

Freedom Township

Portage County, Ohio

Zoning Regulations

Amendments adopted by Freedom Township Board of Trustees

February 25, 1982		June 19, 2008	Add § 202
September 4, 1982		August 7, 2008	Add § 203
April 7, 1983			
December 29, 1983		November 5, 2009	Article VIII Add to Definitions Heavy Press Operations, Warehousing
April 18, 1985			
December 4, 1986			
February 4, 1988		December 21, 2009	Article IV Add § 415.0 Solar/Wind Energy Zoning
January 5, 1989			
August 1, 1989			
February 20, 1990			
March 13, 1992			
December 10, 1992			
May 6, 1993			
November 17, 1994			
June 5, 1996			
August 1, 1996			
November 10, 1997			
August 6, 1998			
November 4, 1999			
June 1, 2000	§ 402.5		
February 1, 2001	§ 201		
November 1, 2001	§ 406.0		
September 5, 2002	§ 403.2; 403.3		
December 30, 2002	§ 801.0		
May 15, 2003	§ 201.3; 401.1; 413.0; 414.0		
July 1, 2004	§ 201.2; 201.2 C4; 201.4 B1; 201.4 B2 303.3; 601.0; 601.1; 601.2; 601.3		
December 2, 2004	§ 401.2; 201.2 B6; 201.3 B3; 201.4 B3		
June 16, 2005	§ 201.2; 401.1; 406.0; 801.0		
January 30, 2006	§ 101.3; 402.1; 501.0.6; Article VIII		
November 2, 2006	§ 201.3 D; Article II, 201.2; Article III, 301.5; Article IV, 401.1, 401.2, 401.3 Article VIII		
November 15, 2007	§ 201.3 (C) 7 § 401.1, B; 401.3 (B) (2) 401.3 (B) (9) (a)		

Freedom Township Zoning Resolution Table of Contents

ARTICLE I	1
ENACTMENT, PURPOSE AND INTERPRETATION	1
§ 101.0 Title	1
§ 101.1 Enactment	1
§ 101.2 Purpose	1
§ 101.3 Agricultural Uses Exempted	1
§ 101.4 Separability Clause	3
§ 101.5 Conflicting Regulations.....	3
§ 101.6 Interpretations.....	3
 ARTICLE II	 1
DIVISION INTO DISTRICTS	1
§ 201.0 Division into Districts	1
§ 201.1 Districts (2/01).....	1
§ 201.2 Rural Residential District – “RR”	1
§ 201.3 Residential Commercial Districts – RC	3
§ 201.4 Residential Industrial District – RI	8
§ 201.5 Purpose – Planned Residential Development	9
§ 201.6 Approval of Planned Residential Developments.....	10
§ 201.7 Minimum Project Area	10
§ 201.8 Dwelling Types.....	10
§ 201.9 Density and Open Space Regulations	10
§ 201.10 Preservation, Ownership and Maintenance of Common Open Space	12
§ 201.11 Subdivision Design Guidelines.....	13
§ 201.12 Plan Approval.....	14
§ 201.13 Data Required with Application	14
§ 201.14 Area, Yard and Height Measurements.....	15
§ 201.15 Zoning Inspector	15
§ 202 LIGHT INDUSTRIAL DISTRICT- “LI”	15
§ 202.1 Purpose	15
§ 202.2 Uses	16
§ 202.3	16
§ 202.4 Area Yard and Height Requirements.....	16
§ 202.5 Parking and Loading Requirements.....	17
§ 202.6	17
§ 203 NEIGHBORHOOD COMMERCIAL/OFFICE/INDUSTRIAL DISTRICT – “NCOP”.....	17
§ 203.1 Purpose	17
§ 203.2 Uses	17
§ 203.3 Area Yard and Height Requirements.....	18
§ 203.4 Parking and Loading Requirements.....	18
§ 203.5	18
§ 203.6 Outdoor Storage Yards.....	19
 ARTICLE III	 1
NON-CONFORMITIES	1
§ 301.0 Intent	1
§ 301.1 Discontinuance of Non-Conforming Use of Land and/or Structures.....	1
§ 301.2 Extension of Non-Conforming Use of Land and/or Structures.....	1
§ 301.3 Non-Conforming Structures and Non-Conforming Uses of Structures	1
§ 301.4 Single Non-Conforming (Substandard) Lots of Record	1
§ 301.5 Replacement of Upgrade of Non-Conforming Structures (11/06).....	2

ARTICLE IV	1
SPECIAL NOTICE FOR ALL DISTRICTS	1
§ 401.0 Structures to be Maintained.....	1
§ 401.1 Permissible Uses	1
§ 401.2 General Standards for All Conditional Uses	2
§ 401.3 Conditionally Permissible Uses	2
§ 402.0 Nuisances Prohibited – Prohibited Nuisances	4
§ 402.1	4
§ 402.2	4
§ 402.3	4
§ 402.4	4
§ 402.5	4
§ 403.0 Signs	4
§ 403.1	4
§ 403.2 Signs Over Three (3) Feet Square.....	5
§ 403.3 Billboards	5
§ 403.4 Maintenance	5
§ 404.0 Sewage Disposal.....	5
§ 405.0 Required Compliance	6
§ 406.0 Accessory Buildings	6
§ 407.0 One Principle Building/Lot	6
§ 408.0 Minimum Lot Frontage	6
§ 409.0 Oil and Gas Well Drilling	6
§ 409.1 Certificate of Compliance	7
§ 409.2 Filing Requirements.....	7
§ 409.3 Site Preparation.....	8
§ 409.4 Drilling Operations	9
§ 409.5 Minimum Distances	10
§ 409.6 Open Fires	10
§ 409.7 Production and Operating Requirements	10
§ 409.8 Site and Equipment Maintenance.....	10
§ 409.9 Inspection of Sites.....	11
§ 409.10 Abandonment of Wells	11
§ 410.0 Temporary Housing	11
§ 411.0 Demolition bond for Removal of Buildings.....	12
§ 412.0 Application Plan Review Requirements.....	12
Application Plan Requirements	13
Application Plan Review Procedures.....	14
§ 413.0 Prohibited Storage	14
§ 414.0 Change of Use	14
§ 415.0 SOLAR/WIND ENERGY ZONING	14
§ 415.1 SMALL SOLAR AND WIND ENERGY SYSTEMS	14
§ 415.1.1 Purpose	14
§ 415.1.2 Allowable Number Of Towers And Wind Turbines.....	14
§ 415.1.3 Height	15
§ 415.1.4 Location	15
§ 415.1.5 Incentives for New Development	16
§ 415.1.6 Variances	16
§ 415.1.7 Fencing	16
§ 415.1.8 Electrical Interference	16
§ 415.1.9 Noise	16
§ 415.1.9.1 Maximum Permitted Sound Levels	16
§ 415.1.10 Compliance With Faa Regulations.....	17
§ 415.1.11 Lighting.....	17
§ 415.1.12 Advertising	17
§ 415.1.13 Warnings	17
§ 415.1.14 Maintenance	17
§ 415.1.15 Safety Features.....	17

§ 415.1.16 Blade Clearances.....	17
§ 415.1.17 Certifications.....	18
§ 415.1.18 Decommissioning And Reclamation	18
ARTICLE V.....	1
ZONING INSPECTOR; ZONING CERTIFICATES;	1
CONSULTATION; PENALTY	1
§ 501.0 Zoning Inspector	1
§ 501.1 Zoning Certificates.....	1
§ 501.2 Contents of Application for Zoning Certificate.....	2
§ 501.3 Expiration of Zoning Certificate.....	2
§ 501.4 Certificate of Occupancy	3
§ 501.5 Stop Work Order	3
§ 501.6 Zoning Certificate Revocation	3
§ 501.7 Consultation.....	3
§ 501.8 Penalty 3	
§ 501.9 Schedule of Fees, Charges and Expenses	3
ARTICLE VI	1
APPEALS: POWER OF THE BOARD OF ZONING APPEALS.....	1
§ 601.0 Appeals	1
§ 601.1 Right to Appeal.....	1
§ 601.2 Powers of the Board of Zoning Appeals.....	1
§ 601.3 Proceedings of the Board of Zoning Appeals.....	2
ARTICLE VII.....	1
§ 701.0 Enabling Legislation	1
§ 701.1 Implementation	1
§ 701.2 Prohibition Against Violation of Resolution	1
§ 701.3 Action to Prevent Violations of Zoning Regulations; Special Counsel.....	1
ARTICLE VIII	1
DEFINITIONS.....	1
§ 801.0 Definitions (in alphabetical order).....	1

Freedom Township Zoning Resolution
Article I
Enactment, Purpose and Interpretation

Adopted November 1981
(Unless otherwise indicated)

§ 101.0 Title

This Resolution shall be known as the Zoning Resolution of Freedom Township, Portage County, Ohio.

§ 101.1 Enactment

On and after the date of which this Resolution is adopted the erection, location, reconstruction, alteration, design and use of all buildings, structures and portions thereof and also, the use of all land and premises within Freedom Township shall be lawful only when wholly in accord with the regulations, and subject to the conditions, restrictions insofar as it represents the letter and the spirit of the Revised Code of Ohio (hereinafter referred to as R.C.) Sections 519.01 to 519.99 inclusive.

§ 101.2 Purpose

In order to promote and help protect the health, safety and general welfare of the residents of Freedom Township, Portage County, Ohio and:

- to help insure orderly growth and development; and
- to protect and conserve property and property values

The Board of Township Trustees has found it necessary and advisable to adopt a Zoning Resolution which will regulate the following:

- the location, heights and size of buildings and other structures; and
- the percentage of lot area which may be occupied, thereby establishing yards and open spaces; and
- the generalized uses of land, buildings and structures as defined in the conditions and restrictions set down in this Resolution.

§ 101.3 Agricultural Uses Exempted

(6/89; 1/06)

Nothing in this Resolution shall confer any power on any Board of Trustees, Board of Zoning Appeals or Zoning Inspector to prohibit the use of any land for agricultural purposes or the construction or use of any buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located and no zoning certificate shall be required for any such building or structure.

However, all dwellings, structures and buildings used as permanent or temporary living quarters shall be considered a residence and shall conform to all the regulations governing a residence.

It shall be required that buildings exempt from zoning regulations by Section 519.21 of the Ohio Revised Code be attested to by completion of an affidavit by the landowner claiming such exemption.

According to the Ohio Revised Code a township shall have the authority to regulate agricultural uses in any platted subdivision approved under ORC §711.05, 711.09, or 711.10, or in any area consisting of fifteen (15) or more lots approved under ORC §711.131 that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of the dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate. In such areas, agriculture shall comply with the following:

- A. Agriculture on lots of one (1) acre or less. The raising for private use, consumption or incidental sale of fruits, vegetables or nursery stock shall be permitted provided no products shall be sold except those which are produced on the premises.
- B. Buildings or structures incidental to the use of land for agricultural purposes including, but not limited to, barns, silos and roadside stands, on lots greater than one (1) acre but not greater than five (5) acres shall comply with the following:
 - 1. All buildings and structures shall comply with the setback regulations set forth in the district in which the building or structure is located, except that buildings housing animals shall comply with Subsection C, below.
 - 2. Each farm shall be permitted only one roadside stand or market located on the farm property, unless otherwise permitted by the district regulations.
- C. Dairying and animal and poultry husbandry shall be permitted on lots with a minimum of one (1) acre in compliance with the following:
 - 1. Shelter for Animals. The following regulations are established for the keeping of animals:
 - a. Whenever one or more animals are kept outdoors on a lot, an accessory building for their shelter shall be constructed on the lot.
 - b. The area of the accessory building intended to provide shelter for one or more animals shall not exceed 3% of the lot area.
 - c. Such accessory buildings shall be located no closer than:
 - i. 75 feet from the edge of the road right-of-way
 - ii. 15 feet to a side or rear lot
 - iii. 100 feet from any water well
 - d. Large Animals. A corral shall be required for large animals such as, but not limited to, horses, mules, donkeys, swine, cattle, buffalo, alpacas, and llamas.
 - i. The corral shall be located a minimum of five (5) feet from any front, side or rear lot line.
 - ii. The corral shall provide at least the minimum grazing area for grazing livestock in compliance with the latest “animal units” per acre standards set forth by the Ohio State University Extension Service of Portage County.
 - e. Small Animals. If a fenced in area is provided for small animals such as, but not limited to, poultry, goats, sheep, and mini breeds of horse, cattle and swine, but not including dogs, cats and other common household pets:
 - i. The fenced area shall be located in a side or rear yard a minimum of five (5) feet from any side or rear lot line.
 - ii. The fenced area shall provide at least the minimum grazing area for grazing livestock in compliance with the latest “animal units” per acre standards set forth by the Ohio State University Extension Service of Portage County.
 - 2. Bee-keeping (Apiculture). All bee-keeping activities shall be a minimum of one hundred (100) feet from any residence on adjacent parcels.
 - 3. Maintenance.
 - a. All areas adjacent to any corral or similar enclosure, stable or shelter, work-out or training area or any other structure where animals are kept and maintained, shall be graded to drain away from such facilities to prevent ponding and insect harborage.
 - b. All such premises shall be kept and maintained in a clean and sanitary condition and shall conform to the sanitary code of the Portage County Health District.

- D. A dwelling unit on the same lot with an agricultural use and all accessory buildings associated with the dwelling unit shall comply with all regulations for dwelling units set forth in this Resolution.
- E. Signs shall comply with the regulations set forth in the Freedom Township Zoning Regulations.

§ 101.4 Separability Clause

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part hereof, other than the part so declared to be unconstitutional or invalid.

§ 101.5 Conflicting Regulations

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations or solutions, the most restrictive, or that imposing the higher standards, shall govern.

§ 101.6 Interpretations

- A. For the purpose of this Resolution, the interpretation of words “permanent,” “adequate,” “satisfactory,” “safe,” “noxious,” “offensive,” “hazardous,” “injurious,” “public nuisance,” as well as such other words involving discretion, shall rest with the lawful officials and the Zoning Board of Appeals of the Township, consistent with the established right of appeal. (11/97)
- B. The statements and regulations in this resolution are intended to be consistent, and no statement or provision shall serve to nullify, reinterpret, or otherwise alter the effect of any other statement or requirement.

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Freedom Township Zoning Resolution

Article II

Division into Districts

*Adopted November 1981
(Unless otherwise indicated)*

§ 201.0 Division into Districts

For the purposes set forth in R.C. 519.02, “the Board of Township Trustees...may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape and area as the Board determines.”

§ 201.1 Districts (2/01)

For the purposes of this Resolution, Freedom Township is hereby divided into three districts as established by the map attached hereto:

Rural Residential	Designated - RR
Residential Commercial	Designated - RC
Residential Industrial	Designated - RI

§ 201.2 Rural Residential District – “RR”

This district shall include all of the areas in this Township not designated as Residential Commercial or Residential Industrial. (7/04)

A. Permitted Uses

1. One (1) single-family dwelling per lot (12/86)
2. One (1) two-family dwelling per lot (12/86)
3. One (1) three-family dwelling per lot (1/88)
4. Accessory uses or buildings incident to any of the above-permitted uses, but not including the conduct of a business or industry. (8/96)
5. Temporary Housing – See Section 410.0 Temporary Housing
6. Planned Residential Developments, subject to the requirements of Sections 201.5 through 201.15 inclusive. (2/01)
7. Home Occupations – (See Article IV, Sec. 401.1(A)) (8/96; 12/8; 6/05)

B. Conditionally Permitted Uses

1. Churches and other places of worship
2. Institutions of an educational, religious or philanthropic nature, exclusive of correctional institutions
3. Recreational facilities
5. Accessory uses or buildings incident to any of the above permitted uses, but not including the conduct of a business or industry. (8/82)
6. General Standards for All Conditional Uses (12/04)
(See Article IV, Section 401.2)

C. Regulations Governing Rural Residential District Structures and Uses

1. Setback (8/96)
No buildings or structure or portion thereof shall be located, erected, constructed or reconstructed over 50% or altered so as to project in any manner nearer than seventy-five (75) feet from the right-of-way of any public highway or private road built to county subdivision specifications.
2. Corner Lot (8/96)
The minimum size of a corner lot shall be adequate to permit a setback of seventy-five (75) feet from the right-of-way of any public highway or private road built to county subdivision specifications.
3. Side and Rear Yard Lines
 - a. Side Yard Lines (4/83)
The minimum distance between structures and side yard property lines shall be a minimum of fifteen (15) feet.
 - b. Rear Yard Lines (4/83)
The minimum distance between structures and rear yard property lines shall be a minimum of twenty-five (25) feet.
4. Minimum Frontage and Lot Size (11/97; 7/04)
 - a. Single Family
Each lot shall have a minimum of one hundred fifty (150) feet of contiguous frontage on a public highway or private road built to county subdivision specifications and shall have a minimum of one and one-half (1-1/2) acres, except that in the case of irregular lots (less than four [4] corners, or more than five [5] corners, they shall be a minimum of two (2) acres.
 - b. Two Family
Each lot shall have a minimum of two hundred (200) feet of contiguous frontage on a public highway or private road built to county subdivision specifications and shall have a minimum of two (2) acres.
 - c. Three Family
Each lot shall have a minimum of two hundred (200) feet of contiguous frontage on a public highway or private road built to county subdivision specifications and shall have a minimum of three (3) acres.
5. Floor Area
 - a. No one-story residence without a basement shall contain less than one thousand two hundred (1,200) square feet of floor space, exclusive of breezeways, porches and garages. Manufactured homes/mobile homes shall have a minimum of one thousand two hundred (1,200) square feet of floor space as shown by the manufacturer's specifications, exclusive of breezeways, porches, garages, hitches or any other type of add-on. (6/89)
 - b. No one and one-half or two-story residence with a basement shall be constructed containing less than eight hundred fifty (850) square feet on the first floor, exclusive of breezeways, porches and garages.
 - c. No one-story residence with a basement shall be constructed containing less than eight hundred fifty (850) square feet on the first floor, exclusive of breezeways, porches and garages.
 - d. Two-family dwellings shall contain a minimum of eight hundred fifty (850) square feet of floor space per dwelling unit, exclusive of basements, breezeways, porches and garages. (12/86)

- e. Three-family dwellings shall contain a minimum of eight hundred fifty (850) square feet of floor area per dwelling unit, exclusive of basements, breezeways, porches and garages. (3/88)
- f. No mobile/manufactured home shall be permitted as a multi-family dwelling. (11/97)
- 6. Basement Dwelling (12/83)
No basement shall be created or constructed on any parcel of land in this Township and used for a dwelling.
- 7. Foundation (11/97)
All dwellings must have a permanent and complete perimeter foundation installed to a depth below the established frost lines for this area. The foundation system must conform to the regulations of the Portage County Building Department.
- 8. Dwelling or Residence (11/97; 11/06)
No building or structure shall be used for permanent living quarters unless it conforms to the minimum requirements for a residence set forth in this Resolution. All travel trailers, mobile homes and manufactured homes used as a temporary and/or permanent residence must be skirted. The skirting shall be vinyl, metal or masonry and extend from the ground to the bottom of the trailer. Skirting is to be maintained. All dwellings likewise shall conform to all state and local building codes.
- 9. Special Notices:
 - a. No activity which may be classified as business, commercial or industrial, public or private, shall be permitted in the Residential District, with the exception of “Home Occupations” as defined and restricted in this Resolution.
 - b. No land or premises, and likewise no building or structure, shall be used as a place for the storage of equipment or materials associated with a business. (See Non-Conforming Use.)
 - c. No land or premises shall be used as a place for storing, repairing or dismantling of more than one unlicensed vehicle at any one time, and provided that such activity is not in violation of Section 201.2, Section C, 9b.

§ 201.3 Residential Commercial Districts – RC (2/01)

- A. Boundaries
The boundaries and areas set aside for Residential Commercial activities shall be those indicated on the official map for Freedom Township, which is attached hereto as a part of this Resolution.
- B. 1. Permitted Uses
The following uses shall be permitted in the Residential Commercial District:
 - 1. One (1) single-family dwelling per lot
 - 2. One (1) two-family dwelling per lot
 - 3. One (1) three-family dwelling per lot
 - 4. Accessory uses or buildings incident to any of the above-permitted uses, but not including the conduct of a business or industry.
 - 5. Temporary Housing – See Section 410.0 Temporary Housing
 - 6. Planned Residential Developments, subject to the requirements of sections 201.5 through 201.15 inclusive.

2. Conditionally Permitted Uses (2/01)

The following uses shall be conditionally permitted in the Residential Commercial District:

All uses conditionally permitted in residential districts, hotels, motels, restaurants, lunch rooms, public garages, retail stores, repair shops, beauty shops, funeral homes, mercantile establishments, banks, office buildings, studios, dairy stores and lodge halls, indoor theaters, recreation halls, printing shops, coal yards, building, heating and plumbing supply stores and mini self storage facilities are also conditionally permitted. (5/03)

The above uses shall be conditionally permitted provided only such uses are not noxious, dangerous or offensive by reason or emission of odor, dust, smoke, gas, noise, fumes, flames or vibration.

Gasoline and service stations are conditionally permitted provided that storage tanks are underground and safe. Also conditionally permitted are body shops, used car lots, auto garages conducting mechanical repair, motor freight garages, truck terminals, commercial truck parking areas and their necessary related offices, provided that: No cargo shall be contained within or on such vehicles or premises that is listed as a "Hazardous Material" or is required to be labeled as a "Hazardous Material" by definition or order of the Public Utilities Commission of Ohio (PUCO), the Federal or Ohio Environmental Protection Agency (EPA), the Interstate Commerce Commission (ICC), or any other Federal or State Regulatory Agency. (11/97)

3. General Standards for All Conditional Uses (12/04)
(See Article IV, Section 401.2)

C. Regulations

1. Lot Size

No lot shall be less than one hundred fifty (150) feet in frontage with a minimum lot size of one and one-half (1-1/2) acres if no central sewage system exists. (11/99)

2. Minimum Building Size

No building shall have a ground floor or foundation area, exclusive of open porches and breezeways, of less than twelve hundred (1,200) square feet. A residence over a business or commercial establishment shall have the same square feet floor space as is required in the residential district. (11/97)

3. Front Yard Setback Lines

Front yard setback lines for the non-residential districts shall be a minimum seventy-five (75) feet plus one half (1/2) of the road right-of-way (to be measured from the center of the right-of-way); this area may be used for off-street business parking. There shall be no storage in this area. Any storage must be to the side or rear of the property. (11/97)

4. Side and Rear Yard

The side and rear yard clearance for all Residential Commercial buildings shall be a minimum of twenty-five (25) feet, exclusive of any driveway or parking area between the building and the lot line when said lot line adjoins a residential district.

There shall be a minimum of ten (10) feet side-yard and twenty-five (25) feet rear-yard clearance exclusive of any driveway or parking area between the building and the lot line when said lot adjoins another commercial zoned lot. Side-yard clearances shall be kept open at all times. No fences, posts, planters, trees, walls, etc. shall be erected or so positioned as to interfere with access for emergency purposes. (3/88)

5. Corner Lots
Buildings on corner lots shall be set back a minimum of seventy-five (75) feet plus one-half (1/2) of the road right-of-way (to be measured from the center of the right-of-way) of each road, street or highway. Adequate ingress and egress shall be furnished to avoid traffic hazards and public inconvenience. (11/97)

6. Parking Facilities
All commercial uses shall provide one space for each two hundred (200) square feet of floor area for parking space off the road outside the public right-of-way, in addition to loading and unloading zones. Each off-street parking space shall be not less than one hundred ninety (190) square feet in area, and not less than ten (10) feet in width, exclusive of access drives or aisles; except that for off-street parallel parking, a parking space shall be not less than nine (9) feet in width and twenty-three (23) feet in length. Adequate ingress and egress shall be furnished to avoid traffic hazards and public inconvenience. (11/97)

7. Conditions for Mini Self Storage Businesses (Entire Section Adopted 5/03)
 - A. Commercial activity shall be limited to the rental of storage units and the incidental uses related to the business (i.e., boxes, tape) by the owners of the property or operators of the conditionally permitted business. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, or other similar equipment shall not be conducted on the premises. There shall be no other activities conducted on the premises.
 - B. Businesses shall be limited to personal property left for a period of time. (12/07)
 - C. There shall be no storage of live animals or carcasses, explosives, radioactive or hazardous materials, or any other materials prohibited by County, State, or Federal statutes.
 - D. The operator shall provide suitable trash containers that are regularly serviced. All debris and trash must be in trash containers
 - E. Signs on sides of storage buildings and fences shall be limited to directional signs only. There shall be no commercial advertising. Signs shall be permitted on the office building (limited to 20 [twenty] square feet for the business name) and at the entrance gate (limited to 9 [nine] square feet).
 - F. Temporary signs, banners and portable signs related to the initial opening of the business are limited to 90 (ninety) consecutive days during the first six months of operation. No other signs except as permitted herein are allowed
 - G. All lights shall be shielded to direct light onto the uses established and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft.
 - H. Storm water runoff must be controlled so as not to adversely affect adjoining property owners.
 - I. The following conditions apply to Outdoor Storage:
 1. Outdoor storage is limited to operable, non-commercial or commercial vehicles and water craft, not to exceed the legal height in Ohio. (12/07)
 2. Parking spaces shall be no less than 100 (one hundred) feet from the rear of the rearmost building.
 3. No outdoor storage of personal property other than those listed in I.1.

4. Outdoor storage shall be set back from the side yard lines a distance no less than the storage building side yard set back.
- J. Hours of operation are limited to between the hours of 6 a.m. and 10 p.m., seven days per week.
- K. Maximum building height should be measured from finished grade to the roof's peak.
- L. Owner shall construct and maintain a black, chain-link fence no less than 6 (six) feet in height and no less than 3 (three) feet within the side yard boundaries.
- M. A gated entrance may be constructed provided it does not exceed 6 (six) feet in height, and shall be located at least 50 (fifty) feet from the road right-of-way.
- N. Off Street Parking:
 1. One space for each 10 (ten) storage cubicles, equally distributed throughout the storage area, shall be provided. This parking requirement can be met with the parking lanes as set forth in Section O. On-Site Circulation.
 2. One space shall be provided for every 25 (twenty-five) storage cubicles at the office facility.
- O. On-Site Circulation:
 1. All one-way driveways shall provide for one 10 (ten) foot parking lane and one sixteen (16) foot travel lane. Traffic direction and parking shall be designated by signage and painting.
 2. All two-way driveways shall provide for one 10 (ten) foot parking lane and two 13 (thirteen) foot travel lanes.
 3. Parking lanes may be eliminated when the driveway does not serve storage cubicles.

D. Wireless Telecommunication Service Facilities *(Entire Section Adopted 8/98)*

1. A proposed wireless telecommunication facility application is to include a plot plan at a scale of not less than one inch to equal 100 feet and shall indicate the locations of all buildings and the uses of all buildings within 300 feet of the proposed facility. The applicant shall also include, as part of the application, a landscaping plan that indicates how the wireless telecommunication facility will be screened from adjoining uses. All wireless telecommunication service facilities shall be designed to promote facility and site sharing.
2. All applications for wireless telecommunication service facilities, as part of the application review process, shall include a plan of reclamation for both the tower facility and tower site, in the event the facility is no longer functioning in the fashion as originally intended. The reclamation plan should include the removal and disposal of all obsolete and/or abandoned equipment, as well as the reclamation of the area with vegetation to prevent erosion.
 - a. Bonds. As part of the reclamation, the owner or operator shall be required as a condition of issuance of a permit to post a cash surety bond, or other financial guarantee which is acceptable to the Trustees, or no less than One Hundred Dollars (\$100.00) per vertical foot from the natural grade of the wireless communication tower. This bond shall insure that an abandoned, obsolete or destroyed wireless communication antenna or tower shall be removed within six months of cessation or use and abandonment and the reclamation of the area with

vegetation to prevent erosion. In addition, any co-locator shall be required to provide its own financial guarantee to the township which insures the removal and disposal of all obsolete and/or abandoned equipment, and the reclamation of the tower site, which shall be in place during the period of time that the co-locator occupies the tower.

3. The application shall include conclusive technical evidence as to why the wireless telecommunications tower and facility must be located where it is proposed to be located and no alternative choice can be considered, in order to service the applicant's service area.
4. **New Structures.** All wireless telecommunication towers shall be of monopole design. All wireless telecommunication towers shall be less than two hundred (200) feet in height above the finished grade. All applicants shall be required to construct or locate a base tower structure foundation that is designed to be buildable up to, but not including, two hundred (200) feet above the finished grade. Such structure shall be designed to have sufficient structural capacity to allow for at least three (3) providers to be located on the structure when constructed to the maximum allowable height.

All transmission and receiving equipment shall be stored inside a building constructed for the purpose. The wireless telecommunication facility shall also be designed to show that the applicant has enough space on its site plan for an equipment building large enough to accommodate at least three (3) users. If an equipment building is initially constructed to accommodate only one (1) user, space shall be reserved onsite for equipment building expansions to accommodate up to at least three (3) users. Underground equipment shelters are encouraged especially in non-industrial districts. The maximum size of an equipment building shall be 300 square feet for one provider and shall in no circumstances be more than 750 square feet in total. A zoning certificate is required for any footprint and/or height change to the building or equipment shelter and/or to the tower. (11/06)

5. Existing towers must be utilized as Multi-User Wireless Telecommunication towers, if at all possible, before a new tower may be constructed. The applicant must provide written evidence that all Wireless Telecommunication Service Facilities who supply service within the proposed service area, have been approached about the feasibility of co-location opportunities at their respective sites. The operators of the existing facilities shall be requested to respond in writing to the inquiry within 30 days. The findings of the applicant shall be presented to the Board of Zoning Appeals to aid in determining the need for a new wireless telecommunication tower/facility. Facilities which are not proposed to be multi-user sites shall provide written explanation why the subject facility is not a candidate for co-location.
6. No tower shall be erected at a distance closer than the height of the tower plus fifty (50) feet from any commercial, residential, or occupied dwelling, road, highway, or property line, excluding any building or road which is necessary to the express use of the tower.
7. No guy wire anchors shall be erected at a distance closer than fifty (50) feet to an abutting property or public road.
8. An eight (8) foot high security fence shall be placed around the tower base and include any guy wire anchor systems used to secure the tower. An emergency contact sign (minimum size being 18" x 6") must be attached to the fence.
9. All towers shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

10. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties. Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. Dual purpose lighting is required: red flashing lights at night and white strobe lights during the day.
11. A site location should be preferred that offers natural or manmade barriers that would lessen the impact of the wireless telecommunication service facilities on adjacent areas.
12. The entire site must be appropriately landscaped to be harmonious with surrounding properties.
 - a. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
 - b. Buffer plantings shall be located around the perimeter of security fencing consisting of an evergreen screen, comprised of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum.
13. All conditionally permitted installations/facilities shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or the township in general.
14. Access roads shall be maintained in a dirt free and dust free condition.
15. Loudspeakers which cause a hazard or annoyance shall not be permitted.
16. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.

§ 201.4 Residential Industrial District – RI (2/01)

A. Boundaries

The boundaries and areas set aside for Residential Industrial uses shall be those indicated on the official map for Freedom Township, which is attached hereto as a part of this Resolution.

B. 1 Permitted Uses (7/04)

The following uses shall be permitted or conditionally permitted in the Residential Industrial District:

1. One (1) single-family dwelling per lot
2. One (1) two-family dwelling per lot
3. One (1) three-family dwelling per lot
4. Accessory uses or buildings incidental to any of the above-permitted uses, but not including the conduct of a business or industry.
5. Temporary Housing – See Section 410.0 Temporary Housing
6. Planned Residential Developments, subject to the requirements of Sections 201.5 through 201.15 inclusive.

B. 2 Conditionally Permitted Uses (7/04)

The following uses shall be permitted or conditionally permitted in the Residential Industrial District:

1. Any use permitted or conditionally permitted on the terms of this Resolution in the Residential and Commercial District.
2. Any industry or trade, provided that the land use and structures conform to the regulations governing Residential Industrial districts, and provided that the operation of which industry or trade shall in no way, by reason of emission or production of odor, dust, fumes, smoke, noise or

vibration, be injurious, noxious, offensive or hazardous to itself or to others, according to the determination of the lawful officials of the Township, who shall base their decision on the inspection and analysis of the complete plans and the declaration of the intended use accompanying the application for a zoning certificate, while at the same time they shall require what they deem adequate guarantees against future possible violations.

B. 3 General Standards for all Conditional Uses (12/04)
(See Article IV, Section 401.2)

C. Regulations Governing Residential Industrial District

1. Lot Size
Each lot shall have a minimum frontage of two hundred (200) feet and a minimum depth of three hundred (300) feet. (11/97)
2. Setback
No building, structure or portion thereof shall be located, erected, constructed, reconstructed, or altered so as to project in any manner nearer than one hundred twenty-five (125) feet from the right-of-way of any state, county or township road or highway.
3. Side and Rear Yard Line
The minimum distance from a building or structure to side or rear yard line fronts on a road, street or highway, in which case the regulation for minimum setback shall apply.
4. Adjoining Residential Districts
Where a Residential Industrial District lies adjacent to a residential district, there shall be a minimum setback of seventy-five (75) feet from the nearest point of any structure in the industrial district to the nearest boundary of any adjoining residential district and such area of setback shall be maintained in such a way as not to be considered a public nuisance.
5. Parking
Within a Residential Industrial District there shall be provided on all land used for industrial purposes such off-street parking and loading areas as will be adequate for all vehicles of employees, clients and visitors.
6. Signs
See Section 401 g.

D. Conditionally Permitted Uses

Strip mines or excavations for coal, sand, gravel, clay, limestone, sandstone or other mineral deposits on condition that:

1. Such activity is not in violation of Section 201.4 B 2.
2. All grounds involved be rehabilitated satisfactorily.
3. Proper drainage be supplied for all water involved.

§ 201.5 Purpose – Planned Residential Development (Entire Section 201.5 – 201.15 adopted 2/01)

Planned Residential Development (PRD) regulations are established in order to encourage and accommodate, in a unified project, creative and imaginative planned developments. It is intended that PRDs will utilize innovations in the technology of land development that are in the best interests of the Township and which are consistent with the residential objectives to preserve sensitive natural areas that contribute to the character of Freedom Township. In order to accomplish this purpose, these regulations provide for a variety of dwelling types, including single-family detached, clustered units.

These regulations are designed to achieve, among others, the following objectives:

- A. To allow flexible residential development on larger sites, especially sites that have natural features such as wetlands, natural ponds, marshes, steep slopes, rock outcroppings, floodplains and larger wooded areas, which contribute to the character of Freedom Township.
- B. To promote economical and efficient use of land and reduce infrastructure costs through unified development.
- C. To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation, the provision of readily accessible open space and recreation areas, and the creation of functional and interesting residential areas.
- D. To ensure that Planned Residential Developments are compatible with the surrounding single-family neighborhoods and comply with these objectives by requiring the submission of development plans and establishing a review process to ensure that all developments are consistent with regulations.

§201.6 Approval of Planned Residential Developments

In addition to the general review procedures for development plans, the Zoning Commission shall review a proposed PRD giving particular consideration to ensure that:

- A. Buildings and uses within the proposed development shall be located so as to reduce any adverse influences and to protect the residential character of areas adjacent to the development.
- B. Significant buffer zones with adequate landscaping shall be provided between the proposed development and adjacent residential areas. The bulk and height of buildings within the proposed development are compatible with the surrounding development.
- C. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are so designed as to have access to public streets which minimize traffic hazards or congestion.

The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the residential character of areas adjacent to the development.

§201.7 Minimum Project Area

The area proposed to be developed as Planned Residential Development shall be in one ownership or, if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PRD boundaries. The gross area of a tract of land of a PRD shall be:

- A. Twenty (20) acres or more in any District.

§201.8 Dwelling Types

The types of dwelling units that may be included as parts of a PRD are:

- A. Standard detached single-family.
- B. Cluster detached single-family.

§201.9 Density and Open Space Regulations

The number of dwelling units permitted and the amount of restricted open space provided as part of a PRD shall comply with the following:

- A. Density:
 - 1. The total number of building lots permitted on a parcel to be developed as a PRD subdivision development shall not exceed the total number of building lots that would be permitted if the parcel was developed as a conventional subdivision.

2. The total number of building lots permitted on each naturally distinct portion of a parcel to be developed as a PRD residential subdivision shall not exceed the total number of building lots that would be permitted on each respective portion if the parcel was developed as a conventional subdivision. Naturally distinct portions of a parcel will be determined on a case-by-case basis, but generally are created by watercourses or wetlands or significant differences in topography.
3. The permitted number of building lots is subject to all Freedom Township requirements and Portage County Health Department requirements. The Portage County Health Department requirements for septic systems shall be addressed on preliminary basis by percolation testing of the proposed building sites, and by testing in those areas known to contain the least suitable soil types. Portage County Health Department requirements will govern the final number and location of building lots within the proposed subdivision.

B. Common Open Space:

1. Common open space shall be calculated after subtracting ten (10) percent for roadways from the total acreage of the parcel to be developed. A minimum of forty (40) percent of the net area, after the roadway adjustment, shall be reserved in perpetuity for public and/or private common space and recreational facilities. Such open space shall be available to and accessible to all residents of the PRD subdivision development and shall be designed primarily for their use.
2. Common Open Space Standards
 - a. Use of Common Open Space
 - i.. Permitted Uses: Subject to other relevant provisions of this resolution, the following uses and improvements shall be permitted on common open space lands: agricultural, passive recreation (including but not limited to walking, hiking, horseback riding, sledding and skiing, bikeways, but specifically excluding motorized vehicles) and other uses similar in character and potential impact, as determined by the Homeowners Association. Also, included as permitted uses are water wells, septic disposal facilities, and storm water retention areas designed, landscaped and available for use as an integral part of the common open space.
 - ii. Conditional Uses: Uses and improvements on common open space lands requiring a conditional use permit shall include those designed for active recreation such as playgrounds, playing fields or courts for organized sports, swimming pools, picnic areas and any buildings, structures, supporting facilities, driveways, or parking areas proposed in relation to the foregoing. Application for conditional use permits shall be made by the Homeowners Association.
 - iii. Further subdivision of common open space lands or their use for other than those uses listed in a.i. and a.ii. above shall be prohibited.
3. Open space shall be exclusive of all streets, non-recreational buildings and buffer zones and individually owned land. Design of common open space areas shall be governed by the following standards:
 - a. Permanent bodies of water should comprise no more than thirty (30) percent of required open space, at the discretion of the Zoning Commission, depending on the water body's utility as recreation or open space asset to the PRD subdivision development.
 - b. Common open space may be improved with appropriate recreation facilities and structures as long as total paved or road areas do not exceed five (5) percent of the total open space.
 - c. Common open space shall include, to the extent possible, a combination of the most sensitive and noteworthy natural scenic and cultural features such as:

1. Scenic views, with first priority given to scenic views from existing affronting and abutting public roadways, i.e.:
 - a. Prime farmland
 - b. Mature woodlands
 - c. Aquifer recharge areas
 - d. Highly permeable soils
 - e. Wildlife habit areas
 - f. Historic, archeological or cultural features
- d. An open buffer zone shall be preserved on existing roads fronting or abutting parcel to be developed. The buffer zone shall be minimum of one-hundred (100) feet back from the road right-of-way with each parcel being judged on its own merits. PRD subdivision developments which include plans for allowing natural or created features, such as trees or hills alongside the roadways, will be allowed a minimum buffer zone. PRD subdivision developments which include plans for unobstructed views and do not include natural features will be required to have a deeper buffer zone in order to minimize the perceived density of building lots. The depth of the buffer zone shall be established early in the plan review process.
- e. An open space buffer zone fifty (50) feet wide shall be designed on the perimeter of the parcel to be developed abutting adjacent properties. Individual building lot boundaries shall not infringe into this buffer zone.

§201.10 Preservation, Ownership and Maintenance of Common Open Space

Common open space shall be set aside by the Developer through irrevocable conveyances acceptable to the Zoning Commission. Forms of dedication for common open space shall include at least two (2) vehicles such as:

1. A recorded deed restriction, and
 2. A permanent conservation easement to a charitable organization such as defined by the Ohio Revised Code.
- A. Such conveyances shall assure that the common open space will be only used as permitted in Section 201.9
1. The common open space shall remain undivided and undeveloped, except for recreational facilities identified in Section 201.9.
 2. Ownership of the open space can be by any entity, public or private.
 3. If the open space is to be owned by a Homeowners' Association, then the following provisions shall apply:
 - a. The Developer shall provide a description of the Association to the Zoning Commission including its bylaws and methods for maintaining the common open space.
 - b. The Association shall be organized by the Developer and be operated with financial subsidization by the Developer, before the sale of any lots within the development.
 - c. Membership in the Association is automatic (mandatory) for all purchasers of lots therein and their successors. Membership shares shall be defined within the Association bylaws.
 - d. The conditions and timing of transferring control of the Association from the Developer to lot owners shall be identified.
 - e. The Association shall be responsible for payment of all costs of maintaining such common open space. The Homeowners Association shall be authorized under its bylaws to place liens on the property of owners who fall delinquent in payment of such dues or assessments.
 - f. The Homeowners Association shall make provisions in the bylaws for necessary repairs or replacements of septic system leachfields located in the common open space.

B. Maintenance Standards for Common Open Space

1. The owner of the common open space shall be responsible for raising all monies required for maintenance of the common open space. Failure to adequately maintain the common open space in reasonable order and condition constitutes a violation of these regulations.
2. In the event the owner fails to maintain the common open space in reasonable order and condition in accordance with the approved open space development plan, the Township Zoning Inspector may serve written notice upon the owner, setting forth the manner in which said owner has failed to maintain the common open space in reasonable condition and directing the owner to remedy same within thirty (30) days.
3. Failure to achieve such remedy within the specified time shall be cause for action by the Township in the same manner as other Zoning Violation Claims.

§201.11 Subdivision Design Guidelines

The following guidelines apply to neighborhood open space Planned Residential Developments with regard to the layout of building lots and open space:

- A. Protect and preserve all floodplains, wetlands and steep slopes from clearing, grading, filling or construction.
- B. Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting parcels, streams and public streets, and to minimize the possibility of erosion.
- C. If building lots must be located on open fields or pastures because of greater constraints in all other parts of the site, they should be located on the least prime agricultural soils, or in locations at the far edge of fields, as seen from existing public roads.
- D. Development should be designed so that, as much as feasible, building lot rear boundary lines do not abut one another. View of open space from each building site should be preserved as much as feasible.
- E. Design around existing hedgerows and treelines between fields and meadows. Minimize impacts on woodlands (greater than five acres), especially those containing many mature trees or significant wildlife habitat. Also woodlands on highly erodible soils with slopes greater than ten (10) percent should be preserved.
- F. Design around and preserve sites of historic, archaeological or cultural value, as needed to safeguard the character of the feature.
- G. Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from existing public roadways.
- H. Single-loaded residential access streets are preferred in order that the maximum number of homes in open space developments may enjoy views of common space. Where foreground meadows are created between existing public roadways and such single-loaded residential access streets, residences shall be located on the far side of the access streets as seen from the public roadways and shall front on the access streets and towards the public roadways.
- I. The road design should incorporate as much as possible, commons or ovals rather than cul-de-sacs.
- J. Landscape common areas such as community greens, ovals, and cul-de-sac islands and both sides of new streets with native species shade trees.
- K. Avoid siting new construction on prominent open hilltops or ridges, by taking advantage of lower or shielded topographical areas.
- L. Preserve and maintain mature woodlands, existing fields, pastures, meadows and orchards and create sufficient buffer areas to minimize conflicts between residential and agricultural uses.

- M. Protect wildlife habitat areas or species listed as endangered, threatened or of special concern by the Ohio Department of Natural Resources, Division of Natural Area and Preserves.
- N. Provide open space that is reasonably contiguous.
- O. Private Street Construction - All elements of a private street that are to be provided in a Planned Residential Development shall be constructed in accordance with the construction standards set forth for public streets in the Portage County Subdivision Regulations.

§201.12 Plan Approval

The applicant for the planned residential developments shall submit development plans in accordance with the following:

- A. Applicants for PRD subdivision plan review for planned developments may be obtained from the Freedom Township Zoning Inspector. Four (4) copies shall be completed and submitted to the Zoning Inspector for distribution. Applicant shall keep one (1) copy, return one (1) copy to Zoning Inspector, return one (1) copy to Chairperson of the Zoning Commission and return one (1) copy to the Clerk of the Board of Trustees. Applicant is encouraged to request an initial meeting with the Zoning Commission to discuss the PRD requirements and include if possible a walkover of the parcel to be developed, before actual plans are proposed for review.
- B. A standard fee, which is payable to Freedom Township, for development plan review shall be charged to each applicant. The fee amount shall be fixed by the Freedom Township Trustees.
- C. The Zoning Commission may cause special studies to be made or seek expert advice including local emergency services such as Fire Department or ambulance. The cost of securing expert advice or studies shall be borne by the applicant, and shall generally not exceed the sum of two thousand dollars (\$2,000.00), which sum shall be on deposit with and payable to Freedom Township upon request of Zoning. However, in exceptional situations where, in the judgment of the Zoning Commission, the scale or complexity of the development proposal warrants additional testing or review, the Zoning Commission may request Trustees to set the deposit requirement for a greater amount.
- D. If the PRD subdivision plan is approved, the applicant shall be so notified by first class mail.
- E. If a PRD subdivision plan is disapproved, the applicant shall be notified by first class mail with the reason(s) for disapproval. The plan may not be resubmitted to the Zoning Commission for one (1) year from the official decision, unless revisions are made to address the reasons for disapproval.
- F. Within sixty (60) days of the official submission date shown on the application for subdivision plan review, step D or E above shall occur or the Zoning Commission shall notify applicant by first class mail of the reasons for and number of additional days required.

§201.13 Data Required with Application

The PRD subdivision plan shall include the following:

- A. Drawings to a legible scale showing topographical features of the parcel, building lots, common open space areas and shall include a circulation and parking plan, planting and landscaping plan.
- B. The following additional items:
 - 1. Elevation contours
 - 2. Location of wetland and floodplains
 - 3. Boundaries of all soil types
 - 4. Location of all existing significant natural, geographical and/or unique features
 - 5. Proposed signage
 - 6. Grading and erosion control, surface drainage plan
 - 7. Existing structures
 - 8. Utilities plan

§201.14 Area, Yard and Height Measurements

- A. Minimum lot area – one and one half (1.5) acres, of which septic easement in the open space areas may be substituted for lot area of up to one-half (0.5) acre with Portage County Health Department approval.
- B. Minimum lot width at building line – one hundred (100) feet
- C. Minimum frontage at street – one hundred (100) feet. Sixty (60) feet cul-de-sac
- D. If there is not established a street right-of-way, the minimum front yard depth shall be eighty (80) feet from the centerline of the road. Right-of-way to be verified by ODOT or Portage County Engineer.
- E. Minimum side yard width, the width of the narrower of the two (2) side yards shall not be less than fifteen (15) feet.
- F. Minimum rear yard depth – Fifty (50) feet
- G. Minimum living floor area per dwelling unit shall be:
 - 1. Twelve hundred (1,200) square feet minimum living area for a two (2) bedroom dwelling
 - 2. Fifteen hundred (1,500) square feet minimum living area for a three (3) bedroom dwelling
 - 3. Eighteen hundred (1,800) square feet minimum living area for a four (4) bedroom or more dwelling
 - 4. Two-story (2 story) dwelling shall have a minimum of five hundred (500) square feet on the second floor
- H. A residential building shall have a complete foundation installed to a depth below frost line, and must be at least one (1) story above ground level.
- I. Maximum height of building: thirty-five (35) feet

§201.15 Zoning Inspector

- A. The Freedom Township Zoning Inspector shall be responsible for monitoring compliance with the subdivision plan approved by the Zoning Commission.

§202 LIGHT INDUSTRIAL DISTRICT- “LI”

(Entire Section Adopted 6/19/08)

§202.1 Purpose

The purpose of the Light Industrial Zoning District is established to:

- A. Provide, in appropriate and convenient locations, sufficient areas for industrial and manufacturing activities, and the distribution of goods and materials.
- B. Provide for and accommodate light industrial uses such as manufacturing, office, wholesale and distribution establishments that operate entirely within completely enclosed structures whose products are derived from previously prepared materials, of finished products or parts and that normally generate only limited outdoor storage of goods and supplies in association with the principal activity.
- C. Provide for establishments that utilize processes in which dust, smoke, fumes, glares, odors or other objectionable elements can be controlled, and that do not involve any process or materials that are potentially dangerous or hazardous processes.

§202.2 Uses

Within the LI Zoning District, no building, or structure or premises shall be used, arranged to be used or designed to be used, except for the following uses:

- A) Permitted Uses:
 - 1. Administrative, executive, financial, accounting, clerical and drafting offices and professional offices.
 - 2. Warehousing
 - 3. The following types of manufacturing, processing, servicing, assembly, packaging or repair facilities, which will not be injurious or offensive to adjacent properties and consistent with the purpose of this district:
 - a. Bakery goods, candy, food products
 - b. Products from materials such as cloth, glass, leather, plastic, metal, wood, etc.
 - c. Musical instruments, toys, novelties and similar products
 - d. Electronic instruments, small appliances and devices
 - e. Perfume and Toiletries
 - f. Pharmaceuticals
 - 4. Research laboratories and offices
 - 5. Printing, reproduction or duplicating facilities
 - 6. Metal processing such as fabrication, extrusion, welding, finishing, polishing and assembly of products
 - 7. Plastic or rubber molding and extrusion
 - 8. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the LI Zoning District.
 - 9. Uses not covered come before the Board of Zoning Appeals for ruling
 - 10. Signs as regulated in Article IV, Section 403.0 through 403.4

§202.3

The following uses shall not be permitted in this District under any circumstances:

- 1.) Operations involving molten steel or metals, i.e. foundry
- 2.) Forging operations of any type.
- 3.) Heavy press operations.

§202.4 Area Yard and Height Requirements

- A. Minimum lot size two (2) acres
- B. Minimum frontage one hundred and fifty (150) feet at the street and at the building setback
- C. Building setback from any road right-of-way to be a minimum of fifty (50) feet
- D. Minimum rear depth to be twenty-five (25) feet except where adjacent to a RR or RC District where the minimum distance is to be seventy-five (75) feet.
- E. Maximum building height to be fifty (50) feet.
- F. Up to twenty-five (25) percent of the total square feet may be used for retail sales and must conform with Section 201.2(3)(6).

§202.5 Parking and Loading Requirements

- A. Parking spaces are to be provided for all employees and visitors so that no vehicles will be parked on the road. The minimum number of required parking spaces shall be as follows:

Office Area	Four (4) per 1,000 square feet
Warehouse	One (1) per 3,000 square feet of floor area, or the total number of parking spaces equaling the total number of employees on any two consecutive shifts having the largest number of employees.
Industrial	One (1) per each 1,200 square feet of floor area, or the total number of parking spaces equaling the total number of employees on any two consecutive shifts having the largest number of employees.
Retail Sales	Parking shall be as described in Section 201.3 (C) (6)

§202.6

Landscape screening shall be maintained on ALL sides that face existing residential district.

This landscape screening shall be at least six feet (6') high and permit not more than twenty-five percent (25%) view of the shielded area on a year-round basis. This screening shall begin half of the distance to the road or right-of-way or fifty feet (50') towards the road or right-of-way beginning at the setback, whichever is less. This screening shall consist of evergreen trees and may include other plantings. Tall grasses shall not be considered as landscape screening and should be declared a nuisance.

§203 Neighborhood Commercial/Office/Industrial District – “NCOI” *(Entire Section Adopted 8/7/08)*

§203.1 Purpose

The purpose of the Neighborhood Commercial/Office/Industrial (NCOI) Zoning District is established to provide for a concentrated development of small commercial, office and industrial shops in a convenient location of the community, in order to encourage economic development while preserving and protecting the surrounding residential character of the community from any objectionable influences.

§203.2 Uses

Within the NCOI Zoning District, no building, or structure or premises shall be used, arranged to be used or designed to be used, except for the following uses:

- A. Permitted Uses:
1. Administrative, executive, financial, accounting, clerical and drafting offices and professional offices.
 2. Commercial Uses
 - a. Banks and other financial institutions.
 - b. Personal Services Establishments including, but not limited to, barber shops and beauty salons. (Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general).
 - c. Retail establishments including, but not limited to, antiques stores, clothing and shoe stores, florists, gift shops, nurseries and greenhouses, office supply, furniture, hardware, drug stores, electronic stores, art and craft supply stores and jewelry stores.
 - d. Studies such as dance, art, music, photography and interior design.
 3. Printing, reproduction or duplicating facilities.
 4. Metal processing such as fabrication, extrusion, welding, finishing, polishing and assembly of products
 5. Plastic or rubber molding and extrusion
 6. Manufacturing, processing, servicing, assembly, packaging or repair facilities.

7. Carpenter, cabinet, upholstery, plumbing, heating, electrical, painting, air conditioning shops and similar establishments.
8. Accessory uses incidental to primary use. Such uses may be situated on the same lot and within the same building.
9. Accessory buildings.
10. Uses not covered come before the Board of Zoning Appeals for ruling
11. Signs as regulated in Article IV, Section 403.0 through 403.4

§203.3 Area Yard and Height Requirements

- A. Minimum lot size two (2) acres
- B. Minimum frontage one hundred and fifty (150) feet at the street and at the building setback. Minimum lot width at setback line one hundred and fifty (150) feet.
- C. Building setback from any road right-of-way to be a minimum of fifty (50) feet
- D. Minimum rear yard depth to be twenty-five (25) feet each side except where adjacent to a RR or RC District where the minimum distance is to be seventy-five (75) feet.
- E. Maximum building height to be fifty (50) feet.
- F. Maximum lot coverage per parcel to be covered by buildings and impervious surfaces shall not exceed 35% of the total lot area of the lot. The balance of the lot shall be grassy yards and landscaped.

§203.4 Parking and Loading Requirements

- A. Parking spaces are to be provided for all employees and visitors so that no vehicles will be parked on the road. The minimum number of required parking spaces shall be as follows:

Office Area	Four (4) per each 1,000 square feet of floor area
Commercial	One (1) per each 200 square feet of floor area
Industrial	One (1) per each 1,200 square feet of floor area, or the total number of parking spaces equaling the total number of employees on any two consecutive shifts having the largest number of employees (whichever is higher).
- B. Adequate parking space shall be provided so that the loading and unloading of trucks shall take place entirely off the road and not impede the flow of traffic.

§203.5

- A. Landscape screening shall be maintained on ALL sides that face an existing residential district. Landscape screening shall also be required when the zoning of adjacent land is changed to residential.
- B. The screen shall be capable of providing at least seventy-five percent (75%) opacity within three (3) years of installation.
- C. The landscape screening shall be at least six feet (6') high (when mature) and permit not more than twenty-five percent (25%) view of the shielded area on a year-round basis.
- D. The landscape screening shall consist of trees and plants and may include masonry or wood fencing used with or without berms. The screening shall consist of a functional and a well-designed combination of the following:
 1. Vegetative ground cover.

2. This screening shall consist of evergreen trees and shrubs and may include other plantings.
 - a) Plants shall measure a minimum of three feet (3') in height at the time of planting and are expected to attain a height of six feet (6') in three (3) years.
 - b) Evergreen shrubs shall not normally be planted any closer than six feet (6') on center.
 - c) Shrubs shall not normally be planted closer than six feet (6') on center to planted trees, nor within the drip line of existing protected trees.
3. The landscape screening shall be located a minimum distance of five feet (5') from the public right-of-way or five feet (5') from the edge of a private driveway.
4. The landscape screening shall be located a minimum distance of five feet (5') from the property line that abuts a residential use.

§203.6 Outdoor Storage Yards

Outdoor storage must be located in the rear yard and completely screened from adjoining properties by a solid fence or wall, a minimum height of six feet (6') to a maximum height of eight (8) feet. No materials shall be stored so as to project above the fence or wall.

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Freedom Township Zoning Resolution

Article III

Non-Conformities

*Adopted November 1981
(Unless otherwise indicated)*

§ 301.0 Intent *(Adopted 11/97)*

Within the districts established by this Resolution or Amendments that may later be adopted, there exists lots, uses of land, structures and uses of structures and land in combination which were lawful before this Resolution was passed or amended and have continuously been used in a lawful manner. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as provided herein below.

§ 301.1 Discontinuance of Non-Conforming Use of Land and/or Structures

No non-conforming use of land and/or structures may be re-established where such non-conforming use of land and/or structures has been voluntarily discontinued for two (2) years.

§ 301.2 Extension of Non-Conforming Use of Land and/or Structures

A non-conforming use of land which involves no buildings or structure may be extended but not to exceed twenty-five (25) percent of the area occupied by the non-conforming use originated. The extension will be permitted only once after the effective date of this Resolution

§ 301.3 Non-Conforming Structures and Non-Conforming Uses of Structures

A non-conforming building or structure or a non-conforming use of a building or structure may be altered, improved, enlarged or extended, provided such modification does not exceed fifty (50) percent of the total area occupied. This change will be permitted only once after the effective date of this Resolution. The total area occupied is to be based on the ground area covered by the structure or the square footage of the nonconforming use, whichever is smaller. *(6/05)*

Non-conforming residential housing upgrades are to meet county building code and HUD basic codes in effect at the time of change. *(7/04)*

§ 301.4 Single Non-Conforming (Substandard) Lots of Record

Single-family dwellings may be constructed on any lot which was of record at the time of adoption or of amendment to this Zoning Resolution that does not meet requirements of this Resolution for lot size, side and rear yard setbacks or minimum frontage setbacks provided that a variance is granted by the Board of Zoning Appeals. Variances shall not be granted for lots which are contiguous to other vacant lots in the same ownership; rather, those lots shall be combined, replotted and recorded to create a more conforming lot.

Variances shall be granted through the Board of Zoning Appeals normal hearing procedures in which prime consideration shall be given to necessary requirements for water and sanitary sewage facilities, fee simple frontage ownership and minimum side yard setback to insure access for emergency purposes.

§ 301.5 Replacement of Upgrade of Non-Conforming Structures

(11/06)

- A. Structures Damaged or Destroyed by Natural Disasters
Non-conforming buildings or structures damaged or destroyed beyond the control of the owner, i.e. flood, windstorm, fire, snow, ice, rain, earthquake or other such disaster, shall be repaired and if replaced, shall be replaced to an equal or better condition as to comply with the Zoning Resolution.
- B. Non-conforming buildings or structures which are removed or replaced voluntarily shall be rebuilt or replaced in compliance with the current zoning requirements.
- C. A non-conforming building or structure that is improved for other than maintenance purposes shall result in the building or structure being in compliance with the current zoning requirements.

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Freedom Township Zoning Resolution
Article IV
Special Notice for All Districts
Adopted November 1981
(Unless otherwise indicated)

§ 401.0 Structures to be Maintained

Consistent with the purpose of this Resolution, residences including building, structures and premises must be maintained according to the rules and regulations of the Freedom Zoning Resolution. The Zoning Inspector is hereby empowered to pursue any and all complaints in this regard

§ 401.1 Permissible Uses (11/06)

The Zoning Inspector may grant a Zoning Certificate for the following uses:

Home Occupations that are incidental to the residential use of property are permitted in any residential dwelling and/or within one (1) accessory building.

A. Types of Permissible Home Occupations Include:

1. Art Studio
2. Beauty Parlor/Barbershop (1 Chair)
3. Professional Consulting Service
4. Data Processing
5. Direct Sale Product Distribution: Amway, Avon, Tupperware, Herbalife
6. Dressmaking, Sewing, Tailoring
7. Financial Planning, Investment Services
8. Home Crafts
9. Insurance Sales or Broker
10. Sales Representative (Office only)
11. Real Estate Sales or Broker
12. Telephone Answering
13. Tutoring
14. Typing, Word Processing Service, Writing, Computer Programming
15. Home Office (Secretarial, Professional Trades)
16. Medical Office (6/05)
17. Legal Office (6/05)
18. Musician (6/05)

B. Only the above types of home occupations are permitted, provided the following conditions are met:

1. There is no display visible from the street, other than a sign as permitted in Item 2.
2. One advertising sign shall be limited to the property upon which the business is transacted and further limited to a total size of nine (9) square feet, and must meet sign requirements of Section 403.2.
3. The proposed use shall be secondary in importance to the use of the dwelling for residential purposes.
4. The proposed use shall be conducted by the occupants with no non-resident employees.
5. Use shall be conducted in the dwelling and/or one (1) accessory building.
6. The home occupation shall not occupy more than the equivalent of twenty-five (25) percent of the gross floor area of the dwelling unit.

7. The use shall not constitute primary or incidental storage facilities for a business or industrial activity conducted elsewhere.
8. The proposed use shall not generate noise, odor, dust, smoke, waste material or vehicular or pedestrian traffic in an amount which would tend to depreciate the residential character of the neighborhood in which it is located. Lighting shall not be of a nature as to disturb the neighborhood. Sufficient off-street parking facilities shall be provided outside the street right-of-way to meet all parking needs.
9. The applicant shall agree to the home occupation site being inspected annually or more often if the situation demands by the Zoning Inspector to ensure the requirements for establishing a home occupation are being observed. (8/96; 11/06)
10. A commercial vehicle owned or operated by resident of said property is limited to one (1) commercial vehicle, with the exception of a second vehicle allowed to be parked by an immediate relative. (12/07)

§ 401.2 General Standards for All Conditional Uses (12/04; 11/06)

The following standards apply to any conditional use application determination:

- A. The proposed use is, in fact, a conditional use as established under the provisions of the Zoning Resolution.
- B. The proposed use will be harmonious with and in accordance with the general objectives of the Zoning Resolution.
- C. The proposed use 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 the use will not change the essential character of the same area.
- D. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- E. The proposed use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- F. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- G. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors.
- H. The proposed use will have vehicular approaches to the property, which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares.
- I. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- J. The proposed use will be in compliance with Portage County Subdivision Regulations, County Board of Health Standards, and County Building Codes, or other pertinent Federal, State, County laws and regulations.
- K. The proposed use will be designed with lighting that will not interfere with vehicular traffic.

§ 401.3 Conditionally Permissible Uses (11/06)

- A. Churches, institutions of an educational, religious or philanthropic nature, township parks, playgrounds or recreational buildings on condition that:
 1. All structures be located at least one hundred (100) feet from all property lines.
 2. Adequate ingress and egress be furnished to avoid traffic hazards and public inconvenience. Sufficient off-street parking must be provided. (11/97)
 3. No public nuisance shall be created.

- B. Mini Self Storage Businesses, on condition that:
1. Commercial activity shall be limited to the rental of storage units and the incidental uses related to the business (i.e., boxes, tape) by the owners of the property or operators of the conditionally permitted business. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, or other similar equipment shall not be conducted on the premises. There shall be no other activities conducted on the premises.
 2. Businesses shall be limited to personal property left for a period of time. (12/07)
 3. There shall be no storage of live animals or carcasses, explosives, radioactive or hazardous materials, or any other materials prohibited by County, State or Federal statutes.
 4. The operator shall provide suitable trash containers that are regularly serviced. All debris and trash must be in trash containers.
 5. Signs on sides of storage buildings and fences shall be limited to directional signs only. There shall be no commercial advertising. Signs shall be permitted on the office building (limited to twenty [20] square feet for the business name) and at the entrance gate (limited to nine [9] square feet).
 6. Temporary signs, banners and portable signs related to the initial opening of the business are limited to ninety (90) consecutive days during the first six months of operation. No other signs except as permitted herein are allowed.
 7. All lights shall be shielded to direct light onto the uses established and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft.
 8. Storm water runoff must be controlled so as not to adversely affect adjoining property owners.
 9. The following conditions apply to Outdoor Storage:
 - a. Outdoor storage is limited to operable, non-commercial or commercial vehicles and watercraft, not to exceed the legal height in Ohio. (12/07)
 - b. Parking spaces shall be no less than one hundred (100) feet from the rear of the rearmost building.
 - c. No outdoor storage of personal property other than those listed in 9 a.
 - d. Outdoor storage shall be set back from the side yard lines a distance no less than the storage building side yard set back.
 10. Hours of operation are limited to between the hours of 6 am and 10 pm, seven days per week.
 11. Maximum building height should be measured from finished grade to the roof's peak.
 12. Owner shall construct and maintain a black, chain-link fence no less than six (6) feet in height and no less than three (3) feet within the side yard boundaries.
 13. A gated entrance may be constructed provided it does not exceed six (6) feet in height, and shall be located at least fifty (50) feet from the road right-of-way.
 14. Off Street Parking:
 - a. One space for each ten (10) storage cubicles, equally distributed throughout the storage area, shall be provided. This parking requirement can be met with the parking lanes as set forth in Section 15 – On-Site Circulation.
 - b. One space shall be provided for every twenty-five (25) storage cubicles at the office facility.
 15. On-Site Circulation:
 - a. All one-way driveways shall provide for one ten (10) foot parking lane and one sixteen (16) foot travel lane. Traffic direction and parking shall be designated by signage and painting.
 - b. All two-way driveways shall provide for one ten (10) foot parking lane and two thirteen (13) foot travel lanes.
 - c. Parking lanes may be eliminated when the driveway does not serve storage cubicles.

§ 402.0 Nuisances Prohibited – Prohibited Nuisances (6/89)

There shall be no trade, industry, occupation or use, private or public, which could be interpreted by officials of the Township or the Zoning Inspector, to be offensive, dangerous, noxious or especially annoying by reason of the emission or production of odor, smoke, fumes, gas, flames, noise, or vibration. Manufactured Home Parks/Mobile Home Parks are prohibited in all zoning districts of Freedom Township.

§ 402.1 (1/06)

There shall be no dumping, storing, burying, reducing, disposing of or burning of garbage, refuse, scrap metal, construction and demolition materials & debris, or carcasses of animals, unless these materials have been generated on one's own property and disposed of in accordance with all local, state and federal requirements. There shall, however, be no disposition of either commercial or industrial products which can be considered a public nuisance. There shall be no disposing of chemical wastes or industrial waste in any part of the Township.

§ 402.2

There shall be no junkyards, places for the dismantling of vehicles, or automobile graveyards.

§ 402.3

There shall be no places for the collection of scrap metal, paper, rags, glass or junk for purposes of sale or storage except in conjunction with a licensed industry in the industrial district.

§ 402.4

There shall be no activity resulting in the pollution of streams or water courses.

§ 402.5

(Adopted 6/00)

Unless exempt as an agricultural use in compliance with all applicable state and federal regulations, the keeping, or maintaining, of a wild and dangerous animal by any person shall be deemed a public nuisance, prohibited within all zoning districts; and such use shall not be considered an accessory use within any zoning district.

§ 403.0 Signs

§ 403.1

A. Political signs shall be permitted in any district. No political sign shall be posted in any place or manner that is destructive to public property upon posting or removal. These signs shall not be placed in any public right-of-way. *(12/83)*

No political sign shall be posted more than thirty (30) days prior to the parties election date, and the signs must be removed within fourteen (14) days following the election. The cash bond shall be refunded upon compliance with the provisions of this section. Upon failure to comply with this section, the cash bond shall be forfeited to the Township to defray the costs of removing the sign. *(12/83)*

The maximum size of the political signs is to be three (3) feet square. *(12/83)*

B. Special Event Signs: The placement of not more than eight (8) temporary signs per event may be permitted within the township for a period not to exceed thirty (30) days advertising activities. *(12/86)*

C. Real Estate Signs: One (1) unlighted real estate sign, not exceeding six (6) square feet in area, pertaining only to the sale, lease or rent of the particular building, property or premises upon which displayed, such sign shall be removed within thirty (30) days after the sale, lease or rental of the building or property. No zoning certificate shall be required. *(12/83)*

§ 403.2 Signs Over Three (3) Feet Square *(Adopted 12/83)*

Advertising signs and billboards over three (3) feet square in size shall be considered structures and must conform to setback lines and clearance regulations governing structures. An illuminated sign shall be shaded as to be neither a threat to safety nor an annoyance to residents. No sign shall be placed in the vicinity of an intersection or curve of a road, street or highway, so as to create a traffic hazard.

§ 403.3 Billboards *(Adopted 9/02)*

- A. Billboard locations are limited to the Turnpike corridor, which shall be a distance no greater than 150 feet north or south from the Turnpike right-of-way.
- B. Billboards shall not be visible from other roadways.
- C. The maximum height shall be 25 feet. The sign area shall not exceed a length of 35 feet, and the sign area shall be limited to no more than 250 square feet.
- D. No billboard shall be placed at a distance closer than 500 feet to any dwelling.
- E. No billboard shall be erected at a distance closer than the height of the billboard plus fifty (50) feet from any property line.
- F. No billboard shall be placed at a distance closer than 500 feet to any other billboard on the same side of the Turnpike corridor.
- G. Billboard maintenance shall be the same as sign maintenance, A, B, C and D, in Section 403.4.

§ 403.4 Maintenance *(Adopted 9/02)*

All signs shall be maintained in accordance with the following:

- A. The property owner shall maintain the sign in a condition fit for the intended use and has a continuing obligation to comply with all building code requirements.
- B. Each sign shall contain the name, address and telephone number of a firm or person responsible for maintaining, erecting and/or owning the sign. Such information shall be placed on the frame or other supports and be large enough to be easily read by a person standing on the ground adjacent to the sign.
- C. If the sign is deemed by the Zoning Inspector to be in an unsafe condition, the owner of the business shall be immediately notified, in writing, of the violation. If, within seven business days of the mailing of the notice, corrective action isn't taken to remedy the violation, then the Zoning Inspector may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to cause removal or alteration to comply with this regulation.
- D. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, relettering or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:
 - 1. There is no alteration or remodeling to the structure or the mounting of the sign itself.
 - 2. There is no enlargement or increase in any of the dimensions of the sign or its structure.
 - 3. The sign is accessory to a legally permitted, conditional or nonconforming use.

§ 404.0 Sewage Disposal

There shall be no form of sewage disposal except by a method constructed in accordance with the Health Code of the State of Ohio and in compliance with and approved by the Portage County Board of Health.

§ 405.0 Required Compliance

(Adopted 9/82)

No building or structure, or part thereof, shall be erected, converted, enlarged, reconstructed, moved or structurally altered; nor shall any building structure or lands be used or occupied in a manner which does not comply with all of the provisions established by the Resolution for the districts in which the buildings or lands are located. Uses which are omitted from this Resolution, not being specifically permitted, shall be considered prohibited until by amendment such use shall be consistent with this Resolution.

§ 406.0 Accessory Buildings

- A. An accessory building attached to the principal building shall be made completely structurally a part thereof and shall comply in all respects with the setback, side and rear yard line requirements of these regulations applied to the principal building. *(12/89)*
- B. Manufactured homes/mobile homes, trailers, vans or other vehicles of any type shall not be used for accessory buildings nor shall conversion of manufactured homes/mobile homes, trailers, vans, semi-trailers, cargo containers, shipping containers, busses, truck bodies or beds, rail cars of any type, automobiles used for storage, materials left from the disassembly of any of these items, or other vehicles of any type be used as accessory buildings. *(5/03)*
- C. Accessory building maximum height. No accessory building shall exceed a height of 25 feet or the height of the principal building, whichever is greater. *(11/01)*
- D. Distance from principal building. No accessory building shall be located any closer than 15 feet from the principal building. *(11/01)*
- E. Size of accessory building for up to three (3) acres shall be a maximum of 2,400 square feet or 150% of the principle building, whichever is greater. Three acres or more, the accessory building can be up to 4,800 square feet. The accessory building maximum allowable square footage can be reached by accumulating the square footage of the maximum of two accessory buildings for less than three acres and four accessory buildings for three acres or more. *(11/01)*
- F. Small Portable Accessory Buildings, a four-sided building, square footage not to exceed 192 square feet, must be on skids or movable, no one side longer than 16 feet, excluding a one (1) foot overhang. All Accessory Buildings are to comply with the regular set back rules. Small portable accessory buildings are exempt from zoning certificate requirements. *(6/05)*

§ 407.0 One Principle Building/Lot

No more than one (1) principle building shall be permitted on any lot unless otherwise specified. Every principle building shall be located on a lot with required frontage on a public highway or private road built to Portage County Subdivision regulations and specifications. *(12/86)*

§ 408.0 Minimum Lot Frontage

The minimum frontage required of lots shall be maintained the full width of the frontage to at least the building setback line. *(3/88)*

§ 409.0 Oil and Gas Well Drilling

(Entire Section 409.0 – 409.10 adopted 12/92)

Not less than ten (10) days prior to commencing any drilling operation, the drilling contractor or his representative must file and leave with the Zoning Inspector a “Certificate of Compliance” and required supporting information.

§ 409.1 Certificate of Compliance

All companies and operators of gas and/or oil drilling or production equipment and/or facilities shall execute a notarized statement in which they certify and declare their unconditional agreement to comply with all health, safety and welfare regulations pertaining to the drilling and/or operation of gas and oil wells, as adopted by the Federal and State Environmental Protection Agencies, The Ohio Department of Natural Resources Division of Oil and Gas, all other appropriate Ohio Revised Code sections and administrative regulations and the Board of Trustees of Freedom Township, Portage County, Ohio.

§ 409.2 Filing Requirements

Each company/operator wishing to conduct drilling operations or production of natural gas and/or oil and its by-products shall, along with the above required certificate, leave with the Zoning Inspector the following information:

- A. A plat drawn to scale of the township lot(s) involved, with dimensions showing the location of:
 - 1. All property lines. All buildings (occupied and unoccupied) within one thousand (1,000) feet of the proposed well/work site.
 - 2. All existing gas/oil wells and water wells within one thousand (1,000) feet of the proposed well/work site.
 - 3. Existing and proposed tanks (temporary and permanent) used for the collection and storage of oil and brine, above and below ground, within one thousand (1,000) feet of the proposed well/work site.
 - 4. The proposed oil/gas well or work site.
 - 5. Existing and proposed separator units.
 - 6. Oil and gas transmission lines within one thousand (1,000) feet of proposed well/work site.
 - 7. Existing and proposed oil and/or gas shut-off valves.
 - 8. Existing and proposed electrical power shut-offs.
 - 9. Temporary drilling pits and all permanent pits.
 - 10. All ingress and egress points used for oil and/or gas activities.
 - 11. Access roads.
 - 12. All dikes and/or swales used for erosion control and spill containment.
- B. A typewritten list of:
 - 1. Names and addresses of property owners in the drilling unit.
 - 2. Names and current addresses of the lease holders.
 - 3. Name and current address of the drilling contractor.
 - 4. Emergency telephone numbers of all parties responsible for work on the tract.
 - 5. Proposed starting date and dates of drilling operations.
- C. A copy of the valid Oil and Gas Well Permit issued by the State of Ohio, Department of Natural Resources, Division of Oil and Gas.
- D. A copy of the state approved brine and waste disposal plans. The plan shall include a description of the method of disposal of brine, frac water, sludge and other oil field wastes; the name, address and telephone number of the owner of the disposal site. Filer shall submit evidence to the Zoning Inspector that the operator has available a brine injection well with sufficient capacity to accept all materials to be removed and that said well or wells are approved by the State of Ohio.
- E. Proof of liability insurance for all operations related to drilling, fracturing, production, storage and transmission of all products, byproducts and waste, such proof to be required of the drilling contractor, fracturing contractor, well operator and all subcontractors.

- F. A copy of the bond for overweight vehicles from the Portage County Engineer's office. Prior to moving equipment, the Freedom Township Board of Trustees or their representative and a representative of the filer shall inspect all township roads in the vicinity of the drilling/work site and over which the driller/operator expects to move equipment and /or vehicles. Upon completion of drilling related activities, any and all damage to township roads shall be assessed by the trustees and the representative of the filer. The estimated cost of repairs, if any, shall be deducted from the bond deposited with the County Engineer. The filer shall be liable for all damage that exceeds the amount of the bond.
- G. A copy of certified test results of all public and private potable water supplies/sources within one thousand (1,000) feet of the proposed well/work site. Tests to include (but not limited to) chlorides, manganese, sodium, strontium, calcium, potassium, barium and total dissolved solids.
- H. A copy of the spill Prevention, Control and Countermeasure Plan as required by Title 40, code of Federal Regulations, Part 112.

§ 409.3 Site Preparation

No person or firm shall conduct any site preparation, well drilling, production or transmission, or maintenance work or repairs, that pollutes or contaminates the land surface, vegetation or any surface or subsurface water. The driller, operator and subcontractors shall follow the rules of the State of Ohio, Department of Natural Resources, Division of oil and Gas, and all other Ohio Revised Code sections, and administrative regulations and requirements of the United State and Ohio Environmental Protection Agencies, Portage County Board of Health, and the Freedom Township Board of Trustees. In case of conflict between any local, state or federal laws, regulations or standards, the more stringent provision shall apply. Prior to commencing work the following must be done:

- A. Signs must be posted on public highways warning of the work area and of vehicles entering the highway.
- B. Access Road and Drives. Prior to the construction of any well drilling access road or drive entrance, evidence must be provided to the Zoning Inspector that indicates that the necessary permit for work within the right-of way of any state, county or township highway or road has been issued. Permits and/or authorization to work in the right-of-way of a township road must be obtained from the Freedom Township road supervisor. The size and type of drive culvert to be installed shall be at the discretion of the permitting and/or authorizing agency mentioned above.
 - 1. Prior to the beginning of drilling, all access roads shall be paved with slag, gravel, crushed stone or other suitable material and shall be a minimum of fifteen (15) feet in width. All access roads shall be clearly marked and shall have a paved turnaround of sufficient size for rescue vehicles used in the township. All access roads shall be kept in a state of good repair and maintained at all times and shall be kept free of snow to allow access by emergency vehicles.
 - 2. Access roads/drives shall extend to well-heads, all storage tanks, separator units and any other permanent equipment such as meter houses and/or compressor units. (5/93)
 - 3. All access roads shall have a gate at or near the public right-of-way entrance. Gates shall be locked to prevent unauthorized access to the drilling site.
 - 4. All access drives shall be crowned and ditched where necessary, to prevent runoff of water onto public highways.
- C. Sign Posting. A permanent , weather-proof sign, at least two (2) feet square, shall be posted at each access drive so as to be visible and legible from the public right-of-way. Said sign to be maintained and kept current with the following information:
 - 1. House number and access road name and/or number for drive location (i.e., 1234 Main Road).
 - 2. Landowner's name, address and telephone number.
 - 3. Lease holder's name, address and telephone number.

4. State permit number(s) of well(s) accessible from drive.
5. Emergency telephone numbers of well operator and all parties responsible for work on the tract and all local emergency telephone numbers including the Garrettsville-Freedom-Nelson Fire Department, Ambulance service, and Sheriff's office.

D. Storage Pits and Liners

All cuttings and fluids produced during drilling must be contained in storage pits. Liners of sufficient strength to prevent leakage of drilling fluids or cuttings are required in all in-ground pits. Pits shall be either equipped with a baffle to deflect cuttings or constructed to submerge cuttings as they enter the pit in order to preserve the integrity of the pit liner during the entire drilling operation. No leakage will be allowed. All pits shall be diked to prevent contamination of surface and/or ground water. All pits used for containment of drilling fluids and cuttings will be maintained in a liquid tight condition. All pits shall be emptied and removed within fourteen (14) days of completion of drilling and fracturing operations.

E. Erosion Control

Every effort shall be made when considering well site location to minimize the danger of soil erosion and surface and subsurface water contamination. All site preparations shall also take into consideration necessary precautions to minimize erosion and pollution. In locations where dikes may be damaged by storm runoff, a diversionary swale shall be constructed to prevent damage to the containment dikes. If during construction of any temporary or permanent pit or containment dike a subsurface drainage system is encountered, said subsurface drainage system shall be removed a distance to twenty (20) feet from the pit or dike and relocated outside of this area in such manner to insure drainage is maintained. The Soil and Water Conservation District staff shall be consulted for correct removal and rerouting procedures.

F. Sanitary Facilities

Sanitary facilities shall be provided at the drilling site and shall be in accordance with the standards of the Portage County Health Department. Said facilities shall remain in place until completion of work necessary to put the well into production.

- G. Under no circumstances is water to be taken or disposed of from a public highway within Freedom Township, Portage County, Ohio.

§ 409.4 Drilling Operations

At all times, but especially during drilling/fracturing operations the following shall be observed:

- A. All equipment is to be free of mud prior to entering public highways, so as not to deposit mud, dirt, stone or other foreign material onto the roadway. Public highways soiled by equipment will be scraped clean immediately.
- B. No parking will be allowed on public highways or within their right-of-way.
- C. The blocking of public roads is prohibited at all times.
- D. All sites shall be maintained and operated in a neat and orderly manner. All waste and trash shall be properly disposed of. No burial of waste or trash on site shall be permitted.
- E. No water is to be taken or disposed of from a public highway within Freedom Township.
- F. Equipment, vehicles and engines shall be located and operated in a manner that will minimize noise, dust and fumes with regard to adjacent properties.
- G. After the conclusion of drilling, all equipment, temporary tanks, pits and their contents and machinery not intended to be permanently installed shall be removed. Under no circumstances will this time frame exceed fourteen (14) days

§ 409.5 Minimum Distances

- A. All oil and gas wells, oil storage tanks and separator units shall be placed not nearer than two hundred (200) feet from any residence, building or public highway. Nor shall any residence or building be erected or placed within two hundred (200) feet of an existing oil or gas well, storage tank or separator unit.
- B. Oil and gas well-heads shall be at least two hundred and fifty (250) feet from existing water wells.

§ 409.6 Open Fires

No open fires shall be permitted within two hundred feet of any gas or oil well or storage tank: during drilling or production. Flaring of noncommercial shows of gas shall be done only in a pit located at least two hundred (200) feet from all gas and oil wells, storage tanks, separator units and occupied building. The flare pit shall contain a smudge pot which shall remain lit at all times.

§ 409.7 Production and Operating Requirements

- A. No oil, water or brine shall be loaded or unloaded from a public highway within Freedom Township.
- B. All brine storage tanks shall be above ground and shall be lined with coal-tar based material held within an epoxy to eliminate leakage.
- C. Storage tanks shall be surrounded by sufficiently sized dikes to contain the contents of the tanks should a leak occur.
- D. All permanent production facilities and equipment such as pumps, storage tanks, meter houses and well-heads shall be enclosed by a chain-link fence not less than six (6) feet high and extending to or below grade level.
- E. Fence(s) shall be equipped with chain-link gate(s) which shall be kept locked to prevent unauthorized entry.
- F. All access drives will be equipped with gates which shall be kept locked to prevent unauthorized entry.
- G. All gas and oil transmission lines shall be buried a minimum of three (3) feet below grade. Lines passing under a private or public ditch shall be buried at least three (3) feet below the bottom of said ditch. All lines crossing public highways shall do so by boring and shall be cased with vents at each end. Depth of bore shall be determined by the appropriate authority having jurisdiction.
- H. No internal combustion engines shall be used longer than six (6) months after commencement of production from oil and/or gas wells.
- I. Permanent equipment shall be located to minimize discharge of noise, dust and fumes with regards to adjacent properties

§ 409.8 Site and Equipment Maintenance

- A. The well owner/operator shall at all times maintain, repair, repaint and/or replace as necessary any storage tank, pump, motor and/or transmission lines needing attention. Fences and gates will be maintained and repaired, as necessary, to insure their integrity. Gates will be kept locked. In the event that the owner/operator fails to properly maintain any tank, dike, fence, gate or other facility or equipment, the Zoning Inspector shall cite the owner/operator for being in violation of the Freedom Township Zoning Resolution and may order the owner/operator to discontinue operations and shut in any well so involved or seek any remedies otherwise available to the Township.
- B. Access roads shall be maintained in such a manner so as to be accessible throughout the year.
- C. Ditches, dikes and swales will be maintained to minimize erosion.
- D. Transmission line shut-off valves and electrical shut-offs will be properly labeled and kept in the state of good repair.
- E. Tank and equipment sites will be kept clear of combustible material and be mowed to minimize risk of fire.

§ 409.9 Inspection of Sites

A. Zoning Inspector

The Freedom Township Zoning Inspector may inspect oil and gas well sites and related facilities at any time to insure compliance with the zoning regulations of Freedom Township.

B. Fire Inspection

The Fire Prevention Officer of the Garrettsville-Freedom-Nelson Fire District may inspect oil and gas well sites and related facilities any time to insure compliance with local fire regulations.

§ 409.10 Abandonment of Wells

A. Capping of Well

In the event a well owner/operator decides to cap or close-in a well, the Freedom Township Zoning Inspector shall be so notified. The Zoning Inspector shall be advised of the approximate length of time said well shall be capped and shall again be notified at such time as the well is again placed into production.

B. Removal of Equipment

When an oil or gas well is permanently abandoned or plugged, all related equipment and fencing will be removed within one hundred and eighty (180) days of the cessation of production or compliance with State of Ohio regulations for plugging a gas/oil well, whichever date shall come first.

C. Reclamation and Restoration

The owner/operator shall restore the site of the well-head as well as any related equipment sites to as near as possible to the original grade. Reclamation and re-seeding shall be in accordance with state specifications as enforced by the Soil and Water Conservation District Office.

§ 410.0 Temporary Housing

A. Replacement Construction

Where a structure, used for residential purposes, is destroyed or rendered unfit for human habitation, due to fire, windstorm, flood, lightning, explosion or other Acts of God, or due to an unintentional catastrophe, temporary housing shall be permitted for a period not to exceed two (2) years to the owner of record at the time of the loss while repairing, rebuilding or replacing the damaged dwelling providing that the following requirements are met: (5/93)

1. The Zoning Inspector shall take into consideration the County Board of Health and/or Building Department recommendation in determining whether a dwelling is unfit for habitation due to catastrophic causes. (12/86)
2. Sanitary sewage disposal for temporary housing shall be in a manner approved by the County Board of Health. (12/86)
3. A permit for temporary housing shall be issued for an initial term of one (1) year. Applicant dwelling construction within ninety (90) days of being issued a permit. (12/86)
4. A permit for temporary housing shall be separate from and have no bearing on any other permits or structures that may be required to conform to this Zoning Resolution. (12/86)
5. All temporary housing shall be removed within thirty (30) days after the damaged building is fit for habitation or within thirty (30) days of the permit for temporary housing expiring, whichever shall come first. (12/86)
6. The location of the temporary housing must meet all side yard requirements, but may encroach into the front or rear yard setback area by not more than fifty (50) percent of that area. (12/86)
7. Temporary housing shall be exempt from minimum square footage requirements. (12/86)

B. New Structures

A zoning permit for residential structures may be issued for a second dwelling on an approved lot, only upon the condition that the new dwelling will ultimately replace the existing dwelling upon completion of construction of the new dwelling. The existing dwelling will be considered as a temporary dwelling unit upon issuance of zoning permit for the new dwelling and the applicant will be required to sign a notarized statement affirming his agreement to raze or remove the original dwelling within one (1) year of the date of issuance of the zoning permit for the new or second dwelling unit, unless the lot on which the original dwelling is located is subdivided from the new dwelling in such a way that both lots conform with Freedom Township Zoning Resolution lot requirements and county subdivision regulations. (6/93)

§ 411.0 Demolition bond for Removal of Buildings

When a building is razed, moved, removed or intentionally burned down, a performance bond must be posted by the owner of record or his/her representative with the Freedom Township Board of Trustees, through their agent, the Freedom Township Zoning Inspector. Such bond shall be set by the Freedom Township Board of Trustees, of sufficient amount to insure that debris will be disposed of properly after razing, moving, removing or intentionally burning down a building and that excavation and utilities do not pose a safety hazard.

No open excavations, basements, pits or wells shall remain unfilled so as to collect water or become an attractive nuisance to vermin and children. All open excavations, basements, pits or wells shall be filled and consolidated to a level equal to the surrounding grade. Concrete slabs, concrete floors and concrete or cinder block walls, not intended for immediate reuse, must be crushed to prevent the holding of water and reduced to a size that will allow proper consolidation to avoid major subsidence of backfill material. Unless approval for future use is obtained from the Portage County Health Department, septic tanks must be emptied of their contents by a health department licensed contractor and be removed or crushed and filled with sand. All utility connections to the building must be properly disconnected and remaining lines, pipes and wires sealed off to prevent contamination, infiltration, or safety hazards. Should the owner of record not comply with such requirements, the Freedom Township Board of Trustees shall use any monies posted to complete such clean-up or filling as needed. 5/93)

§ 412.0 Application Plan Review Requirements
(Entire Section Adopted 11/99)

All conditionally permitted uses proposed to be developed in any district other than single family and two family dwellings and their accessory buildings shall be required to submit an Application Plan for review and approval to the Board of Zoning Appeals for conditionally permitted uses before any zoning certificate shall be issued.

1. General Standards for Application Plan Review

- a. Development features shall be located and related so as to minimize the possibility of adverse impacts upon surrounding property and development.
- b. The Application Plan shall show that a proper relationship will exist between thoroughfares, driveways and parking areas to ensure pedestrian and vehicular safety. Traffic studies may be required by AMATS.
- c. The design of the buildings should be developed with consideration given to relationship of adjacent development in terms of building height, material and overall character.
- d. Building location and placement should be developed with consideration given to minimize removal of trees and change of topography.
- e. On-site circulation shall be designed to make possible adequate fire and police protection.
- f. The application plan shall provide for adequate screening of parking and service areas from surrounding properties by landscaping.

- g. Adequate provisions shall be made for drainage to minimize adverse impacts on surrounding streams, streets, and to minimize erosion. When possible, increased storm water run-off generated by the development shall be retained on site. The Board of Zoning Appeals may require such plans for drainage to be reviewed by the Portage Soil and Water District and/or the County Engineer.
- h. All utilities on the site shall be located underground wherever possible.
- i. The development proposed shall be in general conformance with the comprehensive zoning plan for Freedom Township.
- j. Existing and proposed utilities shall be adequate for population densities and non-residential uses proposed.

Application Plan Requirements

Three (3) copies of the Application Plan shall be submitted to the Board of Zoning appeals and shall include the following information at minimum:

- a. A vicinity map at a scale of 1" = 1000' or 1" = 2000', shall be submitted showing proposed development in relation to existing streets, subdivision, development tract lines, landmarks and community facilities.
- b. The application plan shall be drawn at a scale of not less than 1" = 100' and shall show existing topography at two (2) feet intervals.
- c. Project name, date, north point, scale and legal description.
- d. Name and address of owner(s) of record.
- e. Name and address of person(s) or firm that proposed the Application Plan.
- f. Land area in each lot to nearest one hundredth of an acre.
- g. Location of all areas subject to inundation or storm water over flow; location, width and direction of all water courses and existing drainage channels and structures.
- h. Location, names, existing width of all adjoining highways, streets and ways.
- i. Location of any existing buildings and proposed buildings and the proposed use of each building.
- j. Number and dimensions of all parking spaces.
- k. Location, width, direction and traffic flow of all roadways within proposed development.
- l. Location of existing and proposed sewer, water lines, or location of on-site waste disposal areas; nature, location of drainage improvements proposed.
- m. Location, size and height of free standing signs.
- n. Location of any fences, screens, walls or other landscaping features and the design and materials to be used.
- o. Any special features of the development site such as wooded areas, lakes, ponds, etc.
- p. Proposed density of units (residential developments).
- q. A schedule for development of site and building.
- r. Any existing utility lines, easements.
- s. Open spaces proposed.
- t. Any deed restrictions, protection covenants and other legal statement or devices to be used to control the use, development and maintenance of the land and the improvements thereon.

Application Plan Review Procedures

- a. Within sixty (60) days after receipt of the application for Application Plan Review, the Board of Zoning Appeals must take action unless the applicant agrees to an extension of time in writing.
- b. The Board of Zoning Appeals shall review the Application Plan and may only authorize issuance of a zoning certificate if the Application Plan is consistent with the purposes and objectives of this resolution and meets the specific requirements for an Application Plan including lighting, noise, waste storage and nuisance concerns.
- c. The Board of Zoning Appeals may seek advice and assistance from the County or Regional Planning Commission or any other appropriate source before making a decision on any application Plan.
- d. A performance bond or other financial guarantee of at least twenty percent (20%) of the total estimated project cost shall be placed with the Freedom Township Trustees to insure conformance with approved plans.

§ 413.0 Prohibited Storage (5/15/03)

The following being stored or used for storage are not permitted in any district in Freedom Township:

- A. Semi-trailers
- B. House trailers
- C. Cargo containers
- D. Shipping containers
- E. Mobile homes
- F. Busses
- G. Truck bodies or beds
- H. Rail cars of any type
- I. Automobiles used for storage
- J. Materials left from the disassembly of any of these items

§ 414.0 Change of Use (5/15/03)

Before any land, building or structure may be changed from any existing valid and lawful use, to another use that is conditionally permitted, the property owner or lessee of the real property must first apply and be granted a conditional use permit from the Board of Zoning Appeals. Sections 501.1 through 501.9 of this Resolution shall apply to any change of use.

§ 415.0 SOLAR/WIND ENERGY ZONING (Entire Section Adopted 12/21/09)

§ 415.1 Small Solar And Wind Energy Systems

§ 415.1.1 Purpose

Small solar and wind energy systems shall be permitted in all zoning districts, in accordance with the requirements of this Section. These systems shall be designed and shall operate at an aggregate capacity of less than five megawatts per site.

§ 415.1.2 Allowable Number Of Towers And Wind Turbines

- A. Towers
 - 1. No more than one wind energy tower may be located on any single site of five acres or less, in accordance with this Section, unless otherwise stipulated in this Resolution.
 - 2. Not more than one wind energy tower per five acres on lots greater than five acres.
- B. Wind Turbines

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

C. Solar Panels

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

§ 415.1.3 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 than ½ acre in size – maximum 45 feet.
2. Properties between ½ acre and one acre in size – maximum 80 feet.
3. Properties greater than (1) acre to 2-½ acres – maximum 100 feet.
4. Properties greater than 2-½ 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. Solar panels shall comply with the maximum permitted structure height of the zoning district.

C. Attachment to existing buildings and towers

1. Building

- a. Wind turbine(s) may be affixed to the building or the roof, providing that:
 - i. The total height of the wind turbine is less than 20 feet above the highest point of the building.
- b. Solar panels shall comply with the maximum permitted structure height of the zoning district.

2. Towers

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

- a. The tower is designed to accommodate the wind turbine.
- b. The tower is in compliance with Sections 415.1.5A and 415.1.6.B.

§ 415.1.4 Location

A. A solar and/or wind system shall only be located in the rear yard portion of any lot and conform to all building setback lines. An exception would be for dual purpose solar collectors. See solar energy dual purpose definition.

B. Tower Set Backs

Except as otherwise stipulated in this Section, a tower:

1. Shall be located at least 150 percent of its height from any public road right-of-way.
2. Shall be located at least 150 percent of its height from any overhead utility lines, except those lines directly serving the subject property.
3. Shall be located at least 150 percent of its height from all property boundaries.
4. Guy Wire Anchors Set Backs
 - a. If guy wires are utilized as part of the tower design, then the guy wire anchors shall be placed at least 50 feet from the any abutting property boundaries.
 - b. The minimum distance a wind turbine may be from the property boundaries, if it is located on a building, must equal a distance of one and one-half (1½) times the total height of the wind turbine from the ground.

§ 415.1.5 Incentives for New Development

- A. Residential zoned properties that have access to both water and sewer service may have a residential density bonus of up to 10% more lots/units.
 - 1. Requires that each unit has a small energy system described above with a minimum of 5kW per day capability at time of certificate of occupancy.
- B. Commercial and Industrial zoned properties may have a building coverage bonus of up to 10%.
 - 1. Requires that each building has a small energy system described above with a 10kW per day capability or project site has a minimum of 20kW capability at the time of certificate of occupancy.
- C. All other zoning and building requirements must be demonstrated and/or provided before any incentives can be applied.

§ 415.1.6 Variances

- A. There are no variances to the incentives listed above.
- B. Solar and Wind may be located in the front or side yard of primary structure if because of pre-existing geography, vegetation, built environment would preclude the use of solar or wind power in the rear of the primary structure.
- C. To request more than one tower per site/development.

§ 415.1.7 Fencing

- A. The supporting tower shall be enclosed with a six (6) foot high fence unless the base of the tower is not climbable for a distance of twelve (12) feet as measured from the ground
- B. All access doors to wind turbines and electrical equipment shall be locked to prevent entry by non-authorized persons.

§ 415.1.8 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 applicant shall correct the problem within 90 days of being notified of the problem.

§ 415.1.9 Noise

The wind energy system shall not exceed the sound level (decibels) specified in Section 415.1.9.1 when measured at the property line.

§ 415.1.9.1 Maximum Permitted Sound Levels

Maximum permitted sound levels (decibels) for small wind energy system.

Octave Band, Cycles / Second	Sound Level 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

§ 415.1.10 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.

§ 415.1.11 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 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.

§ 415.1.12 Advertising

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

§ 415.1.13 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 feet from the ground.
- C. Emergency contact information must be clearly visible at the base.

§ 415.1.14 Maintenance

- A. The design and location of the 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 within 180 days of the day on which the system last functioned.
- C. When a system reaches the end of its useful life and can no longer function, the owner of the system shall remove the entire system within 180 days of the day on which the system last functioned. The owner is solely responsible for removal of the entire system and all costs, financial or otherwise, of system removal.

§ 415.1.15 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.

§ 415.1.16 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 10 feet.
- B. The clearance or the distance between the blades of a wind turbine and the ground shall be no less than 15 feet.

§ 415.1.17 Certifications

- A. The foundation, tower and compatibility of the tower with the rotor and rotor-related equipment shall be certified in writing by a structural engineer registered in Ohio that they conform with good engineering practices and comply with the appropriate provisions of the Ohio Building Codes.
- B. The electrical system shall be certified in writing by an electrical engineer, registered in Ohio, that it conforms with good engineering practices and complies with the standards of the utility company.
- C. The rotor overspeed control system shall be certified in writing by a mechanical engineer, registered in any state, that it conforms with good engineering practices.

§ 415.1.18 Decommissioning And Reclamation

- A. Within six (6) months of the termination of any Wind Energy System, the owner of the property must provide for the decommission and the reclamation of the site.
- B. The property owner shall adhere to the following provisions, to ensure the removal of all Wind Energy System equipment, including any and all towers used exclusively for Wind Energy System projects:
 - 1. All applications, that include a tower used exclusively for Wind Energy System projects shall, as part of the application and plan review process, include a plan for the reclamation for both the tower and the tower site, in the event the facility is no longer functioning in the fashion as originally intended. The reclamation plan should include the removal and disposal of all obsolete and/or abandoned equipment, as well as the reclamation of the area with vegetation to prevent erosion.
 - 2. The applicant will submit a letter of credit, performance bond, or other security acceptable to the Township to cover the costs of the tower's removal, of no less than \$100.00 per vertical foot of tower height, measured from the finished grade.

Freedom Township Zoning Resolution
Article V
Zoning Inspector; Zoning Certificates;
Consultation; Penalty

Adopted November 1981
(Unless otherwise indicated)

§ 501.0 Zoning Inspector *(11/97; 1/06)*

The Zoning Inspector designated by the Board of Township Trustees shall Administer and Enforce this Resolution. For the purposes of this Resolution, the Zoning Inspector shall have the following duties:

1. Apply and Enforce the provisions of this Resolution.
2. Issue Zoning Certificates as provided by this Resolution.
3. Conduct Inspections of Buildings and Uses of Land to Determine Compliance with this Resolution.
4. Determine the Existence of Violations of this Resolution.
5. Issue Written Notification to the Person(s) Responsible.
6. Upon consent of the property owner and/or lessee of the subject real property, inspect the layout of all buildings and uses of land in the field to determine compliance with this zoning resolution before excavation begins.

The Zoning Inspector shall maintain the Township Zoning Inspector's office: *(11/94)*

1. Permanent records of all applications, fees, bonds, certificates, plans, meeting notices, hearings, special studies, amendments and other activities and actions conducted in the administration and enforcement of the Zoning Resolution.
2. A list of non-conforming uses.
3. An original copy of the Zoning Resolution maintained current with amendments.
4. A master copy of the Zoning District Map maintained current with amendments.

§ 501.1 Zoning Certificates

No person, firm, corporation, contractor or agent of any person, firm, corporation or contractor shall locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure or land be established or changed in use without a certificate therefore, issued by the Zoning Inspector. Zoning Certificates shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written decision from the Board of Zoning Appeals deciding an appeal, conditional use or variance. For the purpose of this Resolution, the term "change in use" shall be identified in the following manner:

A. Rural Residential Uses:

For the purpose of this Section, the Rural Residential use categories are as follows: Single Family, Two Family, Multi Family. A change in use status will exist when a residential structure(s) is converted from one use category to another. Such a conversion shall be made in conformance with all applicable Sections of this Resolution prior to the issuance of a Zoning Certificate.

B. Residential Commercial, Residential Industrial and Other Non-Residential uses

In this category, a "change in use" status will exist when the previous or existing use or structure, building or portion thereof is or has ceased and the new or converted use is not the same as the previous or existing use. Such conversions shall be made in conformance with all applicable sections of this Resolution prior to the Issuance of a Zoning Certificate.

Application for Zoning Certificates shall not be considered unless accompanied by or containing adequate plans, specifications, declarations of intended use, along with satisfactory guarantees as to sanitation and waste disposal. Zoning Certificates shall be void after a period of six (6) months, unless construction has been started or changed.

Zoning Certificates (permits) shall be posted on the parcel affected by the application. Such posting will be within ten (10) feet of the edge of the road right-of-way and shall be protected from the weather so as to be easily read from the road right-of-way. Such posting shall continue until completion of work permitted.

Each request for approval of a lot split shall require an on-site examination of the parcels involved. Said examination shall be for the purpose of determining whether all existing requirements of the Freedom Township Zoning Resolution can be met. (All regulations apply without exception and variances shall only be granted by the Board of Zoning Appeals.)

(11/94)

§ 501.2 Contents of Application for Zoning Certificate

The application for zoning certificate shall be submitted to the Zoning Inspector in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six months or substantially completed within two years. At a minimum, the application shall contain the following:

1. Name, address and phone number of applicant.
2. Legal description of the property.
3. Existing use.
4. Proposed use.
5. Zoning District.
6. a. Plot plans, in triplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built on; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of proposed building(s) or alteration. (8/96)
b. The plot plan (or any other plan or map required for a permitted use zoning certificate) need not be prepared by a professional engineer, architect, or surveyor, but must be drawn to scale. (8/96)
7. Proposed building heights.
8. Number of off-street parking spaces.
9. Copies of approvals granted for uses and structures involved that require prior review and approval from the Zoning Commission or Board of Zoning Appeals; Conditional Zoning/Variiances.
10. Such other documentation as may be necessary to determine conformance with, and to provide for, the enforcement of this Resolution. (11/94)

§ 501.3 Expiration of Zoning Certificate

If the work described in any zoning certificate has not begun within six (6) months from the date of issuance, certificate shall expire; it shall be revoked by the Zoning Inspector and written notice shall be given to the person(s) affected. If the work described in any zoning certificate has not been substantially completed within two years of the date of issuance of the certificate, said certificate shall expire and be revoked by the Zoning Inspector, and written notice shall be given to the person(s) affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a new zoning certificate has been obtained. (11/94)

§ 501.4 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partially altered or enlarged in its use of structure, until a certificate of occupancy shall have been issued proposed use of the building or land conforms to the requirements of this Resolution. The issuance of a Use Certificate in no way relieves the recipient from compliance with all the requirements of this Resolution and other regulations. (11/94)

§ 501.5 Stop Work Order

Subsequent to his/her determination that work is being done contrary to this Resolution, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning inspector shall constitute a violation of this Resolution. (11/94)

§ 501.6 Zoning Certificate Revocation

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application. (11/94)

§ 501.7 Consultation

In any situation where doubt exists regarding aspects of this Resolution, the individual shall not resolve such doubts in his favor, but shall consult with the Zoning Inspector for further clarification in order to avoid potential prosecution for violation. (11/94)

§ 501.8 Penalty

Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall be fined not more than \$100.00 for each offense and, in addition, shall pay all costs and expenses involved in the case. Each day's continuance of a violation of any part of this Resolution for Freedom Township shall be considered a separate offense. (11/94)

§ 501.9 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 certificates, 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 Clerk of Trustees and of the Zoning Inspector 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. (11/94)

Freedom Township Zoning Resolution
Article VI
Appeals: Power of the Board of Zoning Appeals
Adopted November 1981
(Unless otherwise indicated)

Entire Section 601.0 – 601.3 Amended July 2004

§ 601.0 Appeals

- A. In accord with Section 519.13 R.C., the Board of Zoning Appeals is hereby established for Freedom Township.
- B. Such Board shall consist of five (5) members, and such alternates as the Board of Trustees deems appropriate, who shall all be residents of the unincorporated territory in the Township and appointed by the Board of Trustees. The terms of all members shall be of such length and so arranged that the terms of one Board member will expire each year. 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 Trustees and be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide.

§ 601.1 Right to Appeal

Appeals may be made from any statement or regulation contained in this Resolution to the Board of Zoning Appeals following procedures and using forms as adopted by the Board of Zoning Appeals.

§ 601.2 Powers of the Board of Zoning Appeals

- A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 519.02 to 519.25 inclusive R.C., or of any Resolution adopted pursuant thereto.
- A. To authorize, upon appeal, in specific cases, such variances from the Zoning Resolution requirements as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
- B. To grant conditional Zoning certificates for the use of land, building or other structures if such certificates for specific uses are provided for in the Resolution.

Since each applicant for a variance shall be considered unique, no decision by the board of Zoning Appeals shall be interpreted as establishing precedent, nor shall it have any bearing on the decision in any other case.

No decision by the Board of Zoning Appeals shall constitute an amendment to or permanent re-interpretation of the Zoning Resolution in whole or in part.
- D. To revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or conditional certificate is violated.
- E. In granting a variance, the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public health, safety and welfare in furtherance of the purpose and intent of this Resolution. Violation of such conditions and safeguards when made a part of the terms under

which the appeal or variance is granted shall be deemed a violation of Resolution and shall be punishable under Article V, Section 501.3.

Violation of such conditions and safeguards shall also be grounds for revocation of the conditional Zoning certificate and/or variance in a manner provided under Ohio Revised Code Section 519.14.

§ 601.3 Proceedings of the Board of Zoning Appeals

The Board shall adopt rules necessary to the conduct of its meetings and hearings and business in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its official actions, all of which shall be a public record and immediately filed in the Office of the Board of Township Trustees. The Board of Zoning Appeals shall adopt the resolution required under Ohio Revised Code Section 121.22 to govern public notice of its meetings. All motions shall require three affirmative votes to pass

All hearings shall be held in accordance with the Ohio Revised Code, Chapter 519, and this Resolution. All of the powers listed in Section 601.2 may be exercised only within a hearing open to the public as provided in this section unless otherwise provided in this Resolution. At all such hearings, the chairperson, or in his or her absence, the acting chairperson, shall administer an oath or affirmation to all witnesses giving testimony, and give the applicant or appellant, and those in opposition to the application or appeal, the opportunity to:

- A. Appear and be heard in person, or by an attorney, in support or opposition to the application or notice of appeal and:
 - 1. Present his or her position, arguments and contentions;
 - 2. Offer and examine witnesses and present evidence in support;
 - 3. Cross examine witnesses purporting to refute his or her position, arguments and contentions.
 - 4. Offer evidence to refute evidence and testimony offered in opposition to his or her position, arguments and contentions;
 - 5. Proffer any such evidence into the record, if the admission of it is denied by the Board of Zoning Appeals.
- B. Subpoena material witnesses, through the authority of the Board and under its discretion and control, after a timely request to the Board.

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Freedom Township Zoning Resolution
ARTICLE VII
Enabling Legislation: Implementation;
Prohibition against Violation of Resolution;
Action to Prevent Violation of Zoning Regulations;
Special Counsel

Adopted November 1981
(Unless otherwise indicated)

§ 701.0 Enabling Legislation

Availing itself of the powers invested in it by Section 519.01 R.C., the Board of Trustees in Freedom Township has empowered the zoning commission to regulate the erection, location, reconstruction, alteration, use, bulk, height, number of stories and size of buildings and structures, including tents, cabins, trailer coaches, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts and other open spaces, density of population, the uses of land for trade industry, residence recreation or other purposes in the unincorporated territory of this Township, and for such purposes to divide all or any part of the unincorporated territory of the Township into districts or zones of such number, shape and area as the Board determines. All such regulations shall be uniform for each class or kind of building or other structures of use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts

§ 701.1 Implementation

In their implementation and application, the provisions of this Resolution, and any amendments thereto, shall be held to be minimum requirements, adopted for the promotion of public health, safety, and the general welfare of the community. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, or resolutions, the more restrictive, or that requiring the higher standards shall govern.

§ 701.2 Prohibition Against Violation of Resolution

As stated in Section 519.23 R.C.: No building shall be located, erected, constructed, enlarged, changed, maintained or used and no land shall be used in violation of any resolution, or amendment or supplement to such resolution, adopted by any board of Township Trustees under Section 519.02 to 519.25 (inclusive) R.C. Each day's continuation of violation of this section may be deemed a separate offense.

§ 701.3 Action to Prevent Violations of Zoning Regulations; Special Counsel

As stated in section 519.24 R.C.: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of Sections 519.01 to 519.99(inclusive) R.C. or any regulations of provisions adopted by any Board of Township Trustees under such sections, such board, the Prosecuting Attorney of the county, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, enlargement, change, maintenance or use.

The Board of Township Trustees may employ special counsel to represent in any proceeding or to prosecute any actions brought under this section.

Freedom Township Zoning Resolution
Article VIII
Definitions

Adopted November 1981
(Unless otherwise indicated)

§ 801.0 Definitions (in alphabetical order)

1. **Access Roads/Drives** – Private roads or driveways connecting with public highways for purposes of ingress and egress, as used in Section 409.0 through Section 409.10 for use in servicing, preparing, drilling, developing, producing and reclaiming oil and gas wells, and constructed in accordance with Section 409.3 B.
2. **Accessory Building or Use** – An accessory building or use is a subordinate building or use customarily incidental to and located on the same lot with the main building or use.
3. **Accessory Buildings** – Accessory buildings less than 16 feet in any dimension with no more than four sides that are movable and on skids do not require a zoning certificate. Any structure regardless of size that has a foundation or pole construction is considered a permanent structure and requires a zoning certificate. *(6/05)*
4. **Addition** – Any enlargement or expansion of square footage made to a building or mobile home, enlarging the living and/or storage areas, including garages, carports, porches, patios and decks.
5. **Agriculture** – Includes farming,; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry including, but not limited to, the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
6. **Basement** – A story having more than one-half (1/2) of its height below average grade of the adjoining ground. A basement shall not be counted as a story for purposes of height regulations. A dwelling specifically designed as an “earth bermed” or “earth sheltered” dwelling for purposes of energy conservation shall not be considered as having a basement, nor be considered as a basement dwelling.
7. **Billboard** – A freestanding sign that directs attention to a business, commodity, message, service or entertainment conducted, sold or offered. *(12/02)*
8. **Brine** – All saline geological formation water resulting, obtained or produced in connection with the exploration, drilling, development or production of oil and gas. Note: Brine may also contain varying amounts of chlorides, manganese, strontium, calcium, potassium, barium, benzene and other soluble substances in addition to its sodium base.
9. **Building** – Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.
10. **Building, Principal** – A building in which is conducted the main or principal use of the lot on which said building is located.

11. **Bus shelter** – Any building which was constructed specifically to protect children from inclement weather while waiting for the school bus and which remains empty except while children wait for the bus.
12. **Drilling Unit** – The total acreage or parcels designated as being used for the purpose meeting minimum acreage requirements as set by the State of Ohio, Division of Oil and Gas for drilling an oil and/or gas well.
13. **Unit as Residence** – Any house, mobile home/trailer, building or structure or portion thereof, which is occupied in whole or in part as a home, residence or sleeping quarters of one or more persons either permanently or transiently.
14. **Family** – One or more persons living together as a single housekeeping unit and sharing common cooking facilities.
15. **Fracturing (Frac) Water** – Water, which may be combined with or contain any variety of enhancers, used to hydraulically fracture hydrocarbon bearing, underground formations so as to increase the volume or speed of hydrocarbon recovery.
16. **Front Lot Line** – The front lot line is the line bordering on the highway, road or street.
17. **Garage, Private** – A private garage is a structure or space used as an accessory to main building permitted in any residential district, and providing for storage of motor vehicles.
18. **Garage, Public** – Any garage other than a private garage available to public for storage, where repairs, rental, servicing, adjusting or equipping of motor vehicles may be permitted, along with the sale of accessories and filling station services.
19. **Gas** – All natural gas and all other fluid hydrocarbons not defined as oil, including condensates.
20. **Heavy Press Operations** – Many types of presses should be considered “heavy presses,” depending on the type and operating speed. Any machine that exerts pressure to form or shape or cut materials or extract liquids or compress solids and measures a decibel reading of at least 50 decibels at the property line of the subject property. (11/5/09)
21. **Home Occupation** – Any professional occupation conducted in part of a dwelling used as a residence and/or one (1) accessory building and subject to the conditions set forth in this Resolution.
22. **Irregular Lot** – Less than four (4) corners or more than five (5) corners.
23. **Junk Yard** – Any land or building used for abandonment, storage-keeping, collecting or baling of paper, rags, scrap metals, demolition, dismantling, storage or salvaging of automobile or other vehicles not in running condition, machinery, or parts thereof, as well as for the sale of any of the above.
24. **Lease Holder/Lease Owner** – The individual or firm as used in Section 409.0 through Section 409.10 who has the right to explore, drill, develop, produce and maintain operations for the purpose of extracting oil and/or gas by possession of a mineral rights lease.
25. **Legal Description** – A current (issued by the County within the last 30 days) certified tax map or current copy of the property deed, which can be used to accurately locate a piece of land.
26. **Local Code** – All current applicable health, safety, building or other local laws and resolutions.

27. **Manufactured Home** – A building unit or assembly of closed construction that is 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 1978,” 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. *(11/06)*
28. **Manufactured Home Park** – Any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of the park. “Manufactured Home Park” does not include any of the following: *(11/06)*
- a. A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp as defined in Section 3729.01 of the Ohio Revised Code;
 - b. A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority;
 - c. A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.
29. **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 (320) or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in Division (C)(4) of Section 3781.06 of the Ohio Revised Code or as an industrialized unit as defined in Division (C)(3) of Section 381.06 of the Ohio Revised Code. *(11/06)*
30. **Mobile Home Park** – Any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park. *(11/06)*
31. **Lot** – A piece or parcel of land occupied, or intended to be occupied by one main building and its accessory building, and including the open spaces required by this Resolution.
32. **Lot Line** – Lines bounding a lot as herein defined.
33. **Non-Conforming Structure** – A building or portion thereof lawfully existing at the effective date of this Resolution or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.
34. **Non-Conforming Use of Land** – A use which lawfully occupies an area of land at the effective date of this Resolution and which does not conform to the regulations of the district or zone in which it is situated.
35. **Non-Conformities** – A building, structure or use of land existing at the time of enactment of this Resolution and which does not conform to the regulations of the district or zone in which it is situated.
36. **Oil** – A liquid hydrocarbon, usually dark colored (petroleum) occurring naturally and commonly obtained by boring into the earth.
37. **Open View** – Visible to the traveling public from, on, or along any public walk, road, or highway.

38. **Pool** – An underground reservoir, as used in Sections 409.0 through 409.10, containing an accumulation of oil or gas or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.
39. **Rear Lot Line** – The rear lot line is the line opposite to the most distant from the front lot line.
40. **Setback Line** - The setback line is a line off the sideline of a street, road or highway, between which line and said sideline no building, structure or portion thereof may exist except as provided for in this Resolution.
41. **Side Lot Line** – The two remaining lines other than the front and rear lot lines are considered side lot lines. On irregular or point shaped lots, the side lot lines shall be determined by using the lines crossed by straight perpendicular lines drawn from each side of the dwelling.
42. **Sign** – Any device designated to inform or attract the attention of persons not on the premises on which the sign is located, not including any flag, badge or insignia of any government or government agency or any civic, charitable, religious, patriotic, fraternal or similar organizations. Special event signs shall exclude family events, garage or yard sales or other similar events not held regularly or continually.
43. **Sign Area** – The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure. (12/02)
44. **Sign Freestanding** – A sign that is attached to, or erected on, or supported by some structure that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of the sign (12/02)
45. **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. (12/21/09)
46. **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. (12/21/09)
47. **Small Wind Energy System** – A wind energy system consists of a wind turbine, a tower, and associated controls or conversion electronics, 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. (12/21/09)
48. **Solar Energy** – Means radiant energy (direct, diffuse, and reflected) received from the sun. (12/21/09)
49. **Solar Energy Dual Purpose** – Means solar energy is collected to create energy from structures that are generally permitted; examples could be fences or walls. This would include exterior lighting for patios and walkways. Dual purpose structures should look primary like a fence, wall or light fixture and not the opposite for the purpose of generating electricity while blending into the landscape. 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. (12/21/09)
50. **Trailer** – Any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semi trailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or rowed on a public road or highway at a speed greater than twenty—five miles per

hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. "Trailer" does not include a manufactured home or travel trailer. (11/06)

51. **Travel Trailer** – A nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty (320) square feet of space when erected on site. "Travel Trailer" includes a tent-type fold-out camping trailer. (11/06)
52. **Wind Energy/Turbine** – Mechanical equipment which is used to convert kinetic energy of the wind through the rotation of the mechanical equipment to facilitate the generation of electricity. (12/21/09)
53. **State Code** – All current, applicable state laws and resolutions.
54. **Structure** – Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, signs and billboards, but not including fences or walls used as fences or bus shelters.
55. **Terms Not Defined** – Where words are not defined in this Resolution, they shall have ascribed to them their ordinary accepted meanings, such as the context herein may apply (i.e., accepted everyday usage).
56. **Warehousing** – A use engaged in storage and distribution of products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive. (11/5/09)
57. **Waste** – Physical waste such as trash, paraffin and any hydrocarbon product or by-product spilled or lost upon the ground or water surface so as to be considered a contaminator. May also include human or other animal waste. Any other underground or surface material not recovered in the drilling or production or storage of oil, gas or condensate, however caused.
58. **Wellhead** – The point at which a drilled shaft or pipe or other tubing penetrates the soil surface (grade). May or may not be connected to any variety of powered devices (pumps) used to bring oil (petroleum) and its by-products to the surface from underground pools. Also includes the pipelines, valves and other equipment used in the production of oil and gas and attached to the tubing or casing above or near the ground surface.
59. **Wild and Dangerous Animals** – Animals that by reason of their species are naturally ferocious, mischievous or intractable such that they pose a genuine health or safety risk to the public or domesticated animals; such "wild and dangerous animals" include, but are not limited to, non-domestic animals, wolves, bears, cougars, lions, birds of prey or venomous snakes.

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