

**PALMYRA TOWNSHIP  
ZONING COMMISSION**

**PORTAGE COUNTY, OHIO**

December 13, 2011

ZONING RESOLUTION  
PALMYRA TOWNSHIP  
PORTAGE COUNTY, OHIO  
ADOPTED NOVEMBER 1963

REVISED 1980, 1989, 1990, 1997, 1999, 2000, 2002, 2003, 2004, 2005, 2008, 2009, 2010 & 2011

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## **ARTICLE I**

### **TITLE - AUTHORIZATION - PURPOSE**

**Section - 101            Title**

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

**Section - 101 - 1        Authority**

The authority for establishing "The Palmyra Township Zoning Resolution" is derived from Sections 519.01 - 519.99, inclusive, of the Ohio Revised Code, as revised.

**Section - 101 - 2        Statement of Purpose**

Whereas, the Trustees of the Township of Palmyra deem it necessary for the promotion of public health, safety, morals, comfort and general welfare of Palmyra Township to regulate therein the use, size and location of buildings and other structures, the size and location of yards and other open spaces in relation to buildings, and the use of land, the following districts are hereby created and the following regulations are hereby established to accomplish that purpose.

## ARTICLE II

### DEFINITIONS

**ACCESSORY USE STRUCTURE** - is a use or structure that is customarily incidental and subordinate to the principal use or principal building located on the same lot or premises as the principal use or principal building. This includes, but is not limited to, barns, garages, sheds, or any other type of accessory structure or building. (Effective May 14, 2009)

**ADULT USE, ADULT ARCADE** - Any place to which the public is permitted or invited, wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas." (Effective Jan. 12, 2004)

**ADULT USE, ADULT BOOK STORE OR ADULT STORE** - A commercial establishment which derives twenty-five (25) percent or more of its gross income from the sale and rental of, or utilizes twenty-five (25) percent or more of its retail selling area for the display of any one or more of the following:

1. Books, magazines, periodicals, or other printed matter or photographs, films motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas or;
2. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store. (Effective Jan. 12, 2004)

**ADULT USE, ADULT CABARET** - A nightclub, bar, restaurant, or similar establishment that regularly features live dancers who must wear at least pasties and a g-string. (No nudity or state of nudity is permitted.) (Effective Jan. 12, 2004)

**ADULT USE, ADULT MOTION PICTURE THEATER** - A commercial establishment which derives twenty-five (25%) or more of its gross income from the showing of, or utilizes twenty-five (25%) or more of its total viewing time for the presentation of, or both, materials for observation by its patrons, films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are regularly shown and which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." (Effective Jan. 12, 2004)

**ADULT USE, ADULT THEATER** - A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities." (Effective Jan. 12, 2004)

**ADULT USE, MASSAGE PARLOR** - An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric, or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service. (Effective Jan. 12, 2004)

**AGRICULTURE** - Farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of live stock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. (Effective 10/4/1999)

**ALLEY** - is any public space or thoroughfare which has been dedicated or deeded to the public travel and which affords a secondary means of access to the abutting property.

**ALTERATION** - as applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location to another.

**AUTO GRAVEYARD** - Synonymous to "Junk Yard"

**BARBER SHOP** - Any establishment or place of business that is engaged in the practice of barbering, but does not include tanning studios and/or saunas. (Effective Dec. 9, 2002)

**BASEMENT** - A story, suitable for business or habitation, partially below the level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement floor is less than two (2) feet below the average ground grade, it will be rated as the first story of ground floor.

**BEAUTY SHOP (SALON)** - Any establishment or place of business that is engaged in the practice of cosmetology, but does not include tanning studios and/or saunas. (Effective Dec. 9, 2002)

**BUILDING** - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property. (Revised March 17, 2005)

**BUILDING LINE** - is a line defining the minimum front, side and rear yard requirements.

**BUILDING PRINCIPAL** - is the building housing the principal activity performed on any lot.

**DUMPS** - Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of garbage, sewage, trash, refuse, waste material, of any kind, junk, discarded machinery, vehicles, or parts thereof, offal, or dead animals.

**DWELLING, ONE FAMILY** - is a detached building designed for, or occupied exclusively by one family.

**DWELLING, TWO FAMILY** - is a detached building designed for, or converted or occupied exclusively by two families, living independently of each other.

**FAMILY** - is one (1) person; a group of persons related by blood, marriage, or legal adoption; or a group of unrelated individuals living together as a single housekeeping unit, in a dwelling unit, living in a domestic relationship based upon a domestic bond; as distinguished from a group occupying a boarding house, a lodging house, club, fraternity, sorority, hotel, motel, or dormitory. (Effective April 12, 2011)

**FLAG LOT** - A lot with access provided to the bulk of the lot by means of a narrow corridor, commonly called a "Flagpole". (Effective March 6, 2003)

**FLOOR AREA** (for non-residential uses) - The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows and dining rooms, and similar areas measured from the interior faces of the exterior walls. (Effective 10/4/1999)

**GARAGE, PUBLIC** - Any garage, other than a private garage, available for the public for storage, where repairs, rental, servicing, adjusting, or equipping of motor vehicle is permitted or at which the sale of accessories and filling station service is permitted.

**GARAGE/YARD/BARN SALES** – The sale of household items or other goods, new or used (agriculture products and sales of (5) or less are exempt) to the general public whether within or outside any building. (Effective 8/21/08)

**GASOLINE SERVICE STATION** - is any area of land, including any structure or structures thereon, that is or are used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this resolution there shall also be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or serving such motor vehicle.

**HEIGHT, BUILDING** - is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of ceiling of the top story in the case of a flat roof, to the deck lines of a mansard roof; and to the average heights between the plate and ridge of a gable hip or gambrel roof.

**HOME OCCUPATION** - Any office or customary home occupation in a dwelling house used as a private residence, providing such use does not involve any extension or modification of said dwelling which will alter its appearance as a dwelling, and providing such use does not involve any outward evidence of such use except not more than one sign as authorized in other sections of this resolution, and further providing that not more than twenty-five (25) percent of said dwelling house be used by said resident for said office or home occupation.

**INTERIOR LOT** - A lot with only one frontage on one street. (Effective March 6, 2003)

**JUNK YARD** - Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof. Two or more automobiles or trucks which are not in operating condition shall be deemed a junk yard.

**LOADING SPACE** - is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**LOT** - is a parcel of land occupied or capable of being occupied by one or more buildings, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this resolution.

**LOT CORNER** - is a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection being not more than 135 degrees. It is the land occupied by the corner buildings.

**LOT, DEPTH OF** - is the mean distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot where the right-of-way is not established, it shall be assumed to be sixty (60) feet.

**LOT FRONTAGE** – The continuous horizontal distance measured between the side lot lines at the street right-of way line. (Effective Dec. 3, 1999)

**LOT, INTERIOR** - is a lot other than a corner lot.

**LOT LINES** - are the lines defining the limits of a lot.

**LOT, WIDTH OF** - is the width measured along the minimum setback line.

**LOT, OF RECORD** - is a lot which is a part of a subdivision, the plot of which has been recorded in the Office of the Register of Deeds of Portage County, or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds of Portage County.

**MAJOR THOROUGHFARE** - is a thoroughfare designed as a major thoroughfare by the Zoning Commission.

**MANUFACTURED HOME** - A building unit or assembly of closed construction fabricated in an off-site facility and constructed in conformance with the federal construction and safety

standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 88 Stat. 700,42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. (Effective March 6, 2003)

**MINIMUM BUILDING SETBACK LINE** - is a line in back of, and parallel to, the street right-of-way line and at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located. Where the right-of-way line is not established it shall be assumed to be sixty (60) feet.

**MINIMUM LIVING FLOOR AREA** – The sum of gross horizontal area of the floors of a residential building, excluding the basement floor areas not devoted to residential use, porches, terraces, garages, or other spaces not in compliance with building code specifications for habitable space, measured from the interior faces of the exterior wall. (Effective December 3, 1999)

**MOBILE HOME** - A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections and does not qualify as a manufactured home as defined in division C (4) of section 3781.06 of the Revised Code or as an industrial unit as defined in division C (3) of section 3781.06 of the Revised Code. (Effective March 6, 2003)

**MODULAR HOME** - Factory built housing certified as meeting the Local and State Building Code as applicable to modular housing. Once certified by the state modular homes shall be subject to the same standard as site built homes. (Effective March 6, 2003)

**NUISANCE** - anything that unreasonably interferes with the use or enjoyment of property endangers personal health or safety or is offensive to the senses. (Effective Oct. 14, 2010)

**NON-CONFORMING USE** - is a building, structure or use of land existing at the time of the enactment of the Resolution, and which does not conform to the use regulations of the district in which it is located.

**NURSING OR CONVALESCENT HOME** - is any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**OPEN SPACE** - is an area of land which is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation.

**PARKING** - is the temporary storage, in operable condition of registered vehicles.

**PARKING SPACE** - An area having a width of not less than nine (9) feet and drives or aisles giving access thereto accessible from streets or alleys, and to be used for the storage or parking of passenger automobiles.

**PERMANENT FOUNDATION** - A permanent masonry, concrete, or locally approved footing or foundation. (Effective March 6, 2003)

**PUBLIC UTILITY** - is any person, firm, corporation, governmental agency or board fully authorized to furnish to the public, electricity, gas, steam, telephone, telegraphy, transportation, or water.

**QUARRY** - Any use of land for the removal of any mineral, or material, including open or strip mining and shaft mining.

**SAUNAS** - A steam bath or heated bathing room used for the purpose of bathing, relaxation, or reducing by utilizing steam or hot air as a cleaning, relaxing, or reducing agent. Saunas are also referred to as bathhouse or health spa. (Effective Dec. 9, 2002)

**SMALL ENERGY SYSTEM** - Is a renewable energy system to provide for energy needs, designed to serve single subject development or property. The purpose of a small energy system is to be an accessory use of the property. A small energy system should not have the ability to generate more than 100kW h per day of the subject property or units of a development. (Effective Oct. 8, 2010)

**SMALL SOLAR ENERGY SYSTEM** - Any solar collector or other solar energy device, or any structural design feature whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity that may be mounted on a building or on the ground and is not the primary use of the property. (Effective Oct. 8, 2010)

**SMALL WIND ENERGY SYSTEM** - A wind energy system consists of a wind turbine. A tower, and associated controls or conversion electronics, which has a rated capacity of not more than 100kW h which is intended to primarily, reduce on-site consumption of utility power. The purpose of a small energy system is to be an accessory use of the property. (Effective Oct. 8, 2010)

**SOLAR ENERGY** - Radiant energy (direct, diffuse, and reflected) received from the sun. (Effective Oct. 8, 2010)

**SOLAR ENERGY DUAL PURPOSE** - Solar energy is collected to create energy from structures that are generally permitted. This would include exterior lighting for patios and walkways. Dual purpose structures should look primary like fences, walls or light fixtures and not the opposite for the purpose of generating electricity while blending into the landscape or roof top. The appearance of the structure should be commonly recognizable with the production of electricity interwoven or embedded into the structure not to dominate the appearance. (Effective Oct. 8, 2010)

**SPECIFIED ANATOMICAL AREA** - Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Effective Jan. 12, 2004)

**SPECIFIED SEXUAL AREAS** - Human genitals in the state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy and fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts. (Effective Jan. 12, 2004)

**STORY, HEIGHT OF** - The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

**STREET, PRIVATE** - is a thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.

**STREET, PUBLIC** - is a public thoroughfare which has been dedicated or deeded to the public for public use and which affords principal access to abutting property.

**STRUCTURE** - is anything constructed or erected which requires location on the ground, including signs, and billboards, but not including fences or walls used as fences.

**STRUCTURAL ALTERATIONS** - is any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

**SWIMMING POOL PRIVATE** - A private in-ground or above ground structure, suitable for wading or swimming. (Effective August 7, 2008)

**SWIMMING POOL, TEMPORARY POOL, WADING/KIDDIE** – A portable shallow pool of 18” or less in height that is primarily used by children. (Effective August 7, 2008)

**SWIMMING POOL, TEMPORARY POOL, ABOVE GROUND** – A portable above ground pool with a height of four (4) feet or less of water. (Effective August 7, 2008)

**SWIMMING POOL, PERMANENT, ABOVE GROUND OR IN GROUND** – An in ground or above ground structure suitable for wading or swimming, that once positioned on the property its location is not expected to change. (Effective August 7, 2008)

**TANK, STORAGE** - is in reference to petroleum products, a closed vessel for the storage of liquid hydrocarbon substances at atmospheric pressure.

**TANNING STUDIO** - Any business that uses artificial lighting systems to produce a tan on an individual’s body. (Effective Dec. 9, 2002)

**THROUGH LOT** - A lot other than a corner lot with frontages on more than one street. Through lots abutting two streets may be referred to as a double frontage. (Effective March 6, 2003)

**TRAILER COURT** - is an area where two (2) or more trailers are parked or which, is used or offered for the purpose of providing parking space for two (2) or more trailers.

**USE** - The principal purpose for which a lot, and/or the main buildings thereon, is designed, arranged, or intended and for which it may be used, occupied or maintained.

**WIDTH, SIDE YARD** - the perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on said lot.

**WILD AND DANGEROUS ANIMALS** - Any carnivorous animal, or reptile, which in the wild state or as trained, exhibits characteristics of being ferocious or dangerous and is capable of

inflicting serious physical harm, or death to humans or domestic animals. Wild and dangerous animals include, but are not limited to: any carnivorous animal, or reptile, which either bites, claws, injects venom, strangles, or constricts prey in a manner which could cause serious harm to humans, or if released or escapes could create a threat to the local ecology. (Effective July 3, 1997)

**WIND ENERGY TURBINE** - Mechanical equipment used to convert kinetic energy of the wind through the rotation of the mechanical equipment to facilitate the generation of electricity. (Effective Oct. 8, 2010)

**YARD** - An open space at grade between a building, and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Resolution that the building or structure may be located in a portion of a yard required for the main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (Effective March 6, 2003)(Revised July 6, 2004)

**YARD DEPTH, FRONT** - is the perpendicular distance between the street right-of-way line and the nearest portion of any structure existing or to be constructed. Where the right-of-way is not established it shall be assumed to be sixty (60) feet.

**YARD DEPTH, REAR** - is an open, unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

**YARD FRONT** - A yard located in front of the front elevation of a building and extended across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. (Effective March 6, 2003)

**YARD REAR** - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the yard front. (Effective March 6, 2003)

**YARD SIDE** - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (Effective March 6, 2003)

**ZONE** - Area within which only certain uses of land and buildings are permitted; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical to the zone in which they apply.

## ARTICLE III

### GENERAL PROVISIONS

#### Section - 301            **Agriculture**

- A. Land in any district may be used for agricultural purposes.
- B. For the purpose of this resolution, "Agriculture" shall include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of live stock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. (Effective 5/31/2000)
- C. No zoning certificate shall be required for the construction of buildings incident to the use of agricultural purposes of the land on which such buildings shall be located. The residence must comply with the zoning regulations and a zoning certificate is required.
- D. Roadside stands may be located on the premises for the purpose of selling products produced on the same property where the stand is located.

#### Section - 302            **Supplementary Regulations**

- A. No more than one principal building shall be permitted on any one lot.
- B. Every principal building shall be located on a lot having frontage on a public street.
- C. Corner lots in all districts are required to have the minimum front yard requirements, as indicated in the district, facing both streets.
- D. No structure shall be erected in any front yard except as provided in Section 801 - 1c of Article VIII of this Resolution.

#### Section - 303            **Permitted Use**

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the District Provisions established by these regulations for the Districts in which the building or land is located. Uses which are omitted from these regulations, not being specifically permitted, shall be considered prohibited until, by amendment, such uses are written into these regulations.

Private swimming pools shall be considered as an accessory use and must comply with the following conditions and requirements:

1. The pool is intended and is to be used for the enjoyment of the occupants of the principal use of the property and their guest. (Effective August 7, 2008)
2. Temporary Pool, Wading/Kiddie – 18” or less in height; cannot be erected before May 1st and must be dismantled by October 1st. If a temporary pool is left up beyond the above-mentioned dates, it becomes a permanent pool and the rules for permanent above ground pools shall apply. No zoning certificate is required for a temporary pool. (Effective August 7, 2008)
3. Pool, Above Ground, Temporary – An above ground pool with the height of four (4) feet or less of water; cannot be erected before May 1st and must be dismantled by October 1st. If a temporary pool is left up beyond the aforementioned dates, it becomes a permanent pool and the rules for permanent above ground pools shall apply. No zoning certificate is required for a temporary pool. The location must abide by the zoning regulations for set backs for structures. (Effective August 7, 2008)
4. Pools, Above Ground and In Ground, Permanent – All permanent swimming pools, above ground and in ground shall be required to have a zoning certificate. The location must abide by the zoning regulations for set backs for structures. (Effective August 7, 2008)

Temporary Emergency Housing for residential purposes may be permitted subject to the following purpose and requirements.

1. Purpose - to provide temporary housing for members of a family who have been residing in a dwelling destroyed or damaged by fire, flood, storm or other similar acts so as to render the dwelling uninhabitable.
2. Conditions
  - a. A zoning certificate is required. The zoning certificate shall be valid for a period of one (1) year from the date of issuance. One (1) extension, for a six (6) month period, may be granted by the Board of Zoning Appeals.
  - b. All dwellings shall have adequate health facilities available, including running water inside the dwelling and toilet facilities connected to a sanitary sewer system approved by the Portage County Health Department. The application shall submit in writing the method to be used to remove the waste - water from the temporary dwelling. If on-site septic is to be used then the applicant will need to submit evidence in writing that permission has been obtained from the Portage County Health Department.
  - c. The temporary dwellings shall have a minimum living floor space of five

hundred (500) square feet.

- d. The applicant shall submit a plot plan drawn to scale indicating the location of the temporary dwelling. It shall be limited to the rear of the existing dwelling being constructed or repaired, unless otherwise approved by the zoning inspector.
- e. The location of the temporary dwelling shall meet all existing setbacks, side yard and rear yard restrictions set forth in this resolution for accessory buildings in the district where the dwelling is to be located
- f. The temporary dwelling shall be removed within thirty (30) days after the occupancy of the repaired/replaced principal dwelling.

## ARTICLE IV

### USE, HEIGHT, AREA REGULATIONS

#### Section - 401            **Establishment of Districts**

For the purpose of this Resolution, the Township of Palmyra is divided into the following districts

- R – 1    Residential District
- B – 1    Business District
- I – 1    Industrial District

The boundaries of these districts and classes of districts are hereby established upon the map which is designated the "Official Zoning Districts Map of Palmyra Township, Portage County, Ohio", and shall be maintained and exhibited in the Office of the Township Clerk including all amendments thereto. A true copy of this map is attached hereto.

When definite distances in feet are not shown on the Zoning Districts Map, the district boundaries shown are intended to be along existing street, alley or plotted lot lines, or extensions of the same. Such dimensions shall further be determined by the use of the scale shown on said Zoning Districts Map.

Section – 410            **Residential District**

Section - 410 - 1        **Uses Permitted**

- A. One (1) family dwelling houses and their accessory uses and buildings, exclusive of tents, cabins and motels.
- B. Two (2) family dwellings.
- C. Signs as regulated in Article VII of the Resolution.
- D. Home occupation. (Effective Jan. 12, 2004)

Home occupations that are inconspicuous and incidental to the residential use of property are permitted in any residential dwelling subject to the following requirements:

1. Permitted Types of Home Occupations

- a. Home Offices
- b. Telecommuting
- c. Other types of home occupations, which have no customer or client visits, on premise employees, do not involve use of accessory buildings.

2. Operating Standards

- a. The use shall be secondary in importance to the use of dwelling for residential purposes.
- b. The use shall be conducted entirely within the residential dwelling unit, and no use of yard space shall be permitted.
- c. The home occupation shall not occupy more than twenty-five (25) percent of the gross living floor area of the dwelling unit.
- d. There shall be no storage of materials, supplies or equipment outside the principal location of the home occupation.
- e. There shall be no evidence of the home occupation that is detectable from any road

E. Garage/Yard/ Barn sales may be conducted under the following conditions:  
(Effective 8/21/08)

- 1. No person or persons may conduct a garage/yard/barn sale of household or other goods new or used, at any location in residential zones for more than nine (9) consecutive days or two (2) consecutive weekends beginning as early as Friday morning and ending as late as Sunday evening..

2. Any signs for Garage/Yard/Barn Sales must be removed the last day of the sale and cannot obstruct public right of ways.

## F. Small Solar and Wind Energy Systems

### 1. Purposes

Small solar and wind energy systems shall be permitted in all zoning districts, in accordance with the requirements of this section.

### 2. Allowable number of towers and wind turbines

#### A. Towers

No more the one wind energy tower may be erected on any single property in accordance with this Section, unless otherwise stipulated in this resolution.

#### B. Wind Turbines

Any number of wind energy system turbines may be in operation on a single property, in accordance with this Section.

#### C. Solar Panels

Any number of solar panels may be in operation on a single property, in accordance with this Section.

### 3. Height

The total height of small solar and or wind energy systems is measured as the vertical distance from the ground level to the tip of a wind generator blade when the tip is at its highest point, and shall not exceed the following maximum height requirements:

#### A. Wind Towers

1. Properties less then  $\frac{1}{2}$  acre in size-maximum 45 feet.
2. Properties between  $\frac{1}{2}$  acre and one acre in size-maximum 80 feet
3. Properties greater than (1) acre to  $2\frac{1}{2}$  acres-maximum 100 feet
4. Properties greater than  $2\frac{1}{2}$  acres to 5 acres-maximum 120 feet
5. Properties greater than 5 acres in size-maximum 170 feet
6. Properties within 10,000 feet of an Airport must comply with FAA height standards and regulations.

#### B. Attachments to existing buildings and towers

##### 1. Building

Wind Turbine(s) may be affixed to the building or the roof, providing that:

- a. The total height of the wind turbine is less than 20 feet above the highest point of the building.
- b. The base of the wind turbine cannot be seen from the road right-of-way in front of the building.

##### 2. Towers

A wind turbine may be attached to an existing tower, provided that:

- a. Tower is designed to accommodate the wind turbine.
- b. The tower is in compliance with section 410 – F- 4 A. and B.

#### 4. Location

- A. Small solar and or wind energy system shall only be located in the rear yard portion of any lot. Exception is when small solar and or wind energy system is attached to a building the base cannot be viewed from the road right-of-way in front of building. Another exception would be for dual purpose solar collectors. See solar energy dual purpose definition.
- B. Tower set backs
  1. Shall be located at least 110 percent of its height from any public road right of way.
  2. Shall be located at least 110 percent of its height from any overhead utility lines, except those lines directly serving the subject property.
  3. Shall be located at 110 percent of its height from all property boundaries.
  4. If guy wires are utilized as part of the tower design, then the guy wire anchors shall be placed at least 50 feet from any abutting property boundaries.
- C. Wind Turbine set backs
  1. The minimum distance a wind turbine may be from the property boundaries, if it is located on a building, must equal a distance that is equal to the total height of the wind turbine from the ground.

#### 5. Variances

Subsections “A” and “B” of section 410-F.5 will require a variance from the Palmyra Township Board of Zoning Appeals.

- A. Small Solar and Wind Energy Systems may be located in the front or side yard of primary structure if because of pre-existing geography, vegetation or built environment would preclude the use of small solar or wind energy systems power in the rear of the primary structure. This would require the property owner to apply for a zoning variance.
- B. To request more than one tower per site/development the property owner will need to apply for a variance from the zoning board of appeals.

#### 6. Fencing

- A. If the base of the tower is designed to prohibit climbing for a distance of eight (8) feet, as measured from the ground, then the fencing of the base is not required.
- B. All access doors to the wind turbine and electrical equipment must be locked to prevent unauthorized entry.
- C. If conditions of section 410-F.6 subsection a. and b. are not met a six (6) foot lockable fence must be installed around the perimeter of the tower base.

7. Electrical interference

The small wind energy system shall not cause any radio, television, microwave, or navigation interference. If a signal disturbance problem is identified, the owner must correct the problem immediately.

8. Noise

The wind energy system shall not exceed the sound level (decibels) specified in the schedule Section 410-F.8.1 when measured at the property line.

8.1 Maximum Permitted Sound Levels (decibels) for small wind energy system

Octave band, cycles/seconds	Sound decibel levels measured at the property lines cannot exceed the following
0-75	72
75-150	67
150-300	59
300-600	52
600-1200	40
1200-2400	46
2400-4800	34
Over 4800	32

9. Compliance with FAA regulations

All towers shall be painted a non-contrasting gray, blue, white, green or similar color, minimizing its visibility, unless otherwise required by the Federal Aviation Administration (FAA). The applicant has the responsibility of determining the applicable FAA regulations and securing the necessary approvals. Copies of letters must be included as part of the application process.

10. Lighting

Except as required by law, a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the tower. If lighting is required by the FAA regulations, white strobe lights shall not be permitted at night unless FAA permits no other alternatives. No lighting shall be

constructed, placed or maintained in a manner that will constitute a nuisance to any surrounding property and shall in no way impair safe movement of traffic on any street or highway.

#### 11. Advertising

No advertising is permitted anywhere on the facility, with the exception of signage being utilized for product identification and warnings.

#### 12. Warnings

- A. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- B. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.

#### 13. Maintenance

- A. The design and location of the small wind energy system shall ensure that all maintenance can be conducted from the installation site.
- B. A small wind energy system that is not functional shall be repaired by the owner or removed.
- C. When a small solar and wind energy system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within 120 days of the day on which the system last functioned. The owner is solely responsible for the removal of the system and all cost, financial or otherwise, of system removal.

#### 14. Safety features

- A. The small wind energy system turbine shall be required to have an automatic over-speed control to render the system inoperable when the winds are in excess of the speed the system is designed to accommodate.
- B. The small wind energy system shall be required to have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.

#### 15. Blade clearances

- A. The clearance or the distance between the blades of a wind turbine and the blades of another wind turbine shall be no less than ten (10) feet.
- B. The clearance or the distance between the blades of a wind turbine and the ground shall be no less than fifteen (15) feet.

Section - 410 - 2      **Conditionally Permissible Uses**

The Zoning Board of Appeals may issue conditional zoning certificates for uses listed herein subject to Sections 601 - 1 and 601 - 2 of Article VI and other Sections of Article VI listed below.

- A. Basement Dwellings subject to Section 602, Subsection 118.
- B. House Trailers subject to Section 602, Subsection 120.
- C. Public and Parochial Schools subject to Section 602, Subsections 101, 102, 103.
- D. Churches and other buildings for the purpose of religious worships subject to Section 602, Subsection 101, 110.
- E. Public Utilities rights-of-way and pertinent structures subject to Section 602, Subsections 101, 104.
- F. Governmentally owned and/or operated parks, playgrounds and golf courses (except miniature) subject to Section 602, Subsection 101, 102, 105, 106, 107.
- G. Temporary buildings for uses incidental to construction work subject to Section 602, Subsections 108, 109.
- H. Institutions for Medical Care-Hospitals, Clinics, Sanitariums, Convalescent Homes, Nursing Homes for the Aged and Philanthropic Institutions subject to Section 602, Subsection 101, 102, 105, 110, 111.
- I. Cemeteries subject to Section 602, Subsections 101, 110.
- J. Recreational uses other than those governmentally owned and/or operated such as: swimming pools, golf courses, tennis clubs, riding academies, subject to Section 602, Subsections 101, 102, 105, 106, 107, 111.
- K. Publicly owned and/or operated buildings and facilities other than those listed above subject to Section 602, Subsection 110.
- L. Strip Mining and Gravel Extraction operations subject to Section 602, Subsections 107, 112, 113, 114, 115, 122.
- M. Institutions for Higher Education subject to Section 602, Subsections 101, 102, 105, 106, 110.
- N. Deleted (Dec. 3, 1999)
- O. Deleted
- P. Oil and Gas Well drilling, subject to Section 602, Subsection 121.

- Q. Barber or beauty shop, subject to Sec 602, subsections 102, 106, 107, 111, 123, 124, 125 & 126. (Effective Dec. 9, 2002)

### Section - 410 - 3      **Area Regulations**

#### A. Minimum Lot Size

1. The minimum frontage of a lot shall be one hundred and fifty (150) feet with a minimum lot area of two (2) acres. (Effective Aug. 15, 1980) (Revised March 17, 2005)
2. Deleted March 17, 2005
3. Deleted March 17, 2005
4. Deleted March 17, 2005

#### B. Minimum Front Yard Depth

1. Where no building or buildings exist, the distance of set back from front street right-of-way shall not be less than fifty (50) feet.
2. Where there are existing buildings, other than those of the accessory use, the distance of set back from front street right-of-way line may be the same distance of set back of the nearest building or buildings, but never less than twenty-five (25) feet from the street right-of-way line.
3. If there is no established right-of-way sideline or any road or street, said sideline shall be deemed to be thirty (30) feet from center of the road.

#### C. Minimum Side Yard Width

On all lots there shall be two side yards with a total width of not less than twenty-five (25) feet. The width of the narrowest of the two side yards shall not be less than ten (10) feet.

#### D. Minimum Rear Yard Depth

There shall be a rear yard not less than thirty (30) feet deep.

#### E. Corner Lots

All corner lots shall be required to have the minimum front yard requirements, as specified in this Resolution, facing both streets.

#### F. Minimum Living Floor Area

1. The minimum living floor area of a single family dwelling permitted shall have not less than 1,200 square feet outside measurements (example 30 x 40 feet). (Effective May 1, 1997)
2. The minimum size of a two family dwelling permitted shall have two (2) first floor dwelling units with a total of not less than 1,500 square feet.
3. A two (2) family, two (2) story dwelling shall have a minimum total area of 1,500 square feet with not less than 768 square feet on the first floor.
4. Paragraphs 1, 2 and 3 are exclusive of Breezeways, Garages, Terraces, Attics, Basements and Porches.
5. A residential building must have a complete perimeter foundation, installed to a depth below frost line, must be at least one story above ground level, and must pass state and local code. (Effective May 1, 1997)

Section - 410 - 4      **Height of Building**

- A. No structure shall exceed thirty-five (35) feet in height, measured from the natural grade at the building line to the highest point of the roof.
- B. The highest point of the building shall be exclusive of a Church Spire, Belfry, Clock Tower, Wireless Tower, Television Aerial, Chimney, etc.

Section - 410 - 5      **Off Street Parking**

As regulated by Article VIII of this Resolution.

Section - 420            **Business and Commercial District**

Section - 420 - 1        **Uses Permitted**

- A. Outdoor advertising as regulated in Article VII of this Resolution.
- B. Retail stores, shops, business and professional offices, restaurants, theaters, garages, and gas filling stations.
- C. Uses not listed shall come before Zoning Commission for ruling.

Section - 420 - 2        **Conditionally Permissible Uses**

The Zoning Board of Appeals may issue conditional zoning certificates for uses listed herein, subject to Sections 601-1, 601-2, Article VI, and other sections of Article IV, listed below.

- A. Public Utilities rights-of-way and pertinent structures subject to Section 602, Subsections 101, 104.
- B. Temporary buildings for uses incidental to construction work subject to Section 602, Subsections 108, 109.
- C. Strip Mining and Gravel extraction operations subject to Section 602, Subsections 107, 112, 113, 114, 115, 122.
- D. Oil and Gas Well Drilling, subject to Section 602, Subsection 121.

Section - 420 - 3        **Area Regulations**

A. Minimum Front Yard Depth

- 1. Where no building or buildings exist the distance set back from the street sideline shall not be less than fifty (50) feet.
- 2. Where there are existing buildings, the distance to the front street right-of-way line may be the mean distance of set back line of the nearest building or buildings.
- 3. In no instance shall a building be placed nearer to the street right-of-way line than twenty-five (25) feet.

B. Minimum Rear Yard Depth

- 1. There shall be a minimum distance from the rear of the building to the rear lot line of no less than thirty (30) feet.
- 2. Said space shall remain open and unoccupied by any building or structure.

C. Minimum Side Yard Depth

There shall be a minimum side yard width of thirty (30) feet when adjacent to a residential district and on the side of adjacent to the residential district only.

Section - 420 - 4      **Height of Buildings**

- A. No structure shall exceed thirty-five (35) feet in height, measured from the natural grade at the building line to the highest point of the roof.
- B. The highest point of a building shall be exclusive of a Church Spire, Belfry, Clock Tower, Wireless Tower, Television Aerial, Chimney, etc.

Section - 420 - 5      **Parking and Loading Requirements**

As regulated by Article VIII of this Resolution.

Section - 430            **Industrial District**

Section - 430 - 1        **Permitted Uses**

- A. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, wood products, drugs, perfumes, pharmaceutical, toiletries and food products, concrete and clay products.
- B. Lumberyards for retail lumber sales.
- C. Warehousing.
- D. Grain elevators.
- E. Research laboratories and offices.
- F. Newspaper and blueprinting establishments.
- G. Wholesale storage of petroleum, gasoline and oil.
- H. Manufacture of wood products.
- I. Contractors yards and storage facilities provided, however, that all equipment tools and facilities shall be neatly arranged or stored or kept within a suitable building.
- J. Industries not covered will come before Zoning Commission for ruling.

Section - 430 - 2        **Conditionally Permissible Uses**

The Zoning Board of Appeals may issue conditional zoning certificates for uses listed herein, subject to Section 601-1 and 601-2, of Article VI, and other Sections of Article VI listed as follows.

- A. Junk Yards subject to Section 602, Subsection 117.
- B. Deleted
- C. Public Utilities rights-of-way and pertinent structures subject to Section 602, Subsections 101, 104.
- D. Temporary buildings for uses incidental to construction work subject to Section 602, Subsections 108, 109.
- E. Strip Mining and Gravel Extractions operations subject to Section 602, Subsections 107, 112, 113, 114, 115, 122.
- F. Oil and Gas Well Drilling, Subject to Section 602, Subsection 121.

Section - 430 - 3        **Area Regulations**

A. Minimum Front Yard Depth — One Hundred (100) feet.

B. Minimum Rear Yard Depth — One Hundred (100) feet.

C. Minimum Side Yard Width — One Hundred (100) feet.

Section - 430 - 4      **Height Regulations**

As determined by the Zoning Board of Appeals and the fire department, based on the capabilities of public and private fire fighting equipment.

Section - 430 - 5      **Parking and Loading Requirements**

As regulated by Article VIII, of this Resolution.

## ARTICLE V

### NON-CONFORMING USES

#### Section - 501            **Regulations** (Revised March 17, 2005)

- A. A non-conforming use or structure existing at the time this Resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district. (Revised March 17, 2005)
- B. (Moved to section 502 and Revised March 17, 2005)
- C. (Moved to section 502 and Revised March 17, 2005)
- D. (Moved to section 502 and Revised March 17, 2005)
- E. When a non-conforming use of land or structure has been changed to a more restrictive use or to a conforming use, such use shall not hereafter be changed to a less restrictive or non-conforming use. (Revised March 17, 2005)
- F. Certificate or non-conforming use

The Board of Zoning Appeals shall issue a Certificate of Non-conforming Use within sixty (60) days of the effective date of this Resolution, to all known owners of property for the uses and/or structures which do not conform to the provisions of the district in which the property is located. The area of land being used in a non-conforming manner shall be described on this certificate. (Revised March 17, 2005)

- G. A copy of each certificate of non-conforming use shall be filed with the office of the Zoning Inspector. (Revised March 17 2005)

#### Section - 502            **Non-conforming Structures/Uses** (Effective April 16, 2005)

- A. Any structure arranged, intended or designed for a Non-conforming Use, the construction of which has been started at the time of the passage of this resolution, or amendments thereto, but not completed, may be completed and used for such Non-conforming Use, providing it is completed within one (1) year after the resolution takes effect. (Effective April 16, 2005)
- B. Any structure, existing as a Non-conforming Structure or Use of structure at the time this resolution takes effect, which is destroyed or portions of which are destroyed, may be restored or reconstructed to its original footprint and floor area, provided the work is completed within two (2) years from the date of said destruction. (Effective April 16, 2005)
- C. A structure devoted to a Non-conforming Structure or Use of structure may not be altered or enlarged so as to extend the Non-conforming use more than twenty-five (25) percent in area as it existed at the effective date of this resolution. (Effective April 16, 2005)

On the effective date of this Zoning Resolution or any amendment thereto, a lot of record that does not comply with the lot area or width requirements in which the lot is located may be used as follows:

A. Occupied Lots

If already occupied by a structure, such structure shall be maintained and may be repaired, modernized, altered or enlarged provided that the building complies with the front, side and rear yard setbacks, and all other requirements of the district, except those that pertain to the lot area and lot width requirements.

B. Single Non-conforming Lots of Record

If a non-conforming lot is in separate ownership and not contiguous with other lots in the same ownership, the following provisions shall apply.

1. Any lawfully existing lot recorded prior to the enactment of this Resolution, or amendment thereto, that does not comply with the minimum area and width requirements, may be developed for a permitted uses, provided that:
  - a. The proposed use can be located on the lot in compliance with the front, side and rear yard setbacks.
  - b. The lot meets all other requirements of the district, except those that pertain to the lot area and lot width requirements.
2. The Board of Zoning Appeals shall review and approve uses and structures proposed for single vacant non-conforming lots that do not meet the criteria set forth in Subsection 1 above.

C. Increasing Non-conformity of Lots

The non-conformity of lots shall not be increased in any manner, nor shall any division of any parcel be made which results in the creation of a lot not in compliance with the requirements of this Resolution.

## ARTICLE VI

### CONDITIONAL ZONING CERTIFICATES

#### Section - 601      **Purpose**

Rather than assign all uses to special individual and limited zoning districts, it is important to provide a controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will at the same time maintain adequate provision for the security of the Health, Safety, Convenience, and General Welfare of the Community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Resolution for a more detailed consideration of each of certain specified activities as may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, concentration of population, etc.

Land and structure uses possessing these particular unique characteristics are designated as conditionally permissible uses and are permitted through the issuance of a "Conditional Zoning Certificate" with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The Board of Zoning Appeals, as hereinafter created may authorize the issuance of such conditional zoning certificates for any of the following uses in those districts designated and the following procedures should be followed in submitting a request for such a certificate.

#### Section - 601 - 1      **Procedures for Making Application**

##### A. Submission

Any application shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on a special form for that purpose, each application shall be accompanied by the payment fee as indicated in Section 901 - 5. (Amended April 14, 2009)

##### B. Data Required with Application.

1. Form supplied by Zoning Inspector, completed by applicant.
2. Site, plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, and proposed structures, the type of buildings and their uses.
3. Completed plans and specifications for all proposed developments and construction.
4. A statement supported by substantiating evidence regarding the requirements enumerated in Section 601-2 (a).

C. Review by Board of Zoning Appeals.

The Board of Zoning Appeals shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in the Resolution.

D. Hearing

After adequate review and study of any application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper or general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.

E. Issuance and Revocation of Conditional Zoning Certificates

Only upon conclusion of hearing procedures relative to a particular application, may, the Board of Zoning Appeals issue a "Conditional Zoning Certificate". The breach of any condition safeguard or requirement shall automatically invalidate the certificate granted.

F. Reapplication

No application for a "Conditional Zoning Certificate" which has been denied wholly or in part by the Board of Zoning Appeals of the Township shall be resubmitted until the expiration of one (1) year or more from date of newly discovered evidence or proof of changed conditions which would be sufficient to justify the reconsideration by the Board of Zoning Appeals.

Section - 601 - 2      **Basis of Determination**

The Board of Zoning Appeals shall establish beyond reasonable doubt that general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Board of Zoning Appeals may also impose such additional conditions and safeguards deemed necessary for the general welfare for the protection of individual property rights, and for insuring that the intent and objectives of the Resolution will be observed.

A. General Standards

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location;

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township Comprehensive Plan of current adoption;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;

3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and service such as Highways, Streets, Police and Fire Protection, Drainage Structures, Refuse Disposal, or Schools; or that the persons or agencies responsible for the establishment if the proposed use shall be able to provide adequately any such service;
5. 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;
6. Will not involve uses, activities, processes, materials, and 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 noise of any nature;
7. Will be consistent with the intent and purpose of this Resolution.

Section - 602

**Regulations Pertaining to Conditional Permissible Uses**

101. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
102. No lighting shall have a visible source of illumination and shall in no way impair safe movement of traffic on any street and highway; no lighting shall shine directly on adjacent properties.
103. Such structures should be located on a secondary or minor street or road.
104. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the non-residential use into a residential area.
105. Loud speakers which cause a hazard or annoyance shall not be permitted.
106. There shall be no more than one directional advertisement oriented to each abutting road identifying the activity.
107. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
108. Any temporary structures must be indicated as such on site plans submitted to the Zoning Board of Appeals for approval.
109. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Zoning Board of Appeals.

110. Such structures should be located on major thoroughfares or at intersections of major and/or secondary thoroughfares.
111. Such use shall not require costly or uneconomic extensions of utility services at the expense of the community.
112. Shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
113. No slope shall exceed an angle with the horizontal of forty-five (45) degrees.
114. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surroundings ground form so as to appear reasonably natural. (Gravel and sandpits and quarries shall be completely and continually drained of water when not in use or not supervised by a watchman) to prevent erosion or any other potential deterioration.
115. Shall indicate established routes for truck movement in and out of the development in such a way that it will minimize the wear on public streets and that it will prevent hazards and damage to other properties in the community.
116. Deleted
117. It is the intent of this subsection to permit Junk Yards in Industrial Zones for the purpose of wrecking, dismantling, or storing for private and/or commercial purposes, any motor driven vehicle, wreckage or parts of motor driven vehicles, waste paper, cardboard, iron, or junk of any kind. The following additional regulations shall apply:
  - a. The owner or operator of such an establishment shall maintain such operation within a fence enclosure constructed of a uniform fire proof material approved by the Chief of the Township Fire Department, such fence shall be painted one uniform color and shall be kept in good repair at all times and repainted periodically as determined by the Zoning Inspector.
  - b. Said fence required above shall be not less than eight (8) feet in height, and shall be set back not less than fifty (50) feet from all property lines.
  - c. Open area surrounding said fence enclosure shall at all times be properly mowed, maintained and kept free of debris.
118. It is the intent of this subsection to permit basement dwellings which are used for dwelling purposes for a maximum period of two (2) years. Under certain unusual conditions or circumstances the Zoning Board of Appeals may grant additional extensions of six (6) month periods.

119. Deleted

120. House Trailer

A house trailer for residential purposes may be permitted in this district of Palmyra Township by the Board of Zoning Appeals under a conditional use permit, but subject to the following purposes, conditions, and regulations. (Effective July 4, 1980)

1. Purposes - A conditional use permit for a house trailer may be granted for the following purposes:
  - a. To provide housing in a house trailer for the immediate members of the family (mother, father, sister, brother, son and daughter) residing in the dwelling already constructed on the lot, the use of the house trailer shall be limited to the duration of sickness or disability and must be proven by a doctor's statement of necessity for assistance and care of others.
  - b. Moved & modified (Effective June 19, 2003)
2. Conditions and Regulations
  - a. Regardless of the purpose, a permit shall be required for every house trailer and shall be for a period not to exceed one (1) year providing, however, such permit may be renewed annually as hereinafter conditionally provided in Section 602, Subsection 120 – 1.
  - b. The permit in question shall be issued only after the applicant has submitted evidence in writing that permission has been obtained from the Portage County Board of Health indicating that all State and County Health Department regulations have been met.
  - c. All house trailers shall have adequate health facilities available, including running water inside the house trailer and toilet facilities connected to a sanitary sewage system approved by the Portage County Health Department.
  - d. All house trailers shall have a minimum floor space of 500 square feet.
  - e. Location of a house trailer shall be limited to the rear of the existing dwelling house being constructed or replaced.
  - f. The location of the house trailer must meet all of the existing set back, side yard and rear yard regulations set forth in this Resolution for accessory buildings in the district where the house trailer is to be located.
  - g. A permit as provided in 602 Subsection 120 – 1b shall be renewed on an annual basis upon notification to the Zoning inspector with the

doctor's statement as therein provided substantiating continued hardship.

3. One travel trailer may be placed on a lot which contains a dwelling house used for residence purpose.
    - a. A travel trailer placed on a lot shall not be used residence, business, or storage purposes at any time.
    - b. No permit or fee shall be required for a travel trailer under this section.
  4. Any trailer as defined in this section may be used as an office or storage facility in connection with any construction of a permanent nature for a period of time not to exceed one (1) year. A permit for the purpose set forth in this paragraph may be extended on a yearly basis upon application to the Board of Zoning Appeals for a renewal, permit.
121. Oil and Gas Well Drilling and operation necessary for their extraction.
- a. 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 roads to prevent hazards and damage to other properties in the community.
  - b. All permitted installations shall be maintained and left in a neat, orderly condition so as to prevent injury to any single property, and individual, or the community in general. All areas shall be rehabilitated in accordance with all state and other local regulations.
  - c. All permanent producing facilities such as pumps, storage tanks, and meter houses shall be enclosed by an approved fence six (6) feet or more in height to prevent trespass. The storage tanks shall be diked to prevent any spillover which may damage surrounding property.
  - d. A performance bond shall be posted to cover compliance with these regulations, the amount to be determined by the trustees.
122. Sand and Gravel Extractions - any area over one (1) acre or more than five (5) feet deep requires a state permit before a township permit can be granted.
123. No Person(s) engaged in a non-residential use shall keep open any place of business under his/her control after 9:00 P.M., nor shall any person(s) open and operate such business before 8:00 A.M., without first obtaining a variance from this Resolution. (Effective Jan. 12, 2004)
124. Parking and Loading Requirements (Effective Dec. 9, 2002)
- a. Adequate parking facilities as defined in Chapter 8 shall be provided outside of the street right-of-way to meet all parking needs. All parking

areas shall be separate from the street right-of-way by a 20-foot strip of land, landscaped and appropriately maintained. Parking areas shall be located to the side or rear of the principal building.

- b Loading: Every building used for non-residential purposes shall provide sufficient area for delivery and pickup entirely outside of the road right-of-way.

125. Regulate Screening/Landscaping (Effective Dec. 9, 2002)

Screening: Non-residential uses adjacent to residentially zoned property shall provide a landscaped screen where adjacent to residential property. Such screen shall consist of staggered plantings of evergreen trees, which provides a screen from ground level up to a height between 6 (six) feet to 10 (ten) feet within three years after planting. Non-evergreen plantings and/or a screening berm, hedge or fence may be used in conjunction with trees. The desired effect is a complete visual screening of the activity on the lot from the residential properties.

126. EPA and/or State Regulations (Effective Jan. 12, 2004)

Person(s) making application must show proof of **COMPLIANCE WITH ANY REQUIRED FEDERAL, STATE OR LOCAL PERMIT AND/OR LICENSE** before a **CONDITIONAL ZONING CERTIFICATE** will be granted.

## ARTICLE VII

### SIGNS AND BILLBOARDS

#### Section - 701                    **Regulations**

- A. Any signs on a residential property must pertain to the activity on said property.
1. Rooming and boarding house signs not larger than two (2) square feet.
  2. Tourist home signs not larger than four (4) square feet.
  3. Real estate signs not larger than eight (8) square feet, when placed on properties offered for sale or rent.
  4. Signs appropriate to a public building, identification of residential subdivision development (in compliance with section 519.20 of the Ohio Revised Code), shall be no larger than thirty-two (32) square feet.
  5. Other signs identifying a building or use permitted under this resolution should be no larger than two (2) square feet; the overall height of any sign shall be no greater than six (6) feet above finished grade; except for billboards, which may have an overall height no greater than twenty-five (25) feet.

(Revised December 13, 2011)

- B. In all other districts there shall be no limitation upon the size, character and placement of signs and billboards, except as follows:

1. No free standing sign or billboard shall have less than three (3) feet of bottom open space along its entire length.
2. In matters of set back from the street and set back from adjoining lot lines, billboards will be regarded as buildings or structures and will conform with applicable sections of this Resolution.
3. Any illuminated sign or billboard shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.
4. All signs erected within one hundred (100) feet of any intersection must be erected so as not to obstruct the view or cause a traffic hazard.
5. Any sign illuminated with electric lights, (including neon or other gaseous type tubes or bulbs) erected within one hundred (100) feet of an intersection where an illuminated device has been provided for the control of traffic may not duplicate in the electric lighting of such sign any colors appearing in the traffic control signal.
6. Billboards may have an overall height no greater than twenty-five (25) feet. (Effective December 13, 2011)

- C. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs.

- D. Exemptions (Effective April 16, 2005)

**December 13, 2011**

1. Signs and public notices erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance.
2. Political signs shall be permitted in any district. Such signs shall not be placed on or over any public property or any public right-of-way.
3. Signs used for safety purposes relative to the repair and maintenance of streets or utilities in a public right-of-way.

## ARTICLE VIII

### PARKING AND LOADING

#### Section - 801            **Off-Street Parking**

In all districts, in connection with every building or part thereof here after created, off-street parking facilities shall be provided as prescribed by this section.

#### Section - 801 - 1        **Minimum Number of Off-Street Parking Spaces Required**

- A. All dwellings shall provide parking space off the nearest street or road and outside of the public right-of-way, together with means of ingress and egress thereto, for not less than two (2) motor vehicles per dwelling unit.
- B. One (1) square foot of parking space with adequate access shall be provided on the same lot with all business structures for each square foot of floor space contained in the structure, exclusive of the basement or attic floors.
- C. Off-street parking may be permitted in the front and side yards in "b" business and industrial districts.
- D. Manufacturing and industrial establishments shall have two (2) spaces per five (5) employees, the total number being the total number of employees on any two consecutive shifts having the largest number of employees.

#### Section - 802            **Loading and Unloading Spaces Requirement**

#### Section - 802 - 1        **Minimum Spaces Required**

- A. Every building used for the following purposes; manufacturing, storage, warehousing, department stores, wholesale stores, retail store, market, hotel, hospital, laundry, dry cleaning, dairy, mortuary and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for unloading purposes on the basis of the following regulations:
  - 1. Every building having 5,000 square feet or over gross floor area shall be provided with at least one truck loading and unloading space not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) foot clearance. One additional truck space of these dimensions shall be provided for every additional 20,000 square foot or fraction thereof, of gross floor area in the building.
  - 2. Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.
  - 3. Loading space as required under this section shall be provided as area additional to off-street parking spaces as required, and shall not be considered as supplying off-street parking space.

## ARTICLE IX

### ADMINISTRATION AND ENFORCEMENT

(Revised April 14, 2009)

#### Section – 900            **Purpose**

This article sets forth the powers and duties of the Zoning Inspector and the Zoning Commission, with respect to the administration of the provisions of this resolution, and establishes the procedures to obtain a zoning certificate and the procedures to resolve a violation of this zoning resolution.

#### Section - 901            **Zoning Inspector**

##### Section – 901-1        **Appointment, Term and Compensation**

A Zoning Inspector designated by the Township Board of Trustees shall be employed to administer and enforce this resolution. The term of employment, rate of compensation and other such conditions shall be set by the Township Trustees and may be provided with assistants and secretaries as may be deemed necessary.

##### Section – 901 – 2      **Responsibilities of the Zoning Inspector**

- a. Apply and enforce the provisions of this resolution.
- b. Respond to questions concerning applications for amendments to the zoning resolution text and the official zoning district map.
- c. Issue zoning certificates as provided by this resolution, and keep a record of same with a notation of any conditions attached thereto.
- d. Act on all applications upon which he/she is authorized to act by the provisions of this resolution within the specified time or notify the applicant in writing of his/her refusal or disapproval of such application and the reasons for such refusal/disapproval.
- e. Conduct inspections of structures, buildings and uses of land to determine compliance with this resolution and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action necessary to correct the violation, citing the section of this resolution the violation pertains to.
- f. Maintain in current status the official zoning district map that shall be kept on permanent display in the township offices.
- g. Maintain permanent and current records required by this resolution, including but not limited to: zoning certificates, inspection documents, records of variances, appeals, amendments, and conditional uses.

- h. Make such records available for the use of the Township Board of Trustees, the Zoning Commissions, the Board of Zoning Appeals and make available for public inspection, and copying, upon request (at cost) and within a reasonable time from the time of the request<sup>1</sup>, any records, and shall make available copies of this resolution, any amendments, and current zoning district map for sale to the public at cost.
- i. Determine the existence of any violations of this resolution and cause notifications or initiate any such other administrative or legal remedies as needed to address such violations. Such legal remedies will require the assistance of the Portage County Prosecutor.
- j. Cooperate with the County Prosecutor in the investigation and prosecution of all zoning violations not addressed by the responsible party in the time provided for them to do so, including, but not limited to attending all court proceedings as directed.
- k. Maintain a list of nonconforming uses and structures with the location and exact nature of the existing nonconformity, and the date it became nonconforming if that can be ascertained.
- l. Prepare and submit an annual report to the Township Board of Trustees and Zoning Commission on the administration of this resolution, setting forth such information as may be of interest and value in advancing the purpose of this resolution.
- m. Attend public hearings of the Board of Zoning Appeals to report and give testimony as directed by such board.
- n. Report any recommended amendments of this zoning resolution to the Zoning Commission in a timely manner.
- o. Such other duties and responsibilities as described in this resolution and as directed in writing by the Township Board of Trustees.

<sup>1</sup>Reasonable shall be deemed to be 5-7 working days from date of request.

### Section - 901 - 3      **Submission of Applications**

All applications for zoning certificates shall be submitted to the Zoning Inspector who may issue zoning certificates when applicable provisions of this Resolution have been complied with.

## Section - 901 - 4 **Zoning Certificates Required**

For the purpose of enforcing this zoning Resolution as amended and supplemented, there is hereby established a system of zoning certificates, and no person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure within the Township of Palmyra without obtaining a zoning certificate as herein after provided. No zoning certificate or certificates shall be issued by the Township Zoning Inspector except on written application, on forms provided by him, signed by the owner or lessee; or contractor, or attorney for such owner, lessee; nor shall any such zoning certificate be issued for the construction, erection, reconstruction, enlargement or alteration of any building or structure unless the plans for the proposed construction, reconstruction, erection, enlargement or alteration of such building or structure comply with this zoning Resolution as amended and supplemented. No such zoning certificate or certificates shall be issued unless and until the applicant therefore, his successors in interest, or assigns, shall pay to the Township Zoning Inspector the fee for the issuance of such zoning certificates. (Revised July 6, 2004)

Within ten (10) days after the receipt of application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirement of this Resolution and the application is accompanied by the proper fee as indicated in Section 901 - 5. (Amended April 14, 2009)

The zoning certificate shall become void at the expiration of one (1) year after date of issuance, unless construction is started. If no construction is started or use changed within one (1) year of date of permit, a new permit is required upon proper application.

If the application is for a conditional zoning certificate, the application procedure defined in Section 601 - 1 will be followed in lieu of the above regulations.

## Section - 901 - 5 **Payment of Fees**

When the Zoning Board of Appeals finds it necessary to maintain a strict record of public hearing procedures, or when Zoning Board of Appeals will deem it necessary to cause special studies to be made, the applicant shall bear all direct and related cost.

Upon the issuance of a zoning certificate or certificates the Township Inspector shall collect such fees as shall conform to the following schedule:

### A. Schedule of Fees, Charges and Expenses:

The Township Trustees shall by resolution, establish a schedule of fees, charges and expenses, and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and in the Township Hall and may be altered or amended only by the Township Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

## Section - 902 **Enforcement**

Section - 902 - 1      **Violations**

A. Violations a Nuisance

Buildings erected, altered, moved, raised, or converted, or any use of land or premises carried on in a violation of any provision of this Resolution are declared to be a nuisance. Any building or land use activities considered possible violations of the provisions of this Resolution shall be reported to the Zoning Inspector.

B. Inspection

The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Resolution.

C. All violations shall be corrected within a period of thirty (30) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector in the written order.

Section - 902 - 2      **Penalties**

The owner or owners of any building or premises or part thereof where anything in violation of this Resolution shall be placed or shall exist, and any tenant or occupant of such building or premises, and any architect, builder or contractor who shall assist in the commission of any such violation, and any person who shall violate any of the provisions of this Resolution or fail to comply therewith shall for each violation or non-compliance be deemed guilty of a misdemeanor and upon conviction thereof, be fined not less than twenty-five (25) dollars nor more than five hundred (500) dollars. Each day such violation of failure to comply shall exist shall constitute a separate offense.

Section - 903      **Zoning Commission**

Section - 903-1      **Establishment of Terms and Compensation**

There is hereby created a Township Zoning Commission of five (5) members who shall be residents of the unincorporated territory of the Township. The terms of each member shall be five (5) years beginning January 1<sup>st</sup>, except that the terms of the original members shall be such length, and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members of the Board of Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

## Section - 903 - 2 **Absenteeism**

A Zoning Commission member must notify the Chairperson, Vice Chairperson, or Secretary of any anticipated absences from any Hearings, Special Meetings, or Work Session. A member is required to provide as much notice as possible. If the absence is for a just and reasonable cause, a motion to excuse the Board Member shall be made and entered into the minutes of the proceeding meeting.

If the Zoning Commission member is absent without notification to any of the above, a motion not to excuse the offending Zoning Commission member shall be entered into the minutes of the proceeding meeting.

If the Zoning Commission Member's absence is determined to be of an unjust cause or reason, a motion not to excuse the offending Board Member shall be entered into the minutes of the proceeding meeting.

Three (3) unexcused absences shall be just cause for recommending the removal of the member from the Zoning Commission. After two (2) unexcused absences, the member will be notified by certified mail to attend the next meeting or he/she shall be recommended for removal from the Zoning Commission in accordance with Section 903-3, Procedure for Removal of Zoning Commission Member.

## Section - 903 - 3 **Procedure for Removal of Zoning Commission Member**

Members shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Trustees. Written charges must be filed with the Board of Trustees and the Zoning Commission member cannot be removed until after a public hearing has been held regarding such charges and after a written copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either by registered mail or by leaving a copy at the member's place of residence. The member shall be given an opportunity to be heard and answer such charges.

## Section - 903 - 4 **Authority and Responsibility of the Zoning Commission**

The Township Zoning Commission shall have all of the responsibilities conferred upon it by the Ohio Revised Code and subsequent amendments thereto, and such other duties as will aid in best carrying out the Ohio Revised Code requirements and which at a minimum include:

- a. Keep current the plan for zoning districts and regulations for such districts. Periodic review of the township's zoning district regulations in light of changing conditions, community needs, and best available planning practices, shall be undertaken by the Zoning Commission to meet this requirement.
- b. Initiate amendments to the zoning resolution text and/or official zoning district map to accomplish the objectives of this resolution or where such amendment could result in a better resolution.
- c. Review zoning resolution amendments initiated by Township Trustees or property owners and provide recommendations to the Township Trustees on said amendments for their consideration and action at their public hearing.

- d. Employ or contract with planning consultants, public or private, as necessary to assist the Zoning Commission in carrying out their responsibilities, within the limits of monies appropriated by the Board of Township Trustees for that purpose.
- e. Utilize information and counsel available from appropriate public officials, departments, and agencies, which have information, maps, and data pertinent to the townships needs.

## ARTICLE X

### BOARD OF ZONING APPEALS

(Revised April 14, 2009)

#### Section - 1001            **Authority**

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.

#### Section - 1001 – 1a    **Composition - Appointment – Compensation**

There is hereby created a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated territory of the Township. The terms of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length, and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 519.13 of the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members of the Board of Zoning Appeals may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

#### Section - 1001 - 1b    **Absenteeism**

A Board of Appeals member must notify the Chairperson, Vice Chairperson, or Secretary of any anticipated absences from any Hearings, Special Meetings, or Work Session. A member is required to provide as much notice as possible. If the absence is for a just and reasonable cause, a motion to excuse the Board Member shall be made and entered into the minutes of the proceeding meeting.

If the Board of Appeals Member is absent without notification to any of the above, a motion not to excuse the offending Board Member shall be entered into the minutes of the proceeding meeting.

If the Board of Appeals Member's absence is determined to be of an unjust cause or reason, a motion not to excuse the offending Board Member shall be entered into the minutes of the proceeding meeting.

Three (3) unexcused absences shall be just cause for recommending the removal from the Board. After two (2) unexcused absences, the Member will be notified by certified mail to attend the next meeting or he/she shall be recommended for removal from the Board of Zoning Appeals in accordance with Section 1001-1c, Procedure for Removal of Board of Zoning Appeals Member.

**Section - 1001 – 1c Procedure for Removal of Board of Zoning Appeals Member**

Members shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Trustees. Written charges must be filled with the Board of Trustees and the board of Zoning Appeals member cannot be removed until after a public hearing has been held regarding such charges and after a written copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either by registered mail or by leaving a copy at the member's place of residence. The member shall be given an opportunity to be heard and answer such charges.

**Section - 1001 - 2 Organization**

The Board of Zoning Appeals shall elect a chairman from its membership, shall appoint a secretary, and shall prescribe rules for the conduct of its affairs. (Effective March 2, 2000)

**Section - 1001 - 3 Quorum**

The Board of Zoning Appeals shall require a quorum of three (3) members at all its meetings, and the concurring vote of three members shall be necessary to effect any order.

**Section - 1001 - 4 Meetings**

The Board of Zoning Appeals shall meet at the call of its chairman or three (3) other members, and at such other regular times as it may, by resolution determine.

**Section – 1001 – 5 Oaths**

The Board of Zoning Appeals chairman or acting chairman may administer oaths and compel the attendance of witnesses in all matters coming within the preview of this Resolution.

**Section - 1001 – 6 Powers and Duties**

- A. The Board of Zoning Appeals shall hear and determine all appeals from the refusal of the Zoning Inspector because of anything contained in this Resolution to issue certificates.
- B. The Board of Zoning Appeals shall hear and determine all appeals from any decision or action of the Zoning Inspector in the administration or enforcement of this Resolution.
- C. The Board of Zoning Appeals may, in individual cases, after public notice and notice to such persons as it deems immediately affected, and after hearing in accordance with such notices, and subject to such conditions and safeguards as it may establish, permit, exemptions to and variations from the district regulations established by this Resolution as follows:
  - 1. Permit in a district any use deemed by the Zoning Commission to be in general keeping with the uses authorized in such district.
  - 2. Grant temporary permits for buildings and uses that do not conform to the regulations herein prescribed relative to the uses permitted in the district in which they are located.

The permissible time period for such uses shall be set by the Board of Zoning Appeals.

3. Permit such modification of the yard or lot area or width regulation as may be necessary to secure the appropriate improvement of a parcel of land that is too small to be appropriately improved without such modification, which parcel was separately owned at the time of passage of this Resolution or is adjacent to buildings that do not conform to the general restrictions applicable to their location.
4. The Board of Zoning Appeals shall have the power to grant Conditional Zoning Certificates.

#### Section - 1001 - 7      **Procedure**

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Resolution. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed. The use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board of Zoning Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals in the particular case. Each such resolution shall be filed in the office of the Board of Zoning Appeals, together with all documents pertaining thereto. All applications shall include the established fee. In the event that the Board of Zoning Appeals will find it necessary to draw and planning, legal, engineering, or any other expert testimony, such fee shall be raised in order to cover all expenses of such expert testimony. (Effective May 31, 2000)

#### Section - 1001 – 8      **Notice of Hearings**

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request to appeal, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

Section - 1001 - 9      **Appeals**

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of the Township, deeming himself or itself to be adversely affected by the decision of the administrative official pertaining hereto. The appellant shall post security for the cost of all action required for the hearing of the appeal. An appeal shall stay all proceedings in furtherance or the action appealed from. Unless the administrative officer whose decision is appealed from shall certify to the Board of Zoning Appeals after the notice of appeal has been filed, that by, reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction. Within its powers, the Board of Zoning Appeals may reverse or affirm wholly or in part or modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end shall have all the powers of the officers from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate.

## **ARTICLE XI**

### **AMENDMENTS**

#### **Section - 1100 Procedures for Amendments**

This resolution may be amended by utilizing the procedures specified in this article.

#### **Section - 1101 General**

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

#### **Section - 1102 Initiation of Zoning Amendments**

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

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

#### **Section - 1103 Contents of Application for Zoning Map Amendments**

Applications for amendments to the official zoning map adopted as part of this resolution shall contain at least the following information:

1. The name, address and phone number of the applicant.
2. The proposed amending resolution.
3. A statement of the reason(s) for the proposed amendment.
4. The present use.
5. The present zoning district(s).
6. The proposed use.
7. The proposed zoning district.
8. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require.

9. A list of all property owners and their mailing addresses as they appear on auditors tax list who are within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned except that addresses need not be included where more than ten (10) parcels are proposed to be rezoned.
10. A statement on the ways in which the proposed amendment relates to the Township Land Use Plan or Comprehensive Plan.
11. A fee as established by resolution by the Board of Township Trustees.

**Section - 1104                      Contents of Application for Zoning Text Amendment**

(If initiated by person other than Board of Township Trustees or Zoning Commission.)

An application for amendments proposing to change, supplement, amend or repeal any portion(s) of this Resolution, other than the official zoning map shall contain at least the following information:

1. The name, address and phone number of the applicant.
2. The proposed amending resolution, and sections proposed to be amended.
3. A statement of the reason(s) for the proposed amendment.
4. A statement explaining the ways in which the proposed amendment relates to the Comprehensive Plan, Land Use Plan, and the intent of the Zoning Resolution.
5. A fee as established by resolution by the Board of Township Trustees.

**Section - 1105                      Transmittal to Zoning Commission**

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

Section - 1106                    **Submission to the Regional or County Planning Commission**

Within five (5) days after the adoption of a motion by the Commission, transmittal or a resolution by the Board of Township Trustees, or the filing of an application by at least one owner or lessee of property, 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 Regional or County Planning Commission. The Regional or County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

Section - 1107                    **Submission to the Director of Transportation**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the center line of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director 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 and twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he/she shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred and twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

Section - 1108                    **Public Hearing by Zoning Commission**

The Zoning Commission shall schedule a public hearing after the adoption of their motion, the 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 filing of such application.

Section - 1109                    **Notice of Public Hearing in Newspaper**

Before the public hearing as required in Section 1108, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of said hearing.

1. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.
2. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:
  - a. The name of the Zoning Commission that will be conducting the public hearing;
  - b. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution;
  - c. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
  - d. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
  - e. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of a least ten (10) days prior to the public hearing.
  - f. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
  - g. Any other information requested by the Zoning Commission;
  - h. A statement that after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action.
3. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
  - a. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
  - b. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  - c. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - d. The name of the person responsible for giving notice of the public hearing by publication;

- e. A statement that after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action;
- f. Any other information requested by the Zoning Commission.

**Section - 1110                      Recommendation by Zoning Commission**

Within thirty (30) days after the public hearing required by section 1108, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment, or may recommend that the amendment not be granted. The written decision of the Zoning Commission is to include the basis for their determination, including the determination that the proposed amendment is or is not consistent with the comprehensive plan or land use plan if such plan has been adopted by the Township or the County which includes the Township.

**Section - 1111                      Public Hearing by the Board of Township Trustees**

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission the Board of Township Trustees shall hold a public hearing. Notice of such public hearing shall be given by the Board of Township Trustees as specified in ORC Section 519.12.  
(Revised July 6, 2004)

**Section - 1112                      Action by the Board of Township Trustees**

Within twenty (20) days after the public hearing required by 1111, the Board of Township Trustees shall either adopt or deny the recommendation(s) of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

**Section - 1113                      Effective Date and Referendum**

Such amendment adopted by the Board of 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 Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township, or part thereof included in the zoning plan equal to 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 Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue are 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.

Section - 1114                    **Filing of Action Taken**

Within five working days after an amendments effective date, the Board of Township Trustees shall file the text and maps of the zoning amendment(s) in the office of the County Recorder and with the Portage County Regional Planning Commission. A copy of the Board Resolution passed shall also accompany the filings.

(Article XI revised 10/4/1999)

## **ARTICLE XII**

### **VALIDITY AND SEPARABILITY**

It is hereby declared to be the legislative intent that, if any provision or provisions of this Resolution, or the application hereof to any zoning lot, building or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

## **ARTICLE XIII**

### **EFFECTIVE DATE**

The provisions of this Resolution become effective immediately upon certification by the Board of Elections.

**December 13, 2011**

## **ARTICLE XIV**

### **PROHIBITIONS**

1. The manufacture, storage and/or sale of explosives and/or fireworks for commercial use is prohibited in Palmyra Township.
2. Private and/or commercial open dumps, landfills and commercial, industrial or medical waste incinerators are prohibited in Palmyra Township.
3. Mock military games and shooting ranges are prohibited in Palmyra Township.
4. Wild and dangerous animals are prohibited in all zoning districts. (Effective July 3, 1997)