

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE V SUPPLEMENTAL REGULATIONS

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500 Temporary Structures

Temporary Structures for human habitation may be permitted during construction or reconstruction of a residence. Such temporary structure shall be used only after approval by the Health Department for the sewage system and water supply. A certificate for the location of said temporary structure shall not be required. All temporary structures shall be inspected after Six (6) months. In no case shall a temporary structure be used for more than One (1) year.

501 Deteriorated or Abandoned Structures

Deteriorated or abandoned structures such as dwellings, barns silos, sheds, oil storage tanks or other structures in a similar condition, which create potential health hazards, shall be demolished and removed. Any of the above structures, destroyed by fire or other causes, must be demolished and the debris removed before a Zoning Certificate shall be issued, or within Ninety (90) days, whichever comes first.

502 Junk

1. Junk such as abandoned vehicles, household appliances, farm equipment or other similar articles that are not in operating condition or licensed as required by State Law or are creating a health or safety hazard shall be removed from the view of the public right-of-way.
2. Any articles covered by this section and found to be creating a Health or Safety hazard, shall be eliminated.
3. Junk yards, automobile grave yards or disassembly plants are specifically prohibited.
4. No more than Two (2) unlicensed or inoperable motor vehicles shall be permitted on a lot of record unless stored in a completely enclosed solid structure.

503 Mineral Extraction. Storage and Processing

1. Mineral extraction and related activities shall occur where permitted by these regulations and only after a valid Zoning Certificate has been obtained.
2. Mineral Extraction and related activities shall occur no closer than Five Hundred (500) feet from any structure intended for human occupancy.
3. The operator of any facility used for mineral extraction shall submit to the Zoning Inspector a map showing the areas to be mined and identifying adjacent property owners, roads, natural features and any additional information deemed necessary by the Inspector.
4. The operator of any facility used for mineral extraction shall submit to the Zoning Inspector a plan outlining how the area shall be reclaimed. The plan shall include the anticipated future use of the property, the final topography indicated by contour lines of intervals of not more than Five (5) feet, the type of trees and shrubs, and number per acre, type and quality of grass to be spread, location of roads, location of proposed drainage courses, plus any information deemed necessary by the Zoning Inspector.

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ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

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503 Mineral Extraction. Storage and Processing (continued)

5. In most cases a performance bond payable to the County Commissioners shall be filed by the operator. This bond shall be held to guarantee satisfactory compliance by the operator with the requirements of these Regulations. The rate per acre of property to be mined shall be fixed by the County Commissioners. The rate shall be fixed to equal the expected costs of reclamation. Said bond shall be fixed to equal the total expected costs of reclamation. Said bond shall be released by the County Commissioners upon written certification of a compliance with these Regulations and satisfactory completion of the restoration plan.
6. These Regulations do not apply to oil or gas wells.

504 Accessory Buildings

1. Accessory buildings shall be located in the side or rear yard.
2. Accessory buildings shall be no closer than Ten (10) feet of any property line.
3. Accessory buildings shall not occupy more than Twenty Five percent (25%) of the required rear yard.

505 Yard Requirements

1. Interior lots having frontage on two roads shall provide the required front yard on both roads.
2. In the case of corner lots used for residential purposes, the required front yard shall be provided for along both right-of-ways.
3. In situations where Forty percent (40%) or more of the frontage on the same side of a road between Two (2) intersecting roads is developed with new structures, new buildings shall be erected no closer or farther from the right-of-way than the average distance as established by existing buildings.

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

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506 Home Occupation

1. All Home Occupations are conditional uses and require approval by the Milton Township Board of Zoning Appeals.
2. A Home Occupation must be located entirely within the main dwelling and/or garage of the owner of the Home Occupation and shall be a use clearly incidental to the use of the dwelling as a residence.
3. A Home Occupation shall be limited to low intensity activities, be inconspicuous and not alter the appearance of the neighborhood.
4. A Home Occupation shall generate a limited amount of additional vehicular traffic and shall not create noise or nuisance to neighboring property owners.
5. No accessory building, or other structures located either on the same parcel or on another parcel, may be used for activities related to the Home Occupation.
6. The Home Occupation shall occupy not more than Three Hundred (300) square feet.
7. Only full time live-in residents in which the Home Occupation is located shall be employed by the Home Occupation, whether compensated or not.
8. Signs advertising the Home Occupation are not to exceed Six (6) square feet and shall not be closer than Fifteen (15) feet from the right of way and shall be kept in good repair.
9. A Home Occupation shall have adequate turn around space must be provided so as to eliminate vehicles from backing out on to a main thoroughfare.
10. Creating additional parking to be used principally by the Home Occupation is prohibited
11. Separate sanitation facilities shall not be installed in a building or located on the site for use by the Home Occupation.
12. All equipment and supplies must be stored inside the dwelling or garage.
13. Wholesaling is specifically prohibited as a Home Occupation.
14. A Zoning Certificate is required to conduct a Home Occupation.
15. The Home Occupation shall be subject to an inspection by the Zoning Inspector a minimum of once a year to ensure compliance with the approved Zoning Certificate.

507 Procedures Upon Discovery of Violations

1. Written Notice, Zoning Citation, and/or Stop Work Order

The Zoning Inspector may serve a Written Notice, Zoning Citation, and/or Stop Work Order to the persons responsible for any violation of this resolution. The Written Notice, Zoning Citation, and/or Stop Work Order shall indicate: (a) the nature of the violations; (b) the actions necessary to correct the violations; (c) the time period allowed for correction; and (d) shall advise that the Zoning Inspector's decision or order may be appealed to the Board of Zoning Appeals in accordance with the other provisions of this Resolution governing appeals filed with the Board of Zoning Appeals. Additional Written Notices, Zoning Citations, and/or Stop Work Orders may be issued at the Zoning Inspector's discretion,

2. Correction Period

A Written Notice, Zoning Citation, and/or Stop Work Order issued by the Zoning Inspector shall state the time period allowed for correction. Correction shall be made within a reasonable period of time, reasonable for the degree and type of violation, at the discretion of the Zoning Inspector, but not to exceed Thirty (30) days after receipt of a written notice of said violation by the owner of the property. Any violation not corrected by the allowed period of correction set by the Zoning Inspector shall be reported to the Township Trustees.

3. Emergency Correction or Enforcement

Notwithstanding the foregoing, in cases of a repeat violation by the same person or on the same parcel, or when delay would pose an immediate or serious danger to the public health or safety, the Zoning Inspector may demand immediate correction of the violation and may seek immediate enforcement of this resolution by invoking any of the remedies authorized by Article VI of this resolution or by the general laws of the State of Ohio including, without limitation, any actions which the Zoning Inspector is authorized to take by the Board of Trustees under Ohio Revised Code 519.24 and/or 519.99.

508 Planned Unit Development

1. All planned unit developments shall be subjected to the following rules, regulations, criteria and standards.
2. The requirements required to obtain a Conditional Use Certificate shall be followed.
3. Planned Unit Developments shall only be permitted in Districts identified for such uses in these Regulations.
4. All applicable State and Local Regulations shall be followed during the planning, design, construction and occupation of a Planned Unit Development.
5. The Board of Zoning Appeals shall consider the following points when making their decision:
 - A. Different types of living environments are available by offering a variety of housing and building types and by permitting an increased density of housing units per acre through a reduction in lot dimensions, yard, setbacks, and area requirements.
 - B. A well thought out pattern of open space and recreation areas convenient to accessory uses and dwellings included.
 - C. A development pattern that preserves the natural topography, geological features and vegetation without disrupting natural drainage features.
 - D. That a more efficient use of land is achieved in saving through a shorter road and utility lines.
 - E. A development pattern consistent with the land use density transportation facilities and community facilities objectives.
 - F. That the Planned Unit Development does not adversely affect the neighboring land uses.

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509 Keeping of Animals, Fowl or Bees

1. Not more than one of the following: Cows, Horses, Swine, Sheep or Goats shall be raised on lots of less than One and One half (1-1/2) acres.
2. Chickens, Fowl or Rabbits shall not be kept on lots of less than Twenty Thousand (20,000) square feet. All animals shall be provided with suitable shelters to avoid disturbing neighbors.
3. Colonies of Bees shall not be located on lots of less than Twenty Thousand (20,000) square feet. A minimum of One Thousand (1,000) square feet shall be required for each colony.
4. Animal runs, barns, pens, shelters or colonies shall be no closer than One Hundred and Fifty (150) feet to the front of the property line nor closer than Fifty (50) feet to any other property line or dwelling.
5. All health and sanitation requirements of the State or County shall be followed.

510 Public Nuisances and Hazards

No land, building or vehicle shall be used or occupied so as to be a nuisance or hazard to adjoining property owners or adversely affect neighboring areas. All noxious or hazardous substances shall be stored, transported or used and disposed of in such a way so as to not be a hazard to adjoining property owners and uses. Adequate precautions shall be taken to insure the safety of adjoining property owners. (Reference Ohio Revised Code 505.86 and Ohio Revised Code 505.87)

511 Flood Hazard Areas

1. Structures and land uses located in the Regional Flood Plain shall be subject to the following requirements:
 - A. The-Zoning Classification of the property shall apply to areas in the flood plain.
 - B. Only those uses listed for that Zoning District shall occur in Flood Hazard Areas.
2. Permitted Uses:
 - A. Farm District (F): Agriculture Uses, all (except Residences); Residential Uses, lawns, gardens and recreational areas.
 - B. Residential District (R): Agriculture Uses, all (except Residences); Residential Uses, lawns, gardens and recreational areas.
 - C. Commercial District (C): Agriculture Uses, all (except Residences); Residential Uses, lawns, gardens and recreational areas, Commercial uses, loading, parking or storage areas for items not subject to flood damage or easily moved.
 - D. Industrial District (I): Agriculture uses, all; Commercial uses, loading, parking or storage areas; Industrial uses, parking or load areas, storage areas for items not subject to flood damage or easily moved.
3. Utility facilities such as dams, power plants, flowage areas, transmission lines, pipelines, water monitoring devices or dikes or earthen structures are also permitted.
4. Structures located in the regional flood plain shall not be used for human habitation.
5. Hazardous or toxic substances shall not be stored in flood prone areas.

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

512 Signs

- 1. All signs located in Milton Township shall follow the requirements of these Regulations.
- 2. The following signs shall be permitted in any district. No Zoning Certificate shall be required for:
 - A. Real Estate or rental or sale signs of less than Thirty (30) square feet.
 - B. Signs advertising Home Occupation or Residential Enterprise of not more than Six (6) square feet and not closer than Fifteen (15) feet from the right of way.
 - C. Signs listing the name and address of occupants of a structure not exceeding Four (4) square feet.
 - D. Signs or bulletin boards related to places of worship, public buildings or social clubs or societies not exceeding Forty (40) square feet.
 - E. Entrance, exit or directional signs.
 - F. Temporary signs advertising special events or the construction of buildings or similar purpose, such signs shall be removed within Two (2) weeks of the completion of the advertised activity.
 - G. Political signs not exceeding Four (4) square feet, these signs must be removed within Two (2) weeks after the election.
 - H. Signs erected by governmental agencies.
 - I. Signs on the premises of commercial or industrial businesses provided the edge of such signs shall not be closer than Fifteen (15) feet from the right of way.
 - J. Signs advertising roadside stands not exceeding Four (4) square feet.
 - K. Signs advertising farms.

3. Zoning Certificates shall be required for the following types of signs:

- A. Outdoor signs advertising signs not located on the premises of the establishment advertised.
- B. Such signs shall be set back from the edge of the right of way as required by the following table:

<u>Size</u>	<u>Setback</u>
less than or equal to 10 sq. ft.	10 feet
11 to 30 square feet	20 feet
31 to 50 square feet	30 feet
51 square feet or greater	50 feet

- C. Signs shall be separated from each other a minimum of Ten (10) times the average size of the signs; signs shall not be less than One Hundred (100) feet apart.
- D. Signs shall not be located less than One Hundred (100) feet to a residence structure.
- E. No sign shall be greater the One Hundred (100) square feet in total surface per side.
- F. Signs adjacent to interstate highways shall be governed by applicable State Regulations.

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

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4. The following types of signs are prohibited:

- A. Signs attached to or painted on trees, rocks or natural features.
- B. Flashing or illuminated signs that distract drivers.
- C. Signs that resemble devices erected under governmental authority.
- D. Signs located in dedicated right-of-ways.
- E. Signs deemed to be unsafe or a public hazard.

5. When the Regulations conflict with applicable State Requirements, said State Requirements shall apply.

513 Nonconforming Building Uses

- 1. Any lawful uses of buildings or land existing at the time of the adoption of this Resolution may continue, even though such use does not conform to the District requirements.
- 2. A nonconforming structure or use may be enlarged a maximum of Twenty percent (20%) of the original floor or ground area provided that all other requirements concerning setback and lot area are met.
- 3. Whenever a building or land use becomes nonconforming through an amendment to this Resolution or to the Zoning Map, such use may continue.
- 4. Any nonconforming use that is discontinued for a period of Two (2) or more years shall not again be started except in total conformation with these Regulations.
- 5. Any structure under construction at the time of adoption of these Regulations designed for a conforming use may be used for its intended purpose.
- 6. A nonconforming building or structure damaged by fire, explosion, act of nature or a public enemy to the extent that up to Seventy-Five percent (75%) of the structure must be replaced, may be restored to the same use within Twelve (12) months provided all reconstruction portions of the structure conform to the requirements of these Regulations.

514 Sawmills

An accessory use clearly incidental and secondary to the primary use of the property. The structure containing the sawmill shall not be closer than Three Hundred (300) feet to any residence on an adjacent parcel of property. Measures shall be taken to reduce the amount of noise generated by using whatever means are reasonable. Lumber sales shall be an incidental part of the business conducted when compared to custom cutting of logs for individuals.

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

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516 Manufactured Dwellings

1. All manufactured dwellings shall conform to all the criteria in Article III, Section 311.
2. All tongues, axles and hitches shall be removed.
3. The manufactured dwelling shall be taxed as real property.
4. The manufactured dwelling must be permanently installed to meet the manufacturer's installation requirements as well as applicable state and county building regulations.
5. The manufactured dwelling shall conform to all residential district regulations for the district in which it is located.

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ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

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517 Hardship Manufactured Dwellings

This is a conditional use and must be granted by the Board of Zoning Appeals for the location of a manufactured home on the same lot as a residence in cases of extreme hardship. In such cases the following conditions shall apply:

1. An Application is submitted to the Board of Zoning Appeals. With the application shall be an explanation of the reason for the request including evidence that:
 - A. The occupant is infirm and unable to adequately and safely care for their own welfare. Examples are legally blind, deaf, physically impaired and mentally incapacitated.
 - B. The occupant is recuperating from a serious operation, accident, or illness and that constant care and immediate assistance is at hand.
 - C. The occupant is not seasonal, migrant, temporary or other type of worker or guest of the dwelling it is associated with.
2. Said Manufactured home shall be occupied only by a member of the immediate family of a resident of the main dwelling. For the purposes of this section, immediate family is defined as mother, father, step-mother, step-father, brother, sister, grandmother, grandfather, great grandmother, great grandfather, foster brother, foster sister, step-brother, step-sister.
3. The Zoning Certificate for the Manufactured dwelling shall be reviewed every Six (6) months after an inspection by the Zoning Inspector.
4. The siting of the Manufactured dwelling is approved by the Ashland City-County Board of Health certifying the adequacy of the septic system and water supply. Documentation should accompany the application.
5. Evidence must be provided of an adequate safe electrical supply.
6. When the hardship no longer exists, either through recovery, institutionalization or death, the manufactured dwelling shall be removed within Sixty (60) days.
7. Rental payments for the use of the manufactured dwelling or land on which it rests are prohibited.
8. The restrictions of Section 516 are hereby suspended for Hardship manufactured dwellings, however, said manufactured dwelling shall be completely skirted and adequate steps shall be provided at all entrances and exits.
9. A plot map showing distances between all buildings and property lines and set back and proposed location of the independent manufactured dwelling.
10. Minimum distance between any building and the independent manufactured dwelling shall be Twenty (20) feet. Independent manufactured housing must comply with minimum set back regulations.

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

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518 Custom Butchering

Custom Butchering, as defined, shall be permitted in those Districts identified in these Regulations. A facility used for Custom Butchering shall be located no closer than Two hundred (200) feet from the residence of an adjacent property owner. No wholesale or retail trade shall be associated with the facility. The Ashland City-County Board of Health shall certify the adequacy of sanitary measures to dispose of animal waste and byproducts before the facility is occupied. Provisions for pasturage or long term care of animals to be slaughtered shall be prohibited.

519 Blacksmith and Welding Shops

An accessory use clearly incidental and secondary to the primary use of the property. These uses shall be conducted in such a way so as not to interfere with the main use of the property as a farm or residence.

520 Swimming Pools

All in ground swimming pools shall be surrounded by a minimum Five (5) foot high fence. No opening in said fence, other than those intended to provide access, shall be more than Five (5) inches across at its widest point to inhibit hands, arms, heads, legs, or feet from becoming stuck in the fence. All gates or access points shall be constructed so that they can be locked or otherwise secured to prohibit unauthorized access. A Zoning Certificate required.

521 Greenhouses

Greenhouses may be permitted in those Districts identified in Article IV of these regulations. At least Fifty percent (50%) of all merchandise sold shall be grown on the premises.

522 Kennels

An accessory use of a veterinary clinic. Said accessory use shall be clearly incidental to the main use of the facility as a clinic. Measures shall be taken to keep noise levels at a minimum so as to not disturb neighboring property owners. Facilities shall be limited to the boarding of a total of Ten (10) dogs or cats or any combination of the Two (2) species.

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

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523 Recreational Vehicles

1. Recreational Vehicles may be occupied by visitors to the owners of a parcel of property in Milton Township for not more than Fourteen (14) days total in any Ninety (90) day period.
2. The Recreational Vehicle shall not be connected to the property owner's water supply system or to the property owner's septic system.
3. In no case shall a Recreational Vehicle be used either by the property owner or by a visitor of the property owner as a substitute for, or as, an alternative to a dwelling.

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526 Sexually Oriented Businesses

1. As used in this section the following definitions shall apply:
 - A. "Sexually oriented businesses" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, or adult theater.
 - B. Adult business would be defined as one selling or renting "X" rated books, photos, magazines, videos, movies, paraphernalia or instruments designed for use in connection with "specified sexual activities." It would also be any business where nude or partially nude persons are employed or used in the operation of the business.
2. Only within the Commercial District (C) and with Industrial District (I) shall sexually oriented businesses be permitted and only if the Zoning Inspector has determined that each of the following conditions have been met:
 - A. That the parcel of land upon which the sexually oriented business is located is a minimum of Five Hundred (500) feet from the nearest parcel of land containing a school, church or residence.
 - B. That the parcel of land upon which the sexually oriented business is located is a minimum of Five Hundred (500) feet from any other parcel of land containing a sexually oriented business.
3. All sexually oriented businesses are a Conditional Use and requires approval by the Milton Township Board of Zoning Appeals.

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

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527 Telecommunication Towers

Restrictions for a telecommunication tower conditional use certificate are:
(Farm (F), Commercial (C) and Industrial (I) Districts)

1. An area of a minimum of Two Hundred Twenty-Five (225) square feet shall be enclosed by a security fence at least Eight (8) feet high. No guy wires shall be less than Seven (7) feet from the top of the security fence.
2. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a Three quarter (3/4) mile area of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations.
3. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
4. All providers utilizing towers shall present a report to the Township Trustees notifying them of any tower facility located in the township whose use will be discontinued and the date of this use will cease. If at any time the use of the facility is discontinued for One Hundred Eighty (180) days, Township Trustees may declare the facility abandoned. The facility's owner/operator will receive written notice from the Township to either reactivate the facility within One Hundred Eighty (180) days or dismantle and remove the facility. Should the Township be required to remove the tower or contract to have the tower removed, the owner will indemnify the Township for all costs.
5. No tower less than One Hundred Fifty (150) feet shall be artificially lighted except to assure safety or as required by the Federal Aviation Administration. Security lighting around the equipment shelter is permitted.
6. "No Trespassing" signs shall be posted around the facility with a name, address and a telephone number of whom to contact in the event of an emergency.
7. A tower should have a maximum height of Five Hundred (500) feet. The tower must be located at least One and One-half (1 1/2) times the height of the tower from any buildings, property lines, or public right of ways. The tower shall be a minimum of Five Hundred (500) feet from any residence.
8. The property shall be neatly maintained and not used for storage.
9. The driveway to the site shall be a minimum of Ten (10) feet in width and shall be setback a minimum of Ten (10) feet from the nearest side or rear lot line. There shall be a minimum of One (1) off-road parking space on the site. Entrance should be through a gate that is locked at all times.
10. The tower owner shall indemnify any affected party (s) for damages caused by the structure.
11. The tower owner shall not present a nuisance as stipulated in #510.

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

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527 Telecommunications Towers (continued)

12. No land, building or tower shall be used or occupied so as to be a hazard to adjoining property owners or adversely affect neighboring areas. All noxious or hazardous substances shall be stored, transported or used and disposed of in a such a way as to not be a hazard to adjoining property owners and uses. Adequate precautions shall be taken to ensure the safety of adjoining property owners.
13. Broadcast towers are exempted from township regulation as stipulated in the Ohio Revised Code 519-211.

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

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528 Residential Enterprise - Supplemental Regulations

1. All Residential Enterprises are a conditional use for a specific business. Conditional use applications must be filed by the property owner. In the case where the property becomes a rental, the owner of the property and the owner of the business, who is the renter, must apply jointly.
2. The owner of the Residential Enterprise must live on the same lot of record as the enterprise. One or more resident (s) shall work at the enterprise. A maximum of Two (2) non-residents may be employed by that enterprise.
3. The Residential Enterprise shall be a use that is secondary to the use of the property as a residence.
4. The enterprise may operate in a garage or an accessory building providing the total enterprise does not exceed a maximum of One Thousand Five Hundred (1,500) square feet per lot of record.
5. A Residential Enterprise is permitted only after the property owners and Residential Enterprise owner obtain a valid Conditional Use Certificate for the enterprise. The Certificate is non-transferable.
6. The Residential Enterprise shall be subject to an inspection by the Zoning Inspector a minimum of once a year to ensure compliance with the approved Certificate.
7. A Residential Enterprise shall be limited to low-intensity activities.
8. The Residential Enterprise shall not create noise or nuisance to neighboring property owners, nor alter the appearance of the neighborhood.
9. A sign advertising the Residential Enterprise shall not exceed Six (6) square feet and shall not be closer than Fifteen (15) feet from the right of way and shall be kept in good repair.
10. Parking specifically for the Residential Enterprise shall be limited to a maximum of Six (6) spaces. Each parking space not to exceed Two Hundred (200) square feet.
11. Adequate turn around space must be provided so as to eliminate vehicles from backing out on to a main thoroughfare.
12. All equipment and supplies must be capable of being stored within a total of One Thousand Five Hundred (1,500) square feet inside or outside the garage or accessory building.

529 Wind Turbines

1. All Wind Turbines: Wind Turbines are a Conditional Use in all districts.
 - A. The structure must set on a concrete base.
 - B. The maximum rotor diameter shall be Twenty-Two (22) feet.
 - C. The structure must be safeguarded by a fence a minimum of Five (5) feet high.
No opening in said fence, other than those intended to provide access, shall be more than Five (5) inches across at its widest point to inhibit hands, arms, heads, legs, or feet from becoming stuck in the fence. All gates or access points shall be constructed so that they can be locked or otherwise secured to prohibit unauthorized access. The dimensions of the fenced in area shall extend from the center of the structure One and One Half (1 ½) times the total length of the longest rotor in all directions.
 - D. The structure and associated facilities must comply with manufacturer and dealer specifications and Public Utilities Commission of Ohio guidelines.
 - E. Setbacks for the system tower shall be no closer to the property line than the height of the system and no part of the system, including guy wire anchors, may extend closer than Ten (10) feet to the property boundary. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of Six (6) feet above the guy wire anchors.
 - F. Zoning Certificate Application for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. Additionally, evidence must be provided that the utility company servicing the site has been informed of a customer's intent to install an interconnected customer owned generator.
 - G. The tower shall be a non-contrasting gray or similar color minimizing its visibility, unless, otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
 - H. All providers utilizing towers shall present a report to the Township Trustees notifying them of any tower facility located in the township whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for One Hundred Eighty (180) days, the Township Trustees may declare the facility abandoned. The facility's owner/operator will receive written notice from the Township to either reactivate the facility within One Hundred Eighty (180) days or dismantle and remove the facility. Should the Township be required to remove the tower or contract to have it removed, the owner will indemnify the Township for all costs.
 - I. No tower less than One Hundred Fifty (150) feet shall be artificially lighted except to assure safety or as required by the Federal Aviation Association (FAA). Security lighting around the equipment shelter is permitted.
 - J. "No Trespassing" signs shall be posted around the facility with a name, address and a telephone number of whom to contact in the event of an emergency.
 - K. The property shall be neatly maintained.
 - L. The driveway to the site shall be a minimum of Ten (10) feet in width and shall be setback a minimum of Ten (10) feet from the nearest side or rear lot line. There shall be a minimum of One (1) off road parking space on the site. Entrance shall be through a gate that is locked when the site is unoccupied.
 - M. The tower should be constructed in such a manner as to minimize risk to surrounding property. The tower owner shall indemnify any affected party (s) for damages caused by the structure.
 - N. The structure shall not present a nuisance as stipulated in #510.

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ARTICLE V SUPPLEMENTAL REGULATIONS (Continued)

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529 Wind Turbines – (continued)

2. Residential Wind Turbines: Residential Wind Turbines are a Conditional Use in all districts.
 - A. The maximum height including rotor shall be One Hundred (100) feet.
 - B. The maximum sound levels for the system shall be no more than Thirty (30) decibels above ambient at the property line.
 - C. The current generated shall be solely for the use of the facilities on the parcel on which it is located with any excess transferred to the power utility under Public Utilities Commission of Ohio guidelines.
 - D. Each residence shall be limited to One (1) turbine capable of producing up to a maximum of 4.99 megawatts.

3. Commercial Wind Turbines: Commercial Wind Turbines are a Conditional Use in Commercial (C) and Industrial (I) Districts.
 - A. The maximum height including rotor shall be One Hundred Fifty (150) feet.
 - B. The maximum sound level for the system shall be not more than Forty (40) decibels above ambient at the property line.
 - C. The current generated shall be for the commercial or industrial business located on the same parcel as the turbine or may be sold to the power utility under Public Utilities Commission of Ohio guidelines.
 - D. Each commercial/industrial business shall be limited to One (1) turbine capable of producing up to a maximum of 4.99 megawatts.

4. Small Wind Farms: Small Wind Farms are a Conditional use in Commercial (C) and Industrial (I) Districts.
 - A. Each small wind farm shall be limited to Five (5) commercial wind turbines capable of producing up to a maximum of 4.99 megawatts.
 - B. The parcels shall be adjacent if located on more than One (1) parcel.
 - C. The maximum sound level for the system shall be no more than Fifty (50) decibels above ambient at the property lines of non-participating parcels.
 - D. The current generated shall be solely for the commercial or industrial business located on the same or adjacent parcel or may be sold to the power utility under Public Utilities Commission of Ohio guidelines.