet from any property line unless the written consent of such adjoining property owner has first been obtained.

- 527.05 Temporary operational roads shall not be located closer than two hundred (200) feet from any property line or any existing dwelling.
- 527.06 In order to insure adequate lateral support for public roads in the vicinity of mineral extraction operations:
- a) All sand and gravel excavations shall be located at least one hundred (100) feet and backfilled to at least one hundred fifty (150) feet from a street right of way line.
  - b) All quarrying or blasting shall be located at least one hundred (100) feet from the right of way of any existing or platted street, road, highway or railway.
- 527.07 Excavation, washing, and stockpiling of extracted material shall not be carried on closer than one hundred fifty (150) feet to any property line, or such greater distance as specified by the Board, where such is deemed necessary for the protection of adjacent property except that this distance requirement may be reduced by the written consent of the owner or owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.
- 527.08 The operator shall maintain complete records on a daily basis of all blasting operations, including records of the time, the date, the location, and complete description of weather conditions relating to each such blast. Such records shall be available to the Zoning Inspector upon request. At the request of the Board of Zoning Appeals, the operator shall cooperate fully in any investigation by the Board of Zoning Appeals of the conditions of the operation. In the event that it is established as a matter of fact that there has been a failure to comply adequately with the provisions of this subsection, said operator shall take immediate steps to provide full compliance herewith.
- 527.09 All excavations shall either be (a) made to a depth not less than five (5) feet below a water-producing level, or (b) graded and/or backfilled with non- noxious and nonflammable solids, to assure that the excavated area will not collect and retain stagnant water. The graded or backfilled surface shall create an adequate finished topography to minimize erosion by wind or rain and substantially conform with the contours of the surrounding area.
- 527.10 Whenever the floor of a quarry is greater than five (5) feet below the average grade of an adjacent public street or any adjacent property, the property containing such quarry shall be completely enclosed by a mound of earth not less than six (6) feet in height, and planted with suitable landscaping, or a fence not less than six (6) feet in height. All plantings or fences shall be sufficient in either case to prevent persons from trespassing upon the property and shall be subject to approval by the Board of Zoning Appeals. Such mound shall be located not less than twenty-five (25) feet from any street right of way or boundary of the quarry property. Such barriers may be excluded where deemed unnecessary by the Board of Zoning Appeals because of the presence of a lake, stream, or other existing natural barrier.
- 527.11 All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration.

- 527.12 Operations on Sundays and legal holidays recognized by the State of Ohio shall be prohibited.
- 527.13 Actual working hours requested by applicant are subject to approval or modification by the Board of Zoning Appeals.
- 527.14 Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
- 527.15 Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.
- 527.16 All equipment and structures excluding fences shall be removed within three (3) months of the completion of surface mining operations.
- 527.17 Access roads shall be hard surfaced for dust control.
- 527.18 Every applicant granted a conditional use permit for a mineral extraction operation shall furnish a reclamation plan that includes the surrounding area extending five hundred (500) feet of the property boundary line. Such plan shall be at a scale beyond one (1) inch equals one hundred (100) feet showing the proposed final topography of the area indicated by contour lines of no greater interval than five (5) feet. The plan shall be in accordance with the requirements of ORC 1514.02 and the following standards:
- a) The depth of the proposed cover shall be at least as great as the depth of the unusable overburden which existed at the commencement of operations, but which in no event need be more than eighteen (18) inches.
  - b) The angle of slope of all earthen banks shall be no greater than one (1) foot vertical to three (3) feet horizontal. In areas where at the commencement of excavation a greater angle existed, the angle of slope shall be no greater than that which existed at the commencement of excavation.
  - c) Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said reclamation area where the same is not submerged under water.
  - d) The underwater banks of all excavations that are not backfilled shall be sloped at a grade of not less than three (3) feet horizontal to one (1) foot vertical, a minimum of six (6) feet below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible.
- 527.19 The reclamation plan specified in 527.18 shall also contain the following information for review by the Board of Zoning Appeals:
- a) The angle of all banks consisting of rock and the required cover.
  - b) The location of fences or effective plantings in those areas where angles of slope are not physically or economically feasible to reduce.

- c) The type and number per acre of trees, shrubs, ground cover, or legume to be provided.
- d) The location of proposed ultimate land uses, and physical improvements such as roads, drives, drainage courses, utilities and other improvements.
- e) Other information deemed by the Board of Zoning Appeals as necessary for protection of the public welfare.

## **Section 528 Oil and Gas Exploration**

Chapter 1509.39 of the Ohio Revised Code permits townships to enforce health and safety standards for the drilling and exploration for oil and gas. Accordingly, the following are hereby established as conditional use standards to protect the health, safety, and welfare of Trenton Township residents:

- 528.01 All applicable federal and state laws shall be complied with.
- 528.02 At least seven (7) working days prior to any drilling operations there shall be filed with the Trenton Township Zoning Inspector a copy of the permit application and surveyor's plat as submitted to the Chief of the Division of Oil and Gas, Ohio Department of Natural Resources, along with a vicinity map with the well site marked on it.
- 528.03 No person shall drill any oil and gas well nor erect, maintain, or use a storage tank, separation tank, compressor station or temporary pit for storage of saltwater and oil field waste within five hundred (500) feet of any dwelling.
- 528.04 No oil and gas well drilling or storage of saltwater, sludge or other oil field wastes shall be permitted within one thousand (1000) feet of any body of water used for public water supply or recreational purposes.
- 528.05 No oil and gas wells shall be permitted within a one-hundred (100) year flood plain.
- 528.06 The names, addresses, and telephone numbers of persons responsible for the operation and maintenance of each well and tank site shall be given to the Zoning Inspector and updated any time there is a change.
- 528.07 Storage tanks, separators, and well installations shall be entirely enclosed by a six (6) foot high chain fence and gate plus three (3) strands of barbed wire above the top of the fence.
- 528.08 Keys for each well and tank site shall be made available to B.S.T. & G. Fire Department to ensure access to well sites in case of emergency.
- 528.09 An impervious dike shall be constructed around storage tanks. The dike shall be of sufficient capacity to contain two hundred (200) percent of the total contents of the tank or tanks.
- 528.10 Access roads and driveways shall be:
  - a) Constructed with a suitable hard surfaced material to provide emergency vehicle access during inclement weather.

- b) Constructed to a width of twelve (12) feet.
- c) Adequately fenced and have a gate with a locking device installed at or near the public road entrance to prevent unauthorized entry from public roads.
- d) Maintained to minimize dust and the tracking of mud and debris onto public roads.
- e) Constructed with an adequate turnaround area for emergency vehicles.
- f) Reviewed and approved by the Delaware County Engineer's office as to specifications, construction materials, and final site inspection.

528.11 A screening plan shall be required if the well site adjoins or faces residential property.

528.12 Erosion shall be controlled by means of detention or other physical control.

528.13 Truck routes shall be approved by the Board of Zoning Appeals for movement in and out of the drilling operation in order to minimize wear on public streets and prevent hazards and damage to other properties in the community.

528.14 Tanks, gathering lines, and fittings shall be kept in good repair and maintained on a regular basis.

528.15 No salt water, sludge, fractured water, or any other oil field wastes shall be deposited or discharged in Trenton Township for any purpose except into an authorized injection well.

528.16 Within six (6) months after a well that has produced oil or gas is plugged, or after the plugging of a dry hole, the owner or his agent shall remove all production and storage structures, supplies and equipment, and any oil, salt water, and debris, and fill any remaining excavations. Within such period the owner or his agent shall grade or terrace and plant, seed, or sod the area disturbed, where necessary to bind the soil and prevent substantial erosion and sedimentation.

528.17 All actions, operations, and construction not directly governed by Chapter 1509 of the Ohio Revised Code and the rules and regulations adopted thereunder by the Division of Oil and Gas of the Ohio Department of Natural Resources must comply with this Resolution in their entirety.

### **Section 529 Off-Road Motorized Vehicles**

The operation of off-road motorized vehicles including but not limited to all terrain vehicles, snowmobiles, and motor bikes, are a nuisance per se when operated in such a manner that causes excessive noise, loss of protective vegetation, damage to property or loss of wildlife habitat. Accordingly, to protect the health, safety and welfare of Trenton Township residents such vehicles shall be operated only in conformance with the following standards:

529.01 No off road motorized vehicle shall be operated on private property without the consent of the owner.

529.02 No off road motorized vehicle shall be operated in any public park, wildlife preserve, or forest preserve unless a designated trail is provided and marked as such.

529.03 Erosion shall be physically controlled and detained on site.

### **Section 530 Temporary Conditional Uses**

The following uses are deemed temporary in nature and are subject to the specific conditions and time limitations that follow and to the regulations of any district in which such use is located. In addition any use listed within this Section may be conditionally permitted only upon a finding by the Board of Zoning Appeals that such a use complies with the requirements of Article XI.

530.01 Carnivals, circuses, tent meetings, bazaars, political rallies, festivals, art shows, or other similar public events may be conditionally permitted upon church, school or other similar sites within any district. Prior to the issuance of a temporary conditional use permit the written consent of at least fifty-one (51) percent of the owners of all residentially used property within one thousand (1000) feet of the property lines of the temporary use site must be obtained. The applicant shall file written consent of the various property owners at least ninety (90) days prior to the scheduled event.

530.02 The temporary placement of a mobile home upon a lot which already contains a residential structure may be permitted where the Board of Zoning Appeals finds that special circumstances or conditions such as fires, windstorms, or other similar events which are fully described in the findings of the Board, have existed so that the use of a temporary residential structure is necessary in order to prevent exceptional hardship to the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a temporary conditional use permit must produce a written statement from the Delaware County Health Department approving the water supply and wastewater disposal system of the temporary mobile home location. Such permit may be initially issued for the twelve(12) months, renewable for up to six (6) months for all permits, not exceeding a total of eighteen (18) months.

### **Section 531 Golf Courses**

All golf course facilities shall be in accordance with the following provisions in addition to any conditions required by the Board of Zoning Appeals:

531.01 The hours of operation of the golf course shall be limited from dawn to dusk to prevent undue disturbance to neighboring uses.

531.02 All maintenance equipment shall be stored in sheds or other structures and away from view.

531.03 No hole or green shall be located within two hundred (200) feet of an existing residential structure.

531.04 The Board of Zoning Appeals may require fencing, walls, landscaping, earth mounds or other measures where it is determined that buffering or screening is necessary to manage land use conflicts and/or protect the public safety.

531.05 Parking area requirements shall conform to Article VI.

531.06 The minimum floor area requirements for the clubhouse or management structure shall be five thousand (5000) square feet.

531.07 Any golf courses hereinafter constructed within designated areas of Trenton Township shall occupy not less than one hundred fifty (150) acres.

### **Section 532 (Reserved)**

### **Section 533 Insecure, Unsafe or Structurally Defective Buildings or Structures.**

Any building or structure declared unfit for human habitation in any zoning district by the Board of Health or any building or structure in the township declared insecure, unsafe, or structurally defective by B. S. T. & G. Fire Department, the County Building Department or other authority responsible under Chapter 3781 of the Ohio Revised Code for the enforcement of building regulations shall be removed or repaired to a safe and structurally sound condition. The enforcement shall be accomplished through the procedures outlined in Section 505.86 of the Ohio Revised Code.

### **Section 534 Automobile Service Stations**

Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair. No outdoor dismantling, wrecking or storage of automotive vehicles, parts, or accessories shall be permitted. No outdoor storage or rental of trucks, trailers, or passenger vehicles shall be permitted.

### **Section 535 Common Access Drives**

A common access drive may be permitted by following a plat as approved by the Delaware County Regional Planning Commission. All Common Access Drives shall be paved within the right of way.

### **Section 536 Access Drives and Appurtenant Structures is hereby established to read as follows:**

All private access drives and necessary or relates appurtenant structures shall confirm to the following requirements:

536.01 Private access driveways for individual lots which terminate at a length greater than eighty (80) feet from a public street shall be not less than twelve (12) feet in width and shall be constructed over an aggregate base of ten (10) inches or other depth as necessary to support the weight of service and emergency vehicles.

536.02 Private access driveways for individual lots with a travel length over 400 feet shall be designed to provide widened passing areas for a total width of 15 feet and 30 feet in length at intervals not more than 300 feet in distance from each other. Construction requirements shall be as listed above in 536.01.

536.03 All culverts, bridges, and similar drainage facilities constructed as integral components of access drives shall be certified by a professional

engineer in writing that good engineering practices have been utilized in their design and construction and that such structures meet current standards as necessary to protect the public safety and general welfare.

- 536.04 Gates at access drive entrances shall provide manual or automatic release mechanisms for emergency vehicle access. Electronically or manually locking gates which cannot meet the above requirements are prohibited.

**Section 537 Private Organization Recreational Facilities - Outdoor**

- 537.01 Minimum lot area for a private organization recreational facility shall be no less than 6 acres.

- 537.02 Setbacks:

Front	100 feet for structures and 75 feet for parking
Rear	75 feet
Side	75 feet

All structures and playing fields for outdoor recreation shall be located at least 200 ft. All drives and parking areas shall be at least 50 feet from any adjacent parcels where residences are a permitted use.

Where a landscaped screen is not already required adjacent to another parcel, one (1) deciduous tree shall be provided for every forty (40) feet of parking lot boundary and loading/unloading area, plus a three (3) foot average height continuous planting, hedge, fence wall or earth mound. The same parking lot perimeter screening shall also be provided adjacent to the public right-of-way. At least one tree per 5,000 square feet of parking area shall be provided within the parking lot.

- 537.03 All outdoor playing fields, courts and other similar outdoor recreation facilities must be secured at night to prevent unauthorized access. While no lighting will be permitted on any such outdoor recreation facility, security lights may be approved for any permanent facilities at the site.
- 537.04 The maximum density allowed on any parcel shall not exceed 1 playing field for every 5 acres.
- 537.05 A minimum of 35 parking spaces shall be provided for every field at the site. All parking areas shall be constructed in accordance with Article VI of this Resolution.
- 537.06 A minimum eight (8) foot high landscaped screen or combination mound and plant material with a ninety (90) percent year round opacity shall be provided on any side of the site adjacent to parcels where dwellings are a permitted use. If a mound is used it shall be constructed with no more than a 4/1 slope. Mounds shall not be constructed to restrict the natural flow of surface water to or from the site.

537.07 Permanent toilet facilities, connected to a sanitary sewer or other approved on site disposal system, must be provided with the following minimum number of fixtures:

Women -5 toilets and 2 lavatories (minimum)

Men - 1 toilet, 2 urinals and 2 lavatory (minimum)

additional fixtures must be added at the rate of 3 for every 2 fields over 4 fields per site.

537.08 Access and Traffic Impact

Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy traffic on residential streets.

### **Section 538 Private Organization Recreational Facilities - Indoor**

The following standards shall apply to the development of indoor private organization recreational facilities:

538.01 Minimum lot area for an indoor private organization recreational facility shall be no less than 5 acres.

538.02 Setbacks:

Front	100 feet for structures and 75 feet for parking
Rear	75 feet
Side	75 feet

Drive ways and parking areas shall be at least 50 feet from any adjacent parcels where residences are a permitted use.

Where a landscaped screen is not already required adjacent to another parcel, one (1) deciduous tree shall be provided for every forty (40) feet of parking lot boundary and loading/unloading area, plus a three (3) foot average height continuous planting, hedge, fence wall or earth mound. The same parking lot perimeter screening shall also be provided adjacent to the public right-of-way. At least one tree per 5,000 square feet of parking area shall be provided within the parking lot.

538.03 Lighting

No exterior lighting shall be positioned so as to extend glare on adjacent property or public right-of-way.

538.04 Limitation on Use

All activities shall be conducted entirely within an enclosed building.

538.05 Parking

All such uses shall provide the total number of spaces required of the specific combination of recreation facilities provided, based on the following:

- a. Auditoriums, arenas, stadiums, and gymnasiums: One (1) space for every 4 seats capacity.

- b. Recreation centers: One (1) space for every two hundred fifty (250) square feet of floor space except those designed for use exclusively by senior citizens, or youth under age 16, in which case there shall be one (1) space for every seven hundred fifty (750) square feet.
- c. Skating rinks: One (1) space per three hundred (300) square feet of gross floor area.
- d. Swimming pools: one (1) space for every seventy five (75) square feet of water surface.
- e. Tennis, racquetball and handball courts: Four (4) spaces for each playing court.
- f. All recreational use shall provide, in addition to the above standards, one (1) space for every two (2) employees on the largest work shift.

538.06            Access and Traffic Impact

Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy traffic on residential streets.

## ARTICLE VI

### OFF-STREET PARKING REGULATIONS

No building or structure shall be erected, substantially altered, changed in use, or any land used or changed in use unless adequately maintained off-street parking spaces, either in garages or open parking areas, have been provided in accordance with the provisions of this Article. The provisions of this Article shall not apply to any building, structure, or land use existing before the effective date of this Resolution or any amendment hereto unless such building, structure, or use is altered or changed. However, the number of off-street parking or loading spaces shall not be reduced to an amount less than required for a new land use as specified in this Article.

#### **Section 601 Required Parking Plan**

A parking plan shall not be required for single family residential uses. All other land uses shall submit a parking plan to the Zoning Inspector as a part the application for a zoning permit. The parking plan shall show boundaries of the property, parking spaces, circulation patterns, drainage plans, construction plans for any boundary walls or fences, a screening plan, and the location of adjacent houses or buildings.

#### **Section 602 Off-Street Parking Design Standards**

All parking facilities, including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following specifications:

602.01 All parking spaces shall be in accordance with the following design requirement.

---

	45'	60'	90'	Parallel
Width of Parking Space	14	11'5"	10'	9'
Length of Parking Space	21'6"	22'	20'	23'
Width of Parking Aisle	13'	17'6"	25'	12'

---

602.02 All parking spaces, except those required for single family uses, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or private interior drive shall be traveling in a forward motion.

602.03 All required parking spaces including driveways and other circulation areas, except for single family dwellings and other specified uses, shall be hard-surfaced with asphaltic concrete or portland cement concrete pavement.

602.04 All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties or walkways and damage to public streets.

602.05 Wherever a parking lot extends to a property line, a suitable barrier such as fencing, wheel stops, or curbs, shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

- 602.06 Screening shall be required as provided in Article V, Section 510.
- 602.07 No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any off-street parking area.
- 602.08 Display or sales of any merchandise within any parking area shall be permitted only in accordance with Article V, Section 515 and Section 530.
- 602.09 All parts of open off-street parking areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs, and/or trees, which shall be continuously maintained.
- 602.10 Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street.
- 602.11 All parking spaces shall be marked with paint lines or curb stones and maintained in a clearly visible condition.
- 602.12 The owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
- 602.13 Any parking area which is intended to be used during non-daylight hours shall be properly illuminated as to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.
- 602.14 Entrances, exits, and intended circulation patterns of parking areas shall be clearly marked.

### **Section 603      Parking Space Requirements**

For the purposes of this Resolution the following parking space requirements shall apply. The number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals:

- 603.01 Rural Residential - two (2) parking spaces.
- 603.02 Animal hospitals or kennels - one for every four hundred (400) square feet of floor area and one (1) for every employee.
- 603.03 Churches and other places of religious assembly - one (1) for every four (4) seats in main sanctuary.
- 603.04 Business, technical, and trade schools - one (1) for every two (2) students and one (1) for every teacher.
- 603.05 Colleges and universities - one (1) for every four (4) students and one (1) for each employee.
- 603.06 Elementary and junior high schools - two (2) for every classroom and one (1) for every eight (8) seats in auditoriums or assembly halls.

- 603.07 High schools - one (1) for every two (2) persons capacity of the largest assembly area including one for every ten (10) students, one (1) for every teacher, and one (1) for every employee or administrator.
- 603.08 Golf courses open to the general public - five (5) for every hole and one (1) for every employee.
- 603.09 Private clubs and lodges - one (1) for every three (3) persons capacity and one (1) for every employee.
- 603.10 Tennis facilities, racquetball facilities or similar uses- two (2) for every three (3) playing areas and one (1) for every employee.
- 603.11 Swimming pools - one (1) for every three (3) persons pool is designed to serve and one (1) for every employee.
- 603.12 Residential care facilities - one (1) for every employee and one (1) for every resident who is permitted to operate a motor vehicle.
- 603.13 Child care centers or kindergartens - one (1) for every four hundred (400) square feet of floor area and one (1) for every employee, but not less than six (6) for the building.
- 603.14 Reserved
- 603.15 Laundromats - one (1) for every washing or dry cleaning machine.
- 603.16 Libraries, museums, and art galleries - one (1) for every three hundred (300) square feet of floor area.
- 603.17 Medical and dental offices - three (3) for every examination or treatment room and one (1) for each employee.
- 603.18 Offices, public or professional administration, or service building - one (1) for every two hundred (200) square feet of floor area.
- 603.19 Restaurants - one (1) for every three (3) persons capacity and one (1) for each employee.
- 603.20 Retail stores - one (1) for every one-hundred fifty (150) square feet of floor area and one (1) for each two (2) employees.
- 603.21 Hospitals, convalescent home or similar institution -one (1) for every three (3) beds.
- 603.22 Theater or auditorium, sports arena, stadium or gymnasium- one (1) for every five (5) seats or bench seating spaces.
- 603.23 Mortuary or funeral home - one (1) for every fifty (50) square feet of floor space in parlors or individual funeral service rooms.
- 603.24 Manufacturing, industrial, warehouse or similar establishment- one (1) for every two (2) employees plus space to accommodate all trucks, trailers and other vehicles used in connection therewith.

## **Section 604      Off-Street Loading Areas**

A permanently maintained area for standing, loading, and unloading materials shall be provided for on the same lot with every building, structure, or part thereof erected and occupied for office, business, or industrial uses. These off-street loading areas shall be required to avoid undue interference with public use of streets in Industrial Districts, and Community Business Districts or other districts where the use requires the receipt or distribution by vehicles of material or merchandise. All loading facilities shall be in accordance with the following specifications:

- 604.01 Each loading space shall have minimum dimensions not less than twelve (12) feet in width, fifty (50) feet in length, and a vertical clearance of not less than fifteen (15) feet.
- 604.02 Off-street loading spaces may occupy any part of a required rear or side yard, but shall not project into any front yard.
- 604.03 All required, off-street loading spaces should have access to a public street in such a manner that any vehicle leaving or entering the premises shall be traveling in a forward motion.
- 604.04 All required loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic concrete or portland cement concrete pavement in order to provide a durable and dust free surface.
- 604.05 All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the drainage of surface water onto adjacent properties or walkways and damage to public streets.
- 604.06 Screening shall be required as provided in Article V, Section 510.
- 604.07 Any loading area, which is intended to be used during non-daylight hours, shall be properly illuminated to avoid accidents. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.
- 604.08 No loading ramp, dock, door, or space, nor any portion thereof, shall be located closer than fifty (50) feet from any lot zoned for residential use.
- 604.09 For uses in excess of ten thousand (10,000) square feet of gross floor area one (1) additional off- street loading space shall be required for each additional twenty thousand (20,000) square feet of gross floor area or fraction thereof.



## ARTICLE VII

### SIGNS

#### **Section 701 Intent and Purpose**

The intent and purpose of this Article is to protect the general health, safety, morals and welfare of the community by providing an instrument for protecting the physical appearance of the community and for encouraging high quality, effective outdoor graphics for the purposes of navigation, information and identification. Specifically, it is the intent of this Article to provide businesses in the township with equitable sign standards in accord with fair competition and aesthetic standards acceptable to the community, to provide the public with a safe and effective means of locating businesses, services and points of interest within the township and to provide for a safe vehicular and pedestrian traffic environment. This Article is based on the premise that signs are as much subject to control as noise, odors, debris and other similar characteristics of land use, that if not regulated, can become a nuisance to adjacent properties or the community in general, or depreciate the value of other properties within the community. It is also the intent of this Article, as with the entire Trenton Township Zoning Code, to guarantee equal treatment under the laws through accurate record keeping and consistent enforcement.

#### **Section 702 Zoning Permit Required**

The erection or location of any sign within Trenton Township shall require a permit unless otherwise specified within this Article. Each application for a permit to erect a temporary or permanent sign shall be accompanied by a scaled drawing showing the design proposed, size, style, and color of letters, lines and symbols, and method of illumination. In addition the details and specifications for construction shall be described including the exact location of the sign in relation to the building and property lines. Ground signs shall include a landscaping plan.

#### **Section 703 General Provisions and Safety Requirements**

Each building in Trenton Township shall be identified with street address numbers in numeral form. Street address numbers shall be located on the building or at the split of a common access drive so as to be visible and easily read from the street, and such numbers shall be located at the street. Street address identification in letter format is prohibited if street addresses are located on mail boxes or sign boards perpendicular to street frontage. Such numbers shall be located on both sides of the box or sign board. All other signs erected or located within Trenton Township shall be in conformance with the following requirements:

**703.01** Signs shall not be erected within nor project into any public right of way, any utility easement or no-build zone, or other public park or any public property.

**703.02** Signs shall not prevent free ingress too or free egress from any door, window, or fire escape.

- 703.03** Signs shall not obstruct free and clear visibility at any intersection as described in Article V, subsection 506.01.
- 703.04** Signs shall not be located or designed so as to interfere with, obstruct the view of, or be confused with any authorized traffic control sign, signal, or device.
- 703.05** Signs shall not make use of rotating, fluctuating, blinking, flashing, or intermittent lights.
- 703.06** Signs shall not be posted, attached, or otherwise applied to trees, bus shelters, utility poles, cellular towers (except signs required in Section 524 (8)), benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure.
- 703.07** Signs shall not be erected or located upon any property or building without the consent of the owner(s) or an authorized representative.
- 703.08** All lighting, indirect or internal, shall consist of constant illumination which is uniform in intensity. All lighting shall be properly directed so as to not create a nuisance to surrounding properties because of glare.
- 703.09** All freestanding signs shall be set back a minimum of eight (8) feet from any street right of way.
- 703.10** No part of any freestanding sign shall exceed an above grade height of eight (8) feet.
- 703.11** Wall signs shall not extend above the junction of any roof and wall.
- 703.12** Signs shall not make use of the words “STOP,” “LOOK,” “DANGER,” or other similar words which may mislead or confuse traffic.
- 703.13** The date each temporary sign is first displayed and the time period for which the temporary sign will be displayed shall be legibly marked on the sign.
- 703.14** All temporary signs shall be located at the site or location of the event being promoted.
- 703.15** There shall be not more than three (3) types nor more than four (4) sizes of lettering used for any sign including characters or trademarks used for identification.

#### **Section 704 Permanent Signs Which Do Not Require A Permit**

The following signs shall be permitted in Trenton Township. No zoning permit shall be required for any of the following types of signs constructed or erected under the terms of this Article:

- 704.01** Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety provided that such signs contain no supplementary advertising.

- 704.02** Flags, emblems and insignia of any governmental agency or political subdivision.
- 704.03** Historical signs, commemorative plaques, or corner-stones placed by recognized historical agencies, provided that such signs are less than nine (9) square feet in area and not illuminated.
- 704.04** Address and name of occupant of premises for a residential structure, not to include designations as to employment or home occupation, and to be limited in size to two (2) square feet.
- 704.05** Directional or other incidental signs pertaining to vehicular or pedestrian control on private property provided in the said signs are located outside the right of way of any public street or road, do not exceed two (2) square feet of area per side and do not interfere or obstruct visibility when entering or leaving said property.

## **Section 705 Temporary Signs Which Do Not Require a Permit**

**705.01 Development Signs.** These shall include signs indicating or promoting the development of land, facilities, or structures. Such signs must comply with the provisions of Section 706 with the exception that development signs shall not be illuminated. Such signs must be of a rectangular shape. No more than one such sign shall be permitted per street frontage and such signs shall be installed on the property to which they refer. For sites having at least 100 feet of frontage on each of two public rights-of-way, a second sign may be permitted facing the second right-of-way. The two signs shall be no closer than 75 feet. Such signs shall be limited to 32 square feet and 8 feet in height. They shall be placed at least eight feet from any public right-of-way. If the site is entitled to two temporary development signs, the distance between the signs shall be not less than two-thirds the length of the longest right-of-way frontage. The distance shall be measured by drawing two straight lines, from the edge of each sign, forming a 90 degree angle.

Application shall be made to the Zoning Inspector or designee for review. Approval shall be for a period not to exceed one year. In residential subdivisions, development signs must be removed when 75% of the lots in such subdivision have received any certificate of occupancy.

**705.02 Gas-Inflatable Sign/Device.** Such signs are permitted only for special events and for holiday decorations. Such signs shall be located only on the site where the special event occurs. A temporary sign permit is required for all gas-inflatable devices. A scaled diagram of the device and a site plan showing where the device is to be located are required. Such signs must not be inflated with helium or any other buoyant gas. Such signs shall be securely attached/tethered to the ground so that they will not shift more than three feet in any direction during any wind condition up to 25 miles per hour. Such signs shall not be attached to or mounted on any platform, roof, or similar structure. Such signs must be placed so that they

will be clear of all utility lines, roads, parking lots and adjacent property in case of collapse. Such signs may contain no commercial advertising and shall not be internally illuminated.

**705.03 Banners.** Banners are permitted only for the promotion of special events or for grand openings of businesses. A grand opening occurs only when there is a change of tenant or owner that brings a new business to a site. All banners are subject to the following regulations:

**705.03.01** Banners shall be located only on the site where the community event or grand opening occurs. They shall not be located in any public right-of-way or in such a way that they would interfere with the safe movement of vehicular or pedestrian traffic.

**705.03.02** Only three colors shall be used on any banner, including black and white.

**705.03.03** All banners shall be safely secured to a building, structure, or stake. Banners shall have ventilated faces to reduce wind load.

**705.03.04** Banners shall not be illuminated.

**705.03.05** A temporary sign permit is required for all banners. A scaled diagram of the banner(s), a site plan showing the location of the banner(s) and a description of how the banner(s) is to be ventilated and secured shall be submitted to the Zoning Inspector or designee.

**705.03.06** Banners may be erected for a maximum of 14 days.

**705.04 Commercial and Industrial For Sale/For Lease Signs.** Signs indicating the sale, rental or lease of commercial or industrial real estate are limited to 16 square feet in area and 4 feet in height for lots with less than 100 feet of street frontage and 32 square feet in area and 8 feet in height for lots with street frontage of 100 feet or more. Individual tenant spaces within a parcel are allowed a window or wall sign no larger than 16 square feet in area. Free-standing signs must be located so that they do not interfere with the safe movement of vehicular and pedestrian traffic and must be removed within 14 days after the sale, rental, or lease has occurred. Only one such sign per street frontage is permitted.

**705.05 Signs for Model Homes.** In A sign permit must be obtained for model home signs. Such signs shall be permitted in lieu of an exempt residential for sale/for lease sign. Such signs must not exceed eight square feet in area and may not be internally illuminated.

**705.06 Seasonal Business.** One sign per street frontage is allowed for a seasonal business. Such signs are limited to 32 square feet in area and 8 feet in height. They must be set back at least eight feet from any public right-of-way. Such signs are limited to three colors, including black and white.

**705.07 Fees and Maintenance.** Permit and any other fees as determined by the Trenton Township Trustees are posted in a fee schedule available through the Zoning Inspector. The application fee is payable at the time of application.

## **Section 706 Permanent Identification Signs**

**706.01 Location.** Refer to Section 703

**706.02 Size.** Sign area shall include the face of the entire display area not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign, unless the two faces are joined back to back, are parallel to each other and not more than 24 inches apart. The area of a sign consisting of individual letters or symbols, either free-standing or attached to or painted on a surface, building, wall, or window, shall be considered to be that of the smallest single rectangle which encompasses all the letters and symbols.

### **706.03 Design.**

**706.03.01** Signs shall not resemble by design, color, shape, or other characteristics of any common traffic control device, directional or warning signs directed or maintained by the state, or any railroad, public utility, or similar agency concerned with the protection of the public health and safety.

**706.03.02** Signs shall display as the primary image, only the name of the business or primary use, in text. Any and all secondary images displayed on or made part of a sign face additional text, graphic, or image displayed on the sign face will be considered a secondary image and shall not exceed 20% of the maximum permitted area of the individual sign face.

**706.03.03** All ground signs, including directional and temporary development signs, must be of a rectangular shape. This requirement does not apply when individual channel letters are used.

**706.03.04** Signs shall be limited to three colors, including black and white. The background color is considered one of the three permissible colors, unless channel letters are used, in which case the background is not to be considered one of the three permissible colors.

**706.03.05** Any multi-faced sign shall consistently display the same name, message and graphics on all faces.

**706.03.06** Reverse sides of signs shall be unobtrusive and blend with the surroundings.

**706.03.07** Reverse sides of all permanent signs and structural supports must be completely enclosed.

**706.04 Landscaping.** The base of all permanent ground signs shall be effectively landscaped with living plant material and maintained in good condition at all times. The minimum landscaped area shall extend at least three feet beyond all faces or supporting structures in all directions. Exposed foundations must be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts. The landscaped area shall include all points where sign structural supports attach to the ground.

**706.05 Lighting.**

**706.05.01** Illuminated signs shall be illuminated only by one of the following means:

- By a white, steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or rights-of-way. Light fixtures shall be screened from view by site grading or evergreen shrubs. No exposed light sources are permitted.
- By white interior light of reasonable intensity with primary and secondary images lit or silhouetted on an opaque background. The background of all signs must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.

**706.05.02** The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right-of-way or parking lot from which the sign may be viewed.

**706.06 Construction.** All signs must be constructed to meet all current building code regulations of Delaware County. All signs and related surroundings shall be properly maintained and shall not show signs of rust or corrosion, exposed wiring, chipped paint or faces, cracked, broken, or missing faces, or loose materials. The structural integrity of all sign foundations must be maintained.

**ALL PERMANENT SIGNS SHALL ALSO COMPLY WITH THE FOLLOWING REQUIRMENTS AND WITH THE HEIGHT, AREA AND SETBACK REQUIREMENTS OF SECTION 715.**

**706.07 Wall Signs.** Wall signs are permitted for any business or use not identified by a ground sign.

**706.07.01 Placement.** Wall signs shall not protrude more than 14 inches from the fall or face of the building to which it is attached, whether or not a raceway is used.

**706.07.02 Height.** Refer to Section 715 for height limitations according to use. The height of a wall sign is measured from the established grade line to the top of the sign.

- Signs may be attached to a building façade which faces a street, parking lot or service drive, or may be attached to a canopy which projects beyond the building, provided that no part of the sign may extend above the roof line or canopy.

**706.07.03 Size.** The maximum allowable size for any wall sign shall be one square foot for every lineal foot of width of the building face to which the sign is attached, but shall not exceed the maximum size allowed for the use by Section 715.

**706.07.04 Number.** Wall signs shall be limited in number to one per building or use. For buildings or uses on corner lots having at least 100 feet of lot frontage on each of two public rights-of-way, a second wall sign is permitted facing the second right-of-way. Each sign is limited to one square foot in area for every lineal foot of width of the building face to which the sign is attached, not exceeding the installed maximum size allowed for the use by Section 715. The distance between the signs shall not be less than two-thirds the length of the longest elevation to which the sign is attached. The distance will be measured by two straight lines along the elevations of the building, from edge of sign to edge of sign. In no case shall two wall signs be closer than 30 feet apart. The provision for a second sign does not apply to individual tenants in a multi-tenant building.

**706.08 Ground signs.** Ground signs shall include freestanding, pole, pylon and monument signs. A ground sign is permitted only when all of the following conditions are fulfilled.

**706.08.01 Placement.**

**706.08.01.01** The sign is located on the property to which is refers;

**706.08.01.02** The use is free-standing on its individual lot, is accessible by automobile and has off-street parking;

**706.08.01.03** The use has no wall sign visible from the public right-of-way or adjacent property; and

**706.08.01.04** Such signs shall not be located in such a way that they interfere with safe movement of vehicular and pedestrian traffic.

**706.08.02 Size.** The maximum allowable size for any ground sign shall be in accordance with Section 715.

**706.08.03 Height.** Refer to Section 715 for height limitation according to use. The height shall be measured from the established grade line to the highest point of the sign or its frame/support. The height may not be artificially increased by the use of mounding.

**706.08.04 Setback.** All ground signs must be set back a minimum of eight feet from any public right-of way or property boundary line unless such signs are specifically exempted of this requirement, refer to Section 715.

**706.08.05 Number.** Ground signs shall be limited in number to one per lot or multiple lots if devoted to one specific use or user. Buildings on corner lots having at least 100 feet of frontage on two public rights-of-way may be entitled to two ground signs, one facing each public right-of-way, if they meet the following criteria:

**706.08.05.01** The total combined height of both signs shall not exceed  $1\frac{1}{3}$  times the maximum permitted height of a single ground sign for that use.

**706.08.05.02** The total combined area of both signs shall not exceed  $1\frac{1}{3}$  times the maximum permitted area of a single ground sign for that use.

**706.08.05.03** The two signs shall be no closer than two-thirds the length of the longest public right-of-way frontage. The distance shall be measured by drawing two straight lines, measured from the edge of each sign, forming a 90 degree angle.

**706.09 Window Signs.** Window signs shall be permitted for any use specified in Section 715 in addition to any permitted wall sign or ground sign. The sum of the area of the window signs and the area of the wall or ground sign. The sum of the area of the window signs and the area of the wall or ground sign may not exceed the maximum allowable area for the wall or ground sign.

**706.09.01 Placement.** Window signs shall be limited to the ground floor or first floor windows only, unless a use is located in the second or higher stories of a building and has no first floor occupancy.

**706.09.02 Number.** Window signs shall be limited to one sign per window

**706.09.03 Size.** The total area of all such window signs is not to exceed 10% of the total window area of the establishment or 10 square feet, whichever is less. The maximum allowable area on the second floor may not exceed that of the first floor.

**706.10 Joint Identification.** One ground sign identifying only the name of a shopping center or other building complex shall be permitted, if there is a minimum of three uses sharing the same site. Such signs shall be permitted in addition to the permitted signs of individual occupants, but shall not list the names of these occupants. A joint identification sign shall not exceed the maximum permitted height of any ground sign identifying the individual occupants and the area of a joint identification sign shall not exceed 80 square feet. A second joint identification sign of the same size is permitted if the site has frontage on two streets, provided that the total lot frontage (on two streets) is 1000 feet or greater. The multi-tenant usage, a total sign plan conforming to all the requirements of this Code must be submitted to the Zoning Inspector or designee before any sign permit for the complex or an individual tenant will be issued.

**706.11 Entry Feature Signs.** These shall include signs graphically identifying a subdivision and/or multi-family development. Such signs shall be limited to monument signs only. Pole and pylon signs are prohibited. Such signs must consist entirely of natural materials, such as wood, brick and stone. The reverse sides of such signs shall be finished to match the fronts. The graphic area of such signs shall not exceed 20 square feet and the height of the monument shall be limited to 6 feet. Such signs may not interfere with the safe movement of vehicular and pedestrian traffic. If an entry feature sign is to be located within the right-of-way it must be reviewed and approved by the Trenton Township Board of Zoning Appeals. Such signage must meet Trenton Township's lighting and landscaping requirements.

**706.12 Service Station/Gasoline Stations.** Gasoline stations, whose principal business is the sale of motor fuel, may display signs in addition to those hereinabove authorized. Such signs shall be limited to the following:

**706.12.01** One non-illuminated, double-faced sign not exceeding five square feet on a side is permitted for each set of motor fuel pumps identifying "self service" or "full service".

**706.12.02** Price and grade information can be displayed only on the permitted sign, in manually changeable copy. Changeable copy for these purposes shall not include liquid crystal display (LCD), light emitting diodes (LED), or other similar electro/mechanical displays. This is the only circumstance in which changeable copy may be used. Price and grade information is considered to be part of the primary image of such signs and shall not be considered secondary image provided generic descriptions are displayed.

**706.12.03** Signs limited to the identification of the brand name, logo or type of fuel sold and other signs as may be required by law shall be permitted on the motor fuel pumps. Fuel pumps shall

not be illuminated. No signs projecting above the pumps may be permitted, except by law.

**706.12.04** Any other such signs as may be required by law.

**706.13 Drive-thru menu board signs.** This shall include freestanding, pole, pylon and monument signs. A drive-thru menu board sign is permitted only when all of the following conditions are fulfilled:

**706.13.01** The sign is located on the property to which it refers;

**706.13.02** The sign is not visible from the public right-of-way;

**706.13.03** The sign does not exceed 32 square feet in size.

### **Section 707 Permanent Identification Signs in Industrial and Community Business Districts**

Each principal commercial building shall be entitled to one (1) identification sign which is freestanding. Each commercial business, office, warehouse, or industrial use shall be entitled to one (1) identification sign either a wall or a window sign.

### **Section 708 Permanent Identification Signs for Residential Subdivisions**

Recorded residential subdivisions may be permitted identification signs as a conditional use subject to the following:

**708.01** Such signs shall be limited to one (1) or two (2) entrances along major thoroughfares and shall not obstruct the visibility at any intersection as regulated by Section 506.

**708.02** Such signs shall contain only the name of the subdivision which they identify, shall not exceed six (6) feet in height, and shall be landscaped.

**708.03** The applicant shall submit a plan for the perpetual maintenance of such signs, identifying the responsibilities of each applicant, the public, the landowner, or other parties. Such plan shall be subject to approval by the Board of Zoning Appeals.

**708.04** The Board of Zoning Appeals may limit the size of such signs so as to insure the scale of such signs is compatible with the residential character of the area. The maximum size of such a sign shall not exceed twenty (20) square feet per side.

### **Section 709 Permanent Identification Signs for Nonresidential Uses Within Residential Districts**

Identification signs shall be attached to the structure which houses the use or uses identified on the sign. Such signs shall be non-illuminated and shall not exceed two (2) square feet in area. No freestanding sign shall be used for a nonresidential use within any residential district except as provided in Section 708.

### **Section 710 Advertising Signs**

Advertising signs direct attention to a use, commodity, or service. Such signs may be located on or off the premises where services are sold within a Community Business

District, Restricted Industrial District, Limited Industrial District, or Community District  
Community Business District, or Planned Industrial-Warehouse District

**710.01** An advertising sign located on the premises where services are sold must conform to the following requirements:

**706.13.04** A sign must be either a wall or window advertising sign.

**706.13.05** One advertising sign shall be permitted for each principal structure.

**706.13.06** The sign shall not exceed ten (10) square feet in area.

**710.02** An advertising sign located off of the premise where such services are sold must conform to the following requirements:

**706.13.07** Such a sign must be a freestanding sign.

**706.13.08** Not more than one (1) advertising sign shall be permitted per lot.

**706.13.09** The sign shall not exceed forty-eight (48) square feet in area

**706.13.10** Any existing sign larger than forty-eight (48) square feet in area which has been erected prior to the enacting of this code amendment shall be permitted to remain as a nonconforming use, in accordance with the provisions of Section 712

## **Section 711 Bulletin Boards**

Bulletin boards with changeable copy shall be permitted for the following uses provided such signs shall meet the other requirements of this Article and not exceed thirty-two (32) square feet per side with total sign area limited to sixty-four (64) square feet per sign:

**711.01** Churches

**711.02** Public parks, playgrounds and community centers

**710.03** Publicly owned and operated buildings and facilities

**710.04** Schools and colleges for academic instruction

**710.05** Golf courses, clubs, and other recreational facilities

## **Section 712 Nonconforming Signs**

**712.01** The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate upon abandonment. A sign shall be considered abandoned:

**712.01.01** When the sign is associated with an abandoned use.

**712.01.02** When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least two (2) years.

**712.01.03** When the sign together with all supports, braces, guys and anchors is not kept in a proper state of preservation or repair.

**712.01.04** When the sign and the immediately surrounding premises is not maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition free and clear of all obnoxious substances, rubbish and weeds.

**712.02** A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this chapter. Should any replacement or relocation take place without being brought into compliance, the sign shall be existing illegally.

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

**712.03.01** The size and structural shape shall not be changed or altered. The copy may be changed provided that the change applies to the original nonconforming use associated with the sign and that the change is made by the owner of the sign at the time the sign becomes nonconforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign into compliance within thirty (30) days.

**712.03.02** In case damage occurs to the sign to the extent of fifty (50) percent or more of either the structure or the replacement value of the sign, the sign shall be brought into compliance. Where damage to the sign is less than fifty (50) percent of the structure or its replacement value, the sign shall be repaired within sixty (60) days.

### **Section 713 Removal of Signs by the Zoning Inspector**

All signs erected within Trenton Township under this Zoning Resolution are subject to inspection, whether a permit is required or not prior to erection.

The Zoning Inspector shall cause to be removed: any sign that endangers the public safety by reason of its location and placement; an abandoned sign that no longer applies to the property on which it is situated; a dangerous or materially, electrically or structurally defective sign; or a sign for which no required permit has been issued. The Zoning Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days of the mailing of the notice, the sign will be removed in accordance with the provisions of this Section.

**713.01** All notices sent by the Zoning Inspector shall be by first class mail.

**713.02** The notice shall be mailed to the owner of the property on which the sign is located as shown on the last tax assessment roll.

**713.03** Any person having an interest in the sign or the property may appeal the determination of the Zoning Inspector ordering removal or compliance by filing a written notice of appeal with the Board of Zoning Appeals in accordance with the provisions of Section 1105.

### **Section 714 Prohibited Signs**

- 714.01** Streamers, spinners, strings of lights, and other similar devices used for advertising purposes are prohibited.
- 714.02** Changeable copy shall be prohibited on any sign except as permitted on bulletin boards regulated by Section 711.
- 714.03** Portable signs which can be moved from one location to another without any change in its structural components or members, including trailer signs are prohibited.
- 714.04** Message centers, flashing signs, moving signs, and the animation of signs are prohibited.
- 714.05** Outdoor advertising displays and/or billboards are prohibited except for those advertising devices regulated by Section 519.20 of the Ohio Revised Code.
- 714.06** Signs mounted upon the roof of any building or structure are prohibited.
- 714.07** The use of building walls for display of advertising is prohibited.
- 714.08** "A" frame signs are prohibited.
- 714.09** Air activated attraction devices are prohibited.
- 714.10** Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features are prohibited
- 714.11** Signs painted directly upon the roof of any building or structure are prohibited.
- 714.12** Projecting signs are prohibited.

## ARTICLE VIII

### NON-CONFORMITIES

Within the districts established by this Resolution or amendments that may later be adopted, there exist lots, structures, or uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited or more restricted under the terms of this Resolution or amendments thereto. It is the intent of this Resolution to permit these non-conformities to continue until they are removed.

#### **Section 801 Nonconforming Lots**

In any district in which single-family dwellings are permitted, a single-family dwelling may be erected on any single lot of official record at the effective date of adoption of this amendment. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. Yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements from the required standards shall be obtained only through action of the Board of Zoning Appeals.

#### **Section 802 Nonconforming Uses of Land**

Where, at the time of adoption or amendment 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:

802.01 No such nonconforming nonresidential uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.

802.02 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.

802.03 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 unless it increases conformity with these regulations.

802.04 If any such nonconforming uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

802.05 Additional structures not conforming to the requirements of this Resolution shall not be erected in connection with such nonconforming use of land.

802.06 Nothing contained in this Section shall in any way prohibit a nonconforming use from acquiring additional off-street parking space.

802.07 No nonconforming accessory use shall continue after the principal use to which it is necessary has been discontinued.

### **Section 803 Nonconforming Structures**

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

803.01 No such nonconforming nonresidential structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

803.02 Should a nonconforming residential structure be destroyed, either partially or totally, by any means the structure or portion of the structure may be reconstructed to the same size or larger floor area provided other applicable provisions of this Resolution are met.

803.03 Should a nonconforming nonresidential structure be destroyed, either partially or totally, by any means the structure or portion of the structure may be reconstructed provided the bulk, height, and floor area shall not be in excess of those which existed prior to said damage.

803.04 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 moved.

803.05 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 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.

803.06 When a nonconforming use of a structure, or structure and premises in combination, is voluntarily discontinued or abandoned for more than two (2) years, the structure or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located and all other applicable provisions of this Resolution.

803.07 Nothing in this Article shall be deemed to prevent ordinary maintenance and repairs on walls, fixtures, wiring, or plumbing or the restoration to a safe condition any building or other structure in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.

### **Section 804 Incompatibility of Non-conformities**

A nonconforming use of 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 Ordinance 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.

### **Section 805 Substitution of Nonconforming Uses**

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use propose for substitution is equally appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions shall be considered a punishable violation of this resolution/amendment. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall thereafter be changed to a more intensive use.

### **Section 806 Certificates For Nonconforming Uses**

The Zoning Inspector may upon initiative, or shall upon the request of the owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure, or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that the dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for this certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

## ARTICLE IX

### ADMINISTRATIVE BODIES AND THEIR DUTIES

#### **Section 901 Township Zoning Inspector**

The Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as the Trustees deem necessary, and designate them as the enforcing officer of this Resolution. Any official or employee of the Township may assist the Zoning Inspector by reporting any new construction, reconstruction, land use changes, or suspected violation. Duties of the Zoning Inspector shall include:

- 901.01 Review all applications within the Township for zoning permits as outlined in Section 1001 to insure they conform to all applicable provisions of this Resolution. The Zoning Inspector shall keep a record of all applications.
- 901.02 Conduct on-site inspections to insure the actual construction will conform to the zoning permit.
- 901.03 Upon finding that any of the provisions of this Resolution are being violated, the Zoning Inspector shall notify, in writing, the person responsible for such violation and order the action necessary to correct such violation.
- 901.04 Order discontinuance of illegal uses of land, buildings or structures.
- 901.05 Order removal of illegal buildings or structures or illegal additions or structural alterations.
- 901.06 Review all applicable subdivision plats and lot splits that are submitted to the Delaware County Regional Planning Commission in order to determine if the plat or lot split conforms to all applicable provisions of this Resolution.
- 901.07 Identify and prepare a list of all commercial and industrial nonconforming lots, uses of land, and structures of record at the time of adoption or amendment of this Resolution. The list shall include the name, address, and telephone number of the owner, a description of the non-conformities of each lot, use, and/or structure and the date on which the lot, use, and/or structure became nonconforming. Photographs that visually describe the non-conformities of the property, structures, or use shall also be taken and dated to help document conditions. Such photographs and the written description of the non-conformities shall be kept as permanent records.
- 901.08 Issue monthly reports to the Zoning Commission, Board of Zoning Appeals, and Township Trustees regarding activities and inspections undertaken to meet the responsibilities outlined in subsections 901.01-901.07.

#### **Section 902 Township Zoning Commission**

The Township Trustees shall establish a Township Zoning Commission, consisting of five citizens of the Township to be appointed by the Township Trustees. The Trustees may also appoint two additional citizens of the Township to serve as alternates. None of the members shall concurrently serve as a member of the Board of Zoning Appeals.

- 902.01 The terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Township Trustees and shall be for the unexpired term.
- 902.02 The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held periodically as the need arises but not less than quarterly at the call of the Chairman and at such other times as the Zoning Commission may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- 902.03 The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record.
- 902.04 The Zoning Commission shall act by resolution or motion. The concurring vote of three (3) members of the Zoning Commission shall be necessary to pass any motion to recommend the approval, disapproval, or modification of any proposed amendment to this Resolution. The results of such resolution or motion shall be forwarded to the Township Trustees for their action, except as may otherwise be provided herein.
- 902.05 The Zoning Commission shall initiate or review all proposed amendments to this Resolution and make recommendations to the Township Trustees in accordance with Article XII.

### **Section 903 Board of Zoning Appeals**

The Township Trustees shall appoint five (5) residents of the Township to the Board of Zoning Appeals. The Trustees may also appoint two (2) additional residents of the Township to serve as alternates.

- 903.01 The terms of all members shall be so arranged that the term of one member shall expire every year. Each member shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity resolution of the Township Trustees and shall be for the unexpired term.

- 903.02 The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals.
- 903.03 In exercising its duties, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the power of the Zoning Inspector from whom the appeal is taken. The concurring vote of a majority of the quorum of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution.
- 903.04 For the purpose of this Resolution, the Board of Zoning Appeals has the following specific responsibilities:
- a) To hear and decide appeals in accordance with Article XI, Section 1105 where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector.
  - b) Where the applicant has provided sufficient evidence to warrant the granting of a variance, to authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. The consideration of such variances shall be in accordance with Article XI.
  - c) To grant conditional use permits as specified in Article XI and such additional safeguards as will uphold the intent of the Resolution.
  - d) To determine if uses not specifically mentioned in this Resolution are similar to uses permitted within a district in accordance with Section 113.
  - e) To determine the exact location of any district boundary in accordance with Section 303 if there is uncertainty as to the exact location involved.

#### **Section 904 Township Trustees**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that

the duties of the Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise.

The Township Trustees shall be responsible for:

- 904.01 Appointing a Zoning Inspector, members of the Township Zoning Commission, and members of the Board of Zoning Appeals.
- 904.02 Establishing a schedule of fees for issuing zoning permits, appeals, variances, conditional use permits, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections or expert review, or general processing of applications.
- 904.03 Consideration of and adoption, rejection or modification of proposed amendments to this Resolution as provided in Article XII.

## ARTICLE X

### ZONING PERMITS

No person shall establish or change any use of land nor locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within Trenton Township without first obtaining a zoning permit. No zoning permit shall be issued unless the plans for the proposed building or structure or use of land fully comply with the provisions of this Resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a variance, or conditional use. A zoning permit shall be required for all dwellings, all principal structures and uses, all accessory structures, all accessory uses, and all temporary uses unless otherwise specified. A zoning permit shall not be required for the use of land for agricultural purposes, for buildings or structures exclusively used for agricultural purposes, or for structures, not including buildings, required in the provision of essential services.

#### **Section 1001 Application for Zoning Permit**

A written application and site plan for a zoning permit shall be submitted to the Zoning Inspector on forms provided by the Zoning Inspector. The following information shall be required:

- 1001.01 Name, address, and phone number of applicant.
- 1001.02 Date of application.
- 1001.03 Name, address, and phone number of property owner.
- 1001.04 Name, address, and phone number of applicant's attorney.
- 1001.05 Name, address, and phone number of the person to contact regarding information in the application for a zoning permit.
- 1001.06 The name of the subdivision and the lot number or other information necessary to establish the location of the lot.
- 1001.07 The actual dimensions of the lot based on actual survey, including square footage and/or acreage, the yard and other open space dimensions thereof, and the location and size of any existing structures thereon.
- 1001.08 The location on the lot and size of any proposed structure and/or the proposed alteration of any existing structure, indicating dimensions, including building height.
- 1001.09 The number of proposed dwelling units, the total residential floor area, and the number of bedrooms to be included in each dwelling unit.
- 1001.10 A permit from the Delaware County Health Department or Ohio Environmental Protection Agency for on-site wastewater disposal, where applicable, illustrating the location of primary and secondary leaching field locations or proposed sanitary sewer hook ups and storm water inlets.
- 1001.11 The proposed parking plan and number and location of proposed off-street parking spaces.

1001.12 A detailed landscaping plan or a plan for screening, when applicable.

1001.13 A statement by the applicant attesting to the truth and exactness of all information supplied on the application.

1001.14 A statement that the permit shall expire and shall be revoked if work has not been started and substantially pursued within one (1) year of its issue date.

1001.15 Such other information as may be necessary to determine conformance with this Resolution.

1001.16 A fee as established by the Township Trustees.

## **Section 1002 Processing of Permit**

1002.01 Within thirty (30) days after the receipt of an application, except as provided in subsection 1002.02, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. If the application is approved, the Zoning Inspector shall issue a zoning permit. One copy of the application shall be returned to the applicant by the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by Zoning Inspector's signature on such copy. One copy of the application similarly marked shall be retained by the Zoning Inspector and filed. After the Zoning Inspector issues a zoning permit, the Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

1002.02 In the event an application involves land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification of local officials by the Director of the Ohio Department of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice by registered mail to the Director of the Ohio Department of Transportation that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

## **Section 1004 Record of Zoning Permits**

The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished upon request to any person.

**Section 1005 Failure to Obtain a Zoning Permit**

Failure to obtain a zoning permit shall be a violation of this Resolution and punishable under Article XIII of this Resolution.

**Section 1006 Construction and Use to Be as Provided in Applications, Plans, and Permits**

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution, and punishable as provided in Article XIII this Resolution.

## **ARTICLE XI**

### **CONDITIONAL USE PERMITS, APPEALS AND VARIANCES**

#### **Section 1101 Conditional Use Permits**

An application for a conditional use permit by at least one owner of the property is required prior to any authorization by the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

- 1101.01 Name, address, and telephone number of applicant.
- 1101.02 Date of application.
- 1101.03 The lot, name, and number or legal description of the property.
- 1101.04 Description of existing zoning district.
- 1101.05 Description of the proposed conditional use.
- 1101.06 A site plan of the proposed site for the conditional use showing the scale, north arrow, location of all buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, open spaces, landscaping and grading plan, refuse and service areas, fire hydrants, utilities, rights of way, signs, yards, drainage plan, and such other information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- 1101.07 A plan for screening when applicable.
- 1101.08 A narrative statement discussing the merits of the proposal.
- 1101.09 Such other information as may be required by the Board of Zoning Appeals.
- 1101.10 A fee as established by the Township Trustees.

#### **Section 1102 Conditional Use Standards**

Conditional uses may be permitted provided that such uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Resolution:

- 1102.01 The use is so designed, located and proposed to be operated so that the public health safety, welfare and convenience will be protected.
- 1102.02 The use will not result in the destruction, loss or damage of natural, scenic, or historic features of major importance.
- 1102.03 The use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located.
- 1102.04 The use shall be compatible with adjoining development and the proposed character of the zoning district where it is to be located.

- 1102.05 The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such services adequately.
- 1102.06 The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. Public facilities and services include but are not limited to: fire and police protection or other emergency services, roadways, intersections, traffic lights, and sanitary and storm sewers.
- 1102.07 Adequate landscaping and screening are provided, as required under Article V.
- 1102.08 Adequate off-street parking is provided, and ingress and egress is so designed as to cause minimal interference with traffic on abutting streets.
- 1102.09 The use conforms with all applicable regulations governing the district in which it is located.
- 1102.10 The use is compatible with Section 101.
- 1102.11 The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations.
- 1102.12 Any other supplementary requirements as prescribed by the Board of Zoning Appeals.

### **Section 1103 Processing of Conditional Uses**

The Board of Zoning Appeals shall hold a public hearing within a reasonable time after the receipt of the application.

- 1103.01 Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation within the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.
- 1103.02 Before holding the public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals or designee, by first class mail, at least ten (10) days before the day of the hearing to the parties in interest including the owners of property contiguous to and directly across the street from the applicant's property. The applicant shall provide a list of such property owners and one set of pre-addressed, letter-size envelopes, provided with sufficient postage, which shall be used by the Board of Zoning Appeals Secretary to notify property owners. The notice shall

contain the same information as required of notices published in newspapers.

- 1103.03 Within a reasonable time after the hearing, the Board of Zoning Appeals shall either approve, approve with appropriate conditions, or disapprove the application as presented. Should the Board of Zoning Appeals approve the application, the Board shall when necessary place reasonable and appropriate conditions on the use that addresses each of the factors enumerated in Section 1102 above.

#### **Section 1104 Expiration of Conditional Use Permit**

A conditional use permit shall be deemed to authorize only one particular conditional use. The conditional use permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months, or construction is not begun within six (6) months.

#### **Section 1105 Administrative Appeals**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector.

- 1105.01 An appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.
- 1105.02 An appeal stays all proceedings in furtherance of the action appealed unless the Zoning Inspector certifies to the Board of Zoning Appeals that in his opinion by reason of facts stated in the application a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal was taken.
- 1105.03 The Board of Zoning Appeals shall select a time and place for the hearing of an appeal and give at least ten (10) days written notice to the parties in interest including the owners of property contiguous to and directly across the street from the applicants property.
- In addition, public notice of such hearings including place, date and subject of the hearing, shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.
- 1105.04 The Board of Zoning Appeals shall have all the powers of the Zoning Inspector with respect to such decision. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse or modify any decision of the Zoning Inspector under this Resolution. The Board of Zoning Appeals shall render a

written decision on the application without unreasonable delay after the close of a hearing. A copy of the decision and findings of fact shall be sent to the Board of Township Trustees and Township Zoning Commission, and by certified mail to the applicant.

- 1105.05 A fee, the amount of which is established by the Township Trustees, shall accompany a notice of appeal.

### **Section 1106 Variances**

If an application for a zoning certificate is rejected by the Zoning Inspector the applicant may appeal for a variance to the Board of Zoning Appeals.

- 1106.01 The Board of Zoning Appeals may authorize, in specific cases, a variance from the terms of this Resolution as will not be contrary to the public interest or the intent of this Resolution, but only where strict interpretation would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.
- 1106.02 A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless the applicant has provided sufficient evidence to warrant the granting of a variance, and a written application for a variance is submitted to the Zoning Inspector and to the Board of Zoning Appeals.
- 1106.03 An application for a variance shall contain, at a minimum, the following information:
- a) Name, address and telephone number of applicant;
  - b) Legal description of the property;
  - c) Description of nature of variance requested;
  - d) A narrative statement demonstrating that the requested variance conforms to the following standards:
    - 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
    - 2) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Resolution.
    - 3) That special conditions and circumstances do not result from the actions of the applicant.
    - 4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this

Resolution to other lands, structures, or buildings in the same district.

5) That an economic hardship, requesting a more intensive use of the property than would normally be permitted, is not the only nor the primary factor for requesting the variance.

e) A fee as established by the Township Trustees.

1106.04 The burden of proof for granting a variance, shall rest with the applicant. In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Resolution and punishable under Article XIII of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

1106.05 The Board of Zoning Appeals shall not grant a variance unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

a) The variance requested arises from special conditions of, or involving, the property. The special conditions must be unique to the property and not ordinarily found in the same zoning district. Furthermore the special conditions must result from the enforcement of this Resolution and not by an action or actions of the property owner, the applicant, or any other person or party who has had control of the property.

b) The strict application of the provisions of this Resolution from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

c) The variance desired will not adversely affect the public health, safety and morals.

d) The variance desired will not compromise the general spirit and intent of this Resolution.

1106.06 The Board of Zoning Appeals shall hold a public hearing within a reasonable time after the receipt of an application for a variance from the Zoning Inspector or an applicant.

1106.07 Before holding the required public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation within the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed variance. Written notice of the public hearing shall be mailed by the Chairman of the Board of Zoning Appeals or designee, by first class mail, at least ten (10) days before the day of the hearing to the parties in interest including the owners of property contiguous to and directly across the street from the applicant's

property. The applicant shall provide a list of such property owners and one set of pre-addressed, letter-size envelopes provided with sufficient postage which shall be used by the Board of Zoning Appeals Secretary to notify property owners. The notice shall contain the same information as required of notices published in newspapers.

- 1106.08 In granting a variance, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Section 1106.05 of this Article to reduce or minimize potentially injurious affects of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.
- 1106.09 The Board of Zoning Appeals shall have all the powers of the Zoning Inspector with respect to such decision. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse or modify any decision of the Zoning Inspector under this Resolution. The Board of Zoning Appeals shall render a written decision on the application without unreasonable delay after the close of a hearing. A copy of the decision and findings of fact shall be sent to the Board of Township Trustees, the Township Zoning Commission, and by certified mail to the applicant.
- 1106.10 A variance granted by the Board of Zoning Appeals shall terminate at the end of six (6) months from the date on which the Board grants the variance, unless within such six (6) month period, a zoning certificate is obtained.

## **ARTICLE XII**

### **AMENDMENTS**

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

#### **Section 1201      Initiation of Amendments**

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

- 1201.01 By adoption of a motion by the Zoning Commission.
- 1201.02 By adoption of a resolution by the Board of Township Trustees.
- 1201.03 By the filing of an application by at least one (1) owner of property or his designee within the area proposed to be changed or affected by said amendment.

#### **Section 1202      Application for Amendments**

Ten copies of the application for amendment shall be submitted to the Clerk and contain at a minimum the following information:

- 1202.01 Name, address, and telephone number of applicant.
- 1202.02 Date.
- 1202.03 Legal description of property.
- 1202.04 Present use.
- 1202.05 Present zoning district.
- 1202.06 Proposed use.
- 1202.07 Proposed zoning district.
- 1202.08 A vicinity map at a scale approved by the Zoning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require.
- 1202.09 Proposed amendment to the text.
- 1202.10 A list of all property owners, as appearing on the county auditor's current tax list within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case.
- 1202.11 A fee as established by the Township Trustees.
- 1202.12 For each of the property owners in 1202.10 the applicant shall provide two sets of pre-addressed letter-size envelopes with postage sufficient to

send a notice via first class mail. The Township Clerk shall inform the applicant of the amount of postage necessary to meet this requirement.

### **Section 1203 Procedure for Amendments**

1203.01 Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner, or his designee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Delaware County Regional Planning Commission. The Delaware County Regional Planning Commission shall recommend the approval, denial, or modification to the Zoning Commission. Such recommendation shall be read at the public hearing held by the Zoning Commission.

1203.02 In the event that a proposed rezoning is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the chairman of the planning commission or the zoning commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be read at the public hearing of the Zoning Commission.

1203.03 Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered mail to the Director of the Ohio Department of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation.

If the Director of the Ohio Department of Transportation notifies the Board of Township Trustees that he shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the zoning amendment. If the Director of the Ohio Department of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

1203.04 The Zoning Commission shall schedule a public hearing after the adoption of their motion, a transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

- 1203.05 Before the required public hearing, notice shall be given by the Zoning Commission by at least one (1) publication in a newspaper of general circulation within the Township at least ten (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.
- 1203.06 If the proposed amendment intends to rezone or redistrict ten (10) or fewer 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 using pre-addressed, letter- size envelopes provided by the applicant at least twenty (20) days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. 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 Township Trustees for further determination.
- 1203.07 Within thirty (30) days after the required public hearing, the Zoning Commission shall forward with reasons for such recommendation to the Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.
- 1203.08 Upon receipt of the recommendation from the Zoning Commission, the Township Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.
- 1203.09 Notice of the required public hearing shall be given by the Township Trustees by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.
- 1203.10 If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Trustees, by first-class mail using pre-addressed, letter-size envelopes provided by the applicant at least twenty (20) days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. This notice shall set forth time and place of the public hearing, and the nature of the proposed amendment.

- 1203.11 Within twenty (20) days after the required public hearing, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees denies or modifies the recommendation of the Commission the unanimous vote of the Township Trustees is required.
- 1203.12 Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (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.
- 1203.13 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.

## **ARTICLE XIII**

### **ENFORCEMENT**

#### **Section 1301 Violations**

No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution, or amendment or supplement to such Resolution, adopted by the Township Trustees pursuant to Chapter 519, Ohio Revised Code. Each day's continuation of a violation of this Resolution shall be deemed a separate offense irrespective of whether a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.

#### **Section 1302 Remedies and Penalties**

1302.01 In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is proposed to be used in violation of Chapter 519, Ohio Revised Code, or of this Zoning Resolution or amendments hereto adopted by the Trenton Township Board of Trustees such Board, the Delaware County Prosecuting Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this Section.

1302.02 Any person, firm or corporation, violating any regulation in, or any provision of this Resolution, or any amendments or supplement thereto under this subsection, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred (100) dollars. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, may be deemed a separate offense.

#### **Section 1303 Fees**

Any application under this Resolution for a zoning certificate or permit, conditional use permit, variance, sign permit, amendment, or filing of a notice of appeal or requests for official transcripts of hearings shall be accompanied by such fee as shall be specified from time to time by resolution of the Township Trustees. There shall be no fee, however, in the case of applications filed or requests by the Township Trustees or the Zoning Commission. The fees imposed by this Resolution are only including technical reviews, publishing, and/or posting, and mailing the notices of the hearing or hearings. Such fees are not refundable regardless of the outcome of the application.