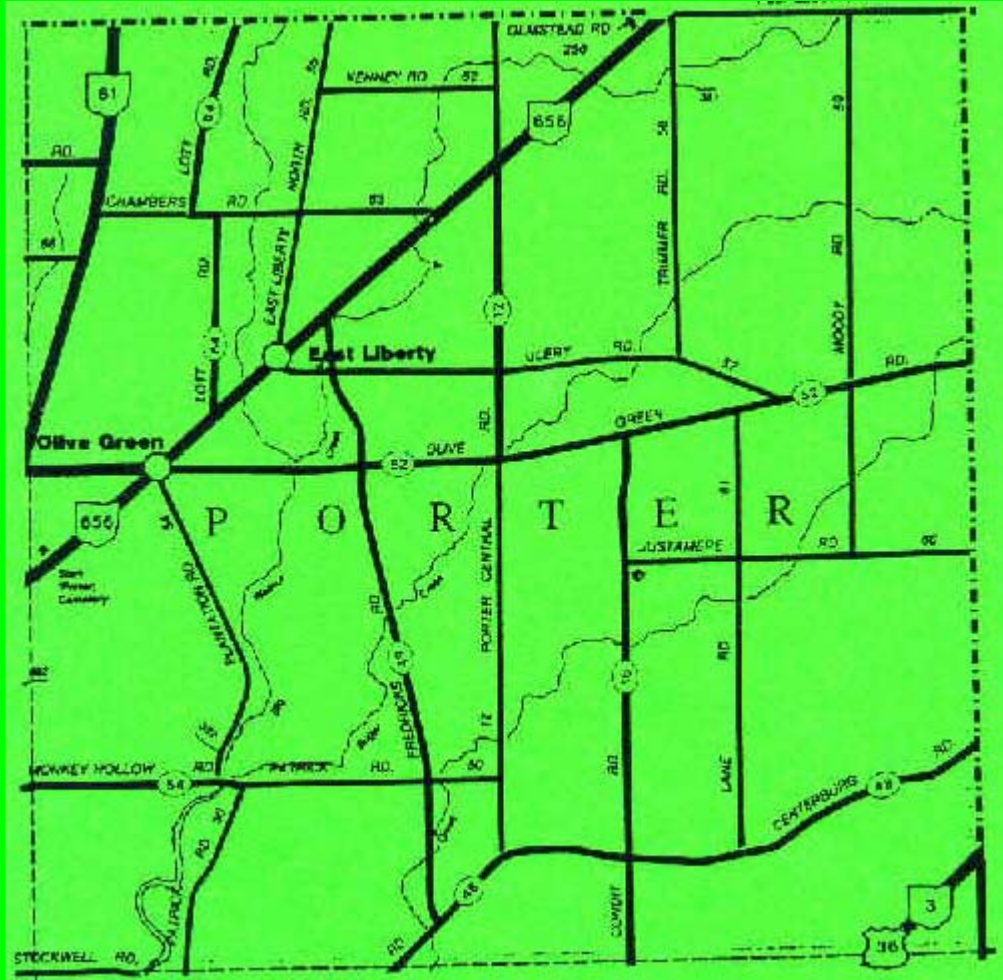
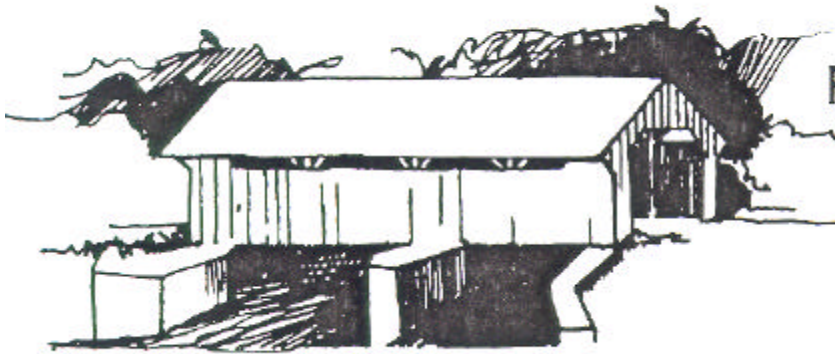


Porter Township Zoning Code



Prepared By: Porter Township Zoning Commission

Accepted By: Porter Township Board of Trustees



PORTER TOWNSHIP

DELAWARE COUNTY, OHIO

12826 McKay Street

Sunbury, Ohio 43074

(614) 524-7811

ZONING RESOLUTION FOR PORTER TOWNSHIP

DELAWARE COUNTY, OHIO

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

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

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

WHEREAS, Said Zoning Commission has recommended revisions of the Porter Township Zoning Resolutions and official Zoning Map, and has submitted such amendments to the Board of Trustees of Porter Township under authority and in accordance with the provisions of Section 519.12 of the OHIO REVISED CODE on February 10, 1994; and,

THEREFORE, The Board of Trustees of Porter Township did adopt the following amendments to the Zoning Resolution on March 15, 1994 under the authority and in accordance with the provisions of the OHIO REVISED CODE and said amendments became effective on April 14, 1994; and,

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parts of resolutions in conflict with this resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect.

PASSED: March 15, 1994

By: Mr. John McDavid

ATTEST: Mark A. Mazzon, Clerk

Mr. James Thorpe

Mr. Carl Webb
Porter Township Board
of Trustees

PORTER TOWNSHIP ZONING RESOLUTION

ADOPTED NOVEMBER 1981

AMENDED 1984
AMENDED JUNE 13, 1991
AMENDED MARCH 21, 1994

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ARTICLE I TITLE

This Resolution shall be known, cited and referred to as the Porter Township Zoning Resolution, Delaware County, Ohio.

ARTICLE II PURPOSE

The Porter Township Zoning Resolution is enacted for the following purposes and objectives which are to be construed as being consistent with the limitations and jurisdiction of a township as set forth in Chapter 519 of the Ohio Revised Code.

1. To promote and protect the public health, safety, comfort and general welfare.
2. To conserve and promote agricultural land, the agricultural industry within the township, and to protect agricultural land from the unnecessary encroachment by non agricultural uses.
3. To promote, insure and control the orderly development of lands best suited for residential development.
4. To promote and secure the most appropriate use of land to facilitate and provide adequate public and private improvements.
5. To conserve and protect the natural resources, scenic areas, wildlife habitat and historical and unique natural features of the land.
6. The right to farm all suitable land is hereby expressly recognized to exist as a natural right. The right to farm includes the use of large irrigation pumps and equipment, aerial and ground seeding and spraying, large tractors and agricultural implements and the application of fertilizers, insecticides, pesticides and herbicides. When conducted in accordance with generally accepted agricultural practices, farming may occur at any time on any day, and the noise, odors, dust and fumes caused by them are expressly permitted as a part of the exercise of the right to farm.

ARTICLE III INTERPRETATION OF STANDARDS

The provisions of this Resolution shall be interpreted and applied and held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control; however ' where the provisions of this resolution are less restrictive, the more restrictive provision of other laws, rules, regulations, restrictions or resolutions shall control. Where a particular use is not specifically provided for this Resolution nor reasonably construed to be included within a use otherwise specifically provided for, the particular use shall not be permitted.

ARTICLE IV DISTRICTS AND BOUNDARIES

Section 4.01 ZONING DISTRICTS., For the purposes of this Resolution, the following districts are hereby created in order that the unincorporated area of Porter Township, Delaware County, Ohio, may be divided into one or more such districts:

A-1	Agricultural District
R-1	Farm Residence District
PRD	Planned Residence District
C-1	Neighborhood Office District
c-2	Neighborhood Retail District
PCD	Planned Commercial District
I	Industrial District

The regulations shall be uniform for each kind of building or other structure or use throughout each district or zone, but the regulations in one district or zone shall differ from those in other districts or zones, as hereinafter set forth.

Section 4.02 DISTRICT BOUNDARIES: The boundaries of each district into which the township is divided are indicated upon the zoning maps of Porter Township, which are hereby made a part of this Resolution. The said maps of Porter Township, plans submitted with rezoning petitions, and all notations, references, and other matters shown thereon, excepting property ownership names, shall be as much a part of this Resolution as if the notations, references, and other matters set forth by said maps were fully described herein. Each of those township maps entitled "Zoning Map, Porter Township, Delaware County, Ohio", is properly attested and on file in the office of the Board of Township Trustees of Porter Township, Delaware County, Ohio.

Section 4.03 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of any of the aforementioned districts as shown on the zoning map, the following rules apply:

- a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- b) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

- c) Where district boundaries are so indicated that they are -, approximately parallel to the center lines or street lines of streets, or center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. if no distance is given, such dimension shall be determined by use of the scale shown on said zoning map.

- d) where the boundary of a district follows a metes and bounds description approved as a part of a rezoning of any territory, said metes and bounds description shall control over all of the foregoing.

Article V APPLICATION OF RESOLUTION

Section 5.01 CONFORMANCE REQUIRED: Except as otherwise provided herein, no building or part thereof shall be moved, erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used or occupied, other than in strict conformance with all the use and development regulation established by this Resolution for the district in which the structure or land is located. Normal repair and maintenance, interior remodeling, patios, porches, decks and other non-inhabitable portions of the dwelling, constructed to conform with the setback limits of the development standards are excepted. The conversion of non-inhabitable portions of a dwelling into habitable living space shall require a zoning permit.

Section 5.02 AGRICULTURE:, Nothing contained in this Resolution shall prohibit the use of land for agriculture purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure. For the purpose of this Resolution, no tract of land, unless it is taxed pursuant to a Current Agricultural Use Valuation, shall be considered agricultural in nature.

Section 5.03 PUBLIC UTILITIES AND RAILROADS: Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. The term "operation of its business" shall not be deemed to include general offices or other uses not related directly to the provision of utility services.

Section 5.04 BUILDINGS UNDER CONSTRUCTION AND NEW CONSTRUCTION

Nothing in this Resolution shall require any change in the plans, construction, size or designated use of a Building upon which construction was begun before the effective date of this Resolution or applicable amendments hereof. The zoning inspector may require proof in the form of an affidavit or other similar documents that the original intended use of the building has not been changed. The ground story framework, including structural parts of the second floor shall be completed within one (1) year and the entire building completed within two (2) years after the effective date of this Resolution or applicable amendments hereto.

Section 5.05 ISSUED ZONING CERTIFICATES: Any new proposed construction for which a zoning certificate is issued shall have been started within six (6) months of issuance of said permit and the ground story framework, including structural parts of a second floor shall have been completed within one (1) year after the issuance of the zoning certificates; provided, however, that any

building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time in accordance with a timetable placed on file with the Township zoning inspector with the original request for the certificate.

in the case of old construction, if the above schedule is not met, any prior right as a non-conforming use is lost and certificates for new construction invalidated.

ARTICLE VI A-1 AGRICULTURAL DISTRICT

Section 6.01 There is hereby created within Porter Township an Agricultural District which is hereinafter referred to as the Agricultural District, to promote, preserve and protect agriculture purposes pursuant to the provisions of Article 11 and provide for the development of lands in accordance with the ability of such lands to support development without central water supply and/or central sewerage disposal facilities, to prevent pollution of such lands and underlying aquifers by excessive development, and to protect the aquifer recharge areas.

Section 6.02 All lands within Porter Township not otherwise zoned shall be controlled by the provisions of this Article.

Section 6.03 PERMITTED USES: Within the Agricultural District the following uses developed in accordance with all other provisions of this Zoning Resolution shall be permitted:

- a) Agricultural purposes, including any customary agricultural building, structure, nursery or greenhouse.
- b) Roadside sales of agricultural products shall be permitted in this district provided said stand is in operation for not more than one hundred fifty (150) days in any year and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares.
- c) Temporary sawmills for processing timber grown on the premises.
- d) Oil and gas drilling and production.
- e) Single family dwellings to be permanently constructed on a foundation pursuant to the provisions of this Zoning Resolution and the provisions of the State of Ohio, and Delaware County Building Codes, and any other applicable rule or regulation.
- f) Accessory buildings and accessory uses including private garages and permanent dwellings for full time domestic help employed on the premises or full time farm labor.
- g) Ponds, subject to the provisions of Section 16.05 of this Resolution.
- h) Mobile homes for temporary residential use and temporary buildings of a non-residential character may be used or occupied only during residential construction on the premises for a maximum of twelve (12) months from the date of issuance of the zoning permit. Said temporary structure shall be removed no later than ten (10) days after expiration of said twelve (12) month period.

Section 6.04 CONDITIONAL USES: Within the Agricultural District the following uses may be permitted subject to the approval and any restrictions or limitations that may be imposed by the Board of Zoning Appeals:

- a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

- 1) The home occupation shall be carried on solely within the confines of the residential structures and accessory buildings which are customarily associated with the use and character of the neighborhood.
 - 2) Only one sign not larger than eight (8) square feet and eight (8) feet in height above grade of the surrounding yard or not higher than fifteen (15) feet if mounted on a building may be erected advertising the home occupation, all subject to the provisions of Article XVII.
 - 3) On site parking shall be provided for not less than four (4) vehicles so that parking of customer or employee vehicles will not be required on adjoining property, streets or highways.
 - 4) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
 - 5) Kennels, catteries or stables are subject to those restrictions that may be imposed by the Board of Zoning Appeals.
 - 6) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- b) Private landing fields for aircraft for use by the owner of the property and his guests provided no commercial activities take place on said premises.
 - c) Public or private schools or colleges provided that said institutions occupy not less than twenty (20) acres. instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff and students. Such parking shall not exist within the right-of-way of any road or highway.
 - d) Kindergarten or child care facilities provided the building occupied by the use is compatible with the neighborhood and provisions are made for fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.
 - e) Churches or other places of worship provided they occupy three (3) acres plus one (1) acre for each 100 permanent seats in the main assembly area.
 - f) Parks, playgrounds, playfields and picnic areas provided that same be opened to the public without fee or membership requirements and with adequate off street parking area.
 - g) Cemeteries provided they occupy tracts of not less than forty (40) acres and any mausoleum or crematory operated incident thereto shall be located at least three hundred (300) feet from any property boundary. No internment shall be permitted in said cemetery nearer than fifty (50) feet to any property line or to the right-of-way line of any adjoining road or street.

- h) Borrow pits provided the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Zoning Appeals to conform to the restrictions and conditions imposed to insure regrading, reseeding and general restoration of the area.
- i) Veterinary, medical care and related services offices.
- j) Township or other government buildings or facilities.

Section 6.05 PROHIBITED USES: Uses not specifically authorized by the express terms of this chapter of the Zoning Resolution shall not be permitted.

- a) For the purposes of this Resolution, the operation of a feed lot for the feeding for sale of cattle, sheep or hogs shall be deemed commercial if the number of such animals is greater than five (5) head of cattle or ten (10) head of sheep or hogs per acre of farmland operated by the proprietor in Porter Township. The feeding of more than 10,000 chickens, 5,000 turkeys or 1,000 of other species of poultry at any one time shall be deemed commercial. None of these commercial operations shall be permitted in the Agricultural District.
- b) Any parcel of land located in the Agricultural District and containing less than five (5) acres shall not contain more than one (1) large animal per acre of land. A large animal is defined, for the purposes of this section, as being any animal weighing over one (100) pounds. No animal, except household pets, shall be kept on any parcel of less than five (5) acres unless the building housing such animals is at least fifty (50) feet from any lot line. This subsection shall apply only to those parcels where the total land holdings of the using party is less than five (5) acres and shall not be construed to apply to individual pens, pastures or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.
- c) Outdoor storage of inoperable, unlicensed and unused motor vehicles, appliances, machinery, trailers of any type, boats, motor homes, or any recreational vehicles, for a period exceeding seven (7) days is prohibited if visible from any adjoining property or roadway.
- d) No motor home, recreational vehicle or camper of any type may be occupied by a guest of the residence owner or the owner for more than thirty (30) days in any one year.
- e) No trailer, camper, motor home, truck or any other motor or recreational vehicle, or part thereof, or any other manufactured object, which original use was other than that of a storage building, shall be used as a storage or out building.
- f) Except as specifically permitted in Section 6.03 herein, no mobile home shall be placed or occupied in this

district.

- 9) No trash, debris or any other garbage, refuse or junk shall be permitted to accumulate on any lot or parcel of land which create an eyesore, hazard or nuisance to the neighborhood or the general public if visible from any adjoining property or roadway.

Section 6.06 DEVELOPMENT STANDARDS: All lands and uses within the Agricultural District shall be developed in strict compliance with the following standards and limitations:

- a) Lot Area. No parcel of land in the Agricultural District which has an area of less than two (2) acres (87,120 square feet) exclusive of right-of-way or sixty (60) foot access strip or common access drive (CAD) shall be used for residential purposes.
- b) Lot Frontage All parcels of land in the Agricultural District used for residential purposes shall have a minimum frontage on a public road of four hundred (400) feet, exclusive of common access drive or sixty (60) feet of right-of-way within a common access drive (CAD) as defined in the Delaware County Subdivision Regulations or a sixty (60) foot access strip if the parcel is located within the second tier or row of parcels of land from the public road, for ingress and egress. Any parcel of land which at the building setback line is separated or remove from the public road by more than more than one other parcel of land shall be accessed only by a common access drive (CAD). In the event a lot or parcel of land fronts on more than one public road, such lot or parcel of land shall have a minimum of four hundred (400) feet on one of the public roads. Any parcel whose access is by a sixty (60) foot right-of-way within a common access drive or sixty (60) foot access strip (a flag lot), created after the effective date of this amendment, shall have a minimum width parallel to the public roadway of 400 feet at the building setback line. Lots or parcels having less than 400 feet frontage on the right-of-way line of the adjoining approved road or street must have a minimum lot width at the front building set back line of 400 feet. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet and shall not be decreased at any point forward of the building set back line of the principal residence located on the premises.
- c) Buildin Height Limits. No building in this district shall exceed thirty five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos grain handling conveyors, church spires, domes, flag poles and windmills are exempted from any height regulation and may be erected to any safe height. No aerial, antenna or tower shall be constructed to a height

greater than the distance from the center of the base to the nearest property line of said tract.

- d) Building Dimensions. No dwelling shall be constructed in said zoning district of Porter Township unless the same shall have at least the minimum square feet of living area, exclusive of porches, breezeways, utility areas, and garages as set forth in the following schedule of dwelling types:
- 1 story - 1,100 square feet of living area above grade.
 - 1 1/2 story - 1,100 square feet of living area on the first floor above grade.
 - Earth-berm and underground - 1,100 square feet of living area.
 - Split level - 1,100 square feet above grade.
 - Bi level - 1,100 square feet above grade. 2 story - 1,800 square feet of living area, with at least 900 square feet on the first floor above grade.
- e) Building Setback. No building shall be located closer than one hundred five (105) feet to any center line of the adjoining street or road, or for a flag lot, seventy five (75) feet from the front property line parallel to the road.
- f) Side Yard Setback. No building or structure shall be located closer than fifty (50) feet to any side lot line.
- g) Rear Yard Requirements. No principal dwelling may be located closer than forty (40) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) Maximum Lot Coverage On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty five (25) percent of the lot area.
- i) Parking Off street parking shall be provided with adequate provisions for ingress and egress according to the standards set forth in Article XVI of the Resolution.

ARTICLE VII R-1 FARM RESIDENCE DISTRICT

Section 7.01. There is hereby created within Porter Township The Farm Residence District, to promote the use of appropriate lands for the construction of single family dwellings on large lots or parcels of land with abundant green space so as to preserve the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land and to provide for the development of lands to support development of lands in accordance with the ability of such lands to support development without central water supply and/or central sewerage disposal facilities, to prevent pollution of such lands and the underlying aquifers by excessive development, and to protect the aquifer recharge areas.

Section 7.02. All lots or parcels of land located within Porter Township which were duly recorded in the Office of the Delaware County Recorder at the time of the effective date of this Zoning Resolution and which were legal residential lots or parcels pursuant to previously applicable zoning Resolutions shall be considered legal residential lots or parcels of land pursuant to previously applicable zoning resolutions shall be considered legal residential lots or parcels of land and nothing in this resolution shall be construed to prohibit the use of such lots or parcels of land for single family residential purposes subject to the limitations set forth in Article XVIII and this Article VII.

Section 7.03 PERMITTED USES: Within the Farm Residence District, the following uses developed in accordance with all other provisions of this Zoning Resolution shall be permitted:

- a) Agricultural purposes, including any customary agricultural building, structure, nursery or greenhouse.
- b) Single family dwellings to be permanently constructed on a foundation pursuant to the provisions of this Zoning Resolution and the provisions of the State of Ohio, and Delaware County Building Codes and any other applicable rule or regulation.
- c) Accessory buildings and accessory uses including private garages and permanent dwellings for full time domestic help employed on the premises.
- d) Mobile homes for temporary residential use and temporary buildings of a non-residential character may be used or occupied only during residential construction on the premises for a maximum of twelve (12) months from the date of issuance of the zoning permit. Said temporary structure shall be removed no later than ten (10) days after expiration of said twelve (12) month period.
- e) Ponds, subject to the provisions of Section 16.05 of this Resolution.

Section 7.04 Conditional Uses: Within the Farm Residence District ' the following uses may be permitted subject to the approval and any restrictions or limitations that may be imposed by the Board of Zoning Appeals:

- a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:
 - 1) The home occupation shall be carried on solely within the confines of the residential structures and accessory buildings which are customarily associated with the use and character of the neighborhood.
 - 2) Only one sign not larger than eight (8) square feet and eight (8) feet in height above grade of the surrounding yard or not higher than fifteen (15) feet if mounted on a building may be erected advertising the home occupation, all subject to the provisions of Article XVII.
 - 3) on site parking shall be provided for not less than four (4) vehicles so that parking of customer or employee vehicles will not be required on adjoining streets or highways.
 - 4) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal for the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
 - 5) Kennels, catteries or stables are subject to those restrictions imposed by the Board of Zoning Appeals.
 - 6) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- b) Kindergarten or child care facilities provided the building occupied by the use is compatible with the neighborhood and provisions are made for fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards or properties.
- c) Churches or other places of worship, provided they occupy three (3) acres plus one (1) acre for each 100 permanent seats in the main assembly area.
- d) Parks, playgrounds, playfields and picnic areas provided that same opened to the public without fee or membership requirements and with adequate off street parking areas.
- e) Township or other government buildings or facilities.

Section 7.05 PROHIBITED USES: No use not specifically authorized by the express terms of this chapter of the Zoning Resolution shall be permitted.

- a) For the purposes of this Resolution, the operation of a feed lot for the feeding for sale of cattle, sheep or hogs shall be deemed commercial if the number of such animals is greater than five (5) head of cattle or ten (10) head of sheep or hogs per acre of farmland operated by the proprietor in Porter Township. The feeding of more than 10,000 chickens, 5,000 turkeys or 1,000 of other species of poultry at any one time shall be deemed commercial. None of these commercial operations shall be permitted in-

the Farm Residence District.

- b) Any parcel of land located in the Farm Residence District and containing less than five (5) acres shall not contain more than one (1) large animal per acre of land. A large animal is defined, for the purposes of this section, as being any animal weighing over one (100) pounds. No animal, except household pets, shall be kept on any parcel of less than five (5) acres unless the building housing such animals is at least fifty (50) feet from any lot line. This subsection shall apply only to those parcels where the total land holdings of the using party is less than five (5) acres and shall not be construed to apply to individual pens, pastures or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.
- c) Outdoor storage of inoperable, unlicensed and unused motor vehicles, appliances, machinery, trailers of any type, boats, motor homes, or any recreational vehicles, for a period exceeding seven (7) days is prohibited if visible from any adjoining property or roadway.
- d) No motor home, recreational vehicle or camper of any type may be occupied by a guest of the residence owner or the owner for more than fourteen (14) days in any one year. On any parcel of land that does not have a permanent residence or a permanent residence under construction, no motor home, recreational vehicle or camper of any type may be left on the parcel of land for more than a total of sixty (60) days in any one year and in no case more than fourteen (14) consecutive days.
- e) No trailer, camper motor home, truck or any other motor or recreational vehicle, or part thereof, or any other manufactured object, which original use was other than that of a storage building, shall be used as a storage or out building.
- f) Except as specifically permitted in Section 7.03 herein, no mobile home shall be placed or occupied in this district.
- g) No trash, debris, unused property, discarded building materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and / or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or parcel of land which creates an eyesore, hazard or nuisance to the neighborhood or general public if visible from any adjoining property or roadway.

Section 7.06 DEVELOPMENT STANDARDS: All lands and uses within the Farm Residence District shall be developed in strict compliance with the following standards and limitations:

- a) Lot Area No parcel of land within the Farm Residence District shall be used for residential purposes which has

an area of less than one (1) acre (43,560 square feet) exclusive of right-of-way.

- b) Lot Frontage. All parcels of land in the Farm Residence District shall have the following minimum frontage on a public road. in the event a lot or parcel of land fronts on more than one public road, such lot or parcel of land shall have the following minimum frontage on one of the public roads.

Less than two acres	200 Feet
Two acres but less than three acres	225 Feet
Three acres but less than four acres	250 Feet
Four acres but less than five acres	275 Feet
Five acres or larger	300 Feet

Lots or parcels having less than the above listed minimum frontage on the right-of-way line of the adjoining approved road or street must have a lot width at the front building setback line which is equal to or exceeds that minimum lot frontage requirement. in no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet and shall not be decreased at a point foreword of the building setback line of the principal residence located on the premises.

- c) Building Height Limits No building in this district shall exceed thirty five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spire, domes, flag poles and windmills are exempted from any height regulation and may be erected to any safe height. No aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base to the nearest property line of said tract.

- d) Building Dimensions No dwelling shall be constructed in said zoning district of Porter Township unless the same shall have at least the minimum square feet of living area, exclusive of porches, breezeways, utility areas, and garages as set forth in the following schedule of dwelling types:

1 story - 1,100 square feet of living area above grade.

1 1/2 story - 1,100 square feet of living area on the first floor above grade.

Earth-berm and underground - 1,100 square feet of living area.

Split level - 1,100 square feet above grade.

Bi level - 1,100 square feet above grade.

2 story - 1,800 square feet of living area, with at least 900 square feet on the first floor above grade.

- e) Building Setback. No building shall be located closer than one hundred five (105) feet to the center line of any adjoining street or road.
- f) Side Yard Setback No building or structure shall be located closer than fifty (50) feet to any side lot line.
- g) Rear Yard Requirements No principal dwelling may be located-closer than forty (40) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) Maximum Lot Coverage On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty five (25) percent of the lot area.
- i) Parking Off street parking shall be provided with adequate provisions for ingress and egress according to the standards set forth in Article XVI of the Resolution.

ARTICLE VIII PRD PLANNED RESIDENCE DISTRICT

Section 8.01. There is hereby created in Porter Township a Planned Residence District for the promotion of residential dwellings, either single-family or multi-family, on land which is serviced by both central sewage and water systems. All dwellings within the district are to take into account all natural factors and features of the land, contemporary and proven land use concepts and are to provide a balanced residential environment while preserving and enhancing the historical features, natural environment, health, safety and general welfare of the inhabitants of the township.

Section 8.02. The provisions of this chapter of the Porter Township Zoning Resolution shall apply to all lands of the township, regardless of the size of the parcel being developed, which are to be developed at a greater density of use than one residence or dwelling per acre of land.

Section 8.03. Permitted Uses: Within the Planned Residence District, the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Residential structures, either single family or multifamily, including but not limited to detached, semidetached, attached, cluster, patio, common wall or any reasonable variation on the same theme, and customary accessory buildings.
- b) Non-residential uses of a religious, cultural, educational or recreational nature or character designed and intended to serve the residents of the Planned Residence District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to major thoroughfares as to permit access without burdening residential streets.
- c) Commercial uses to the extent that said uses are totally self-contained within a multi-family residential structure and are designed solely for the purpose of providing service to that or adjoining residential structures. No commercial use shall be established prior to substantial occupancy by residents it is designed or intended to serve.
- d) Non-residential trailers may be used during construction on the premises for a maximum of twelve (12) months from the date of issuance of the zoning permit. Said temporary structure shall be removed no later than ten (10) days after expiration of the twelve (12) month period.

Section 8.04 CONDITIONAL USES: Within the Planned Residential District, the following uses may be permitted subject to the approval and any restrictions or limitations that may be imposed by the Board of Zoning Appeals and the conditions and restrictions of this Zoning Resolution:

- a) Home occupations conducted by the resident of a permitted

dwelling or residence subject to the following restrictions:

- 1) The home occupation shall be carried on solely within the confines of the residential structure and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
 - 2) only one sign, not larger than two (2) square feet and eight (8) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building.
 - 3) The home occupation shall occupy no more than twenty (20) percent of the total floor area of the dwelling unit or fifty (50) percent of the floor area in any garage or accessory building.
 - 4) Not more than one (1) non-resident employee shall work on said premises.
 - 5) No mechanical equipment or other equipment shall be installed which alters the residential character or expels noise, smoke or odor from the structure.
 - 6) On site parking shall be provided for not less than four (4) vehicles so that parking of customer or employee vehicles will not be required on adjoining streets or highways.
 - 7) Waste materials, solid or liquid, shall not be created on the premises at a level greater than are normal for the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
- 8) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
 - b) Kindergarten or child care facilities provided the building occupied by the use is compatible with the neighborhood and provisions are made for fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.
 - c) Conversion of existing residential structures to permit occupancy by more than one family.

Section 8.05 PROHIBITED USES: No use not specifically authorized by the express terms of this chapter of the Zoning Resolution shall be permitted.

- a) Outdoor storage of inoperable, unlicensed and unused motor vehicles, appliances, machinery, trailers of any type, boats, motor homes, or any other recreational vehicles, for a period exceeding seven (7) days is prohibited. Said vehicles, machinery, appliances, trailers, boats, motor homes or recreational vehicles, if stored on the premise, shall not be visible from any adjoining property.

- b) No motor home, mobile home or camper of any type may be occupied by a guest of the residence owner or the owner.
- c) No trailer, camper motor home, truck or any other motor or recreational vehicle, or part thereof, or any other manufactured object, which original use was other than that of a storage building, shall be used as a storage or out building.
- d) Except as specifically permitted in Section 6.03 herein, no mobile home shall be placed or occupied in this district.
- e) No trash, debris, unused property, discarded building materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and / or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or parcel of land which creates an eyesore, hazard or nuisance to the neighborhood or general public if visible from any adjoining property or roadway.

Section 8.06 DEVELOPMENT STANDARDS SINGLE FAMILY: All lands and uses within the Planned Residence District used for single family residences shall be developed in strict compliance with the following standards and limitations:

- a) Lot Area. Residential lots served with approved central water and sanitary sewer systems may be developed for such use if they have a lot area not less than 20,000 square feet exclusive of right-of-way.
- b) Lot Frontage All lots or parcels developed within this district shall have a minimum lot width of one hundred (100) feet. Lots or parcels having less than the above listed frontage on the right-of-way line of the adjoining approved road or street must have a minimum lot width at the front building setback line of one hundred (100) feet. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet and shall not be decreased at any point forward of the building setback line of the principal residence located on the premises.
- c) Building Height Limits. No building in this district shall exceed thirty five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. No aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base to the nearest property line of said tract.
- d) Building Dimensions. No dwelling shall be constructed in said zoning district of Porter Township unless the same shall have at least the minimum square feet of living area, exclusive of porches, breezeways, utility areas, and garages as set forth in the following schedule of dwelling types:

1 story - 1,100 square feet of living area above grade.

1 1/2 story - 1,100 square feet of living area on the first floor above grade.

Earth-berm and underground - 1,100 square feet of living area.

Split level - 1,100 square feet above grade.

Bi level - 1,100 square feet above grade.

2 story - 1,800 square feet of living area, with at least 900 square feet on the first floor above grade.

- e) Building Setback. No building shall be located closer than forty five (45) feet to the right-of-way line of the adjoining street or road. if the right-of-way of the adjoining street or road is less than sixty (60) feet, no building may be located closer than seventy five (75) feet to the center line of said road or street.
- f) Side Yard Setback. No building or structure shall be located closer than twenty (20) feet to any side lot line.
- g) Rear Yard Requirement No principal dwelling shall be located closer than sixty five (65) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) Maximum Lot Coverage. On no lot or parcel in this zoning district shall dwellings be constructed which cover more than twenty five (25) percent of the lot area.
- i) Parking. Off street parking shall be provided, with adequate provisions for ingress and egress.
- j) Signs Except as provided under the provisions of this article for home occupations and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the sign is located. Such sign shall not exceed six (6) square feet in area per side.

The developer of a subdivision or similar area may, upon the condition and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding thirty two (32) square feet in area per side advertising said subdivision or development.

- k) A minimum of five one-hundredths (.05) of an acre per residential unit shall be approved as designated open space, arranged and restricted by easement, covenant, deed or dedication. This organized open space shall not include minimum yard space as required or required off-

street parking areas, however, it may include recreation or education facilities, fire protection areas, additional street right-of-way, or other public improvements necessary to the health, safety and, welfare of the people.

Section 8.07 DEVELOPMENT STANDARDS MULTI-FAMILY: All lands and uses within the Planned Residence District used for multi-family dwellings shall be developed in strict compliance with the following standards and limitations:

- a) intensity of Use. The maximum density shall be six (6) residential units per gross acre of area within the area to be developed, unless the physical boundaries of land or existing developments adjacent thereto on adjoining lands establish an atmosphere inconsistent with the above maximum density of six (6) residential units per gross acre. increased densities may be approved by the Porter Township Board of Zoning Appeals if it is determined that any of the following conditions exist:
 - 1) if a property is directly adjacent and easily accessible to major thoroughfares.
 - 2) If the property is directly adjacent and easily accessible to publicly controlled and maintained community recreational facilities or service facilities.
 - 3) if the property is developed in a high quality of building design and site design.
 - 4) if the property is developed to include major community services such as churches and schools.

- b) Open Space. A minimum of five one-hundredths (.05) of an acre per residential unit shall be provided as designated open space, arranged and restricted by easement, covenant, deed or dedication. This organized open space shall not include minimum yard space as required or required off street parking areas, however, it may include recreation or education facilities, fire protection areas, additional street right-of-way, or other public improvements necessary to the health, safety and welfare of the people.

- c) Arrangement of Structures. The physical relationship of residential units and their minimum yard space shall be determined in accordance with the following:
 - 1) Setback All structures shall have a setback from the right-of-way of adjacent roads a distance equal to the width of the right-of-way as approved in the plan of development or the existing streets and roads.
 - 2) Side Yards A residential unit shall have a side yard of not less than ten (10) feet on each side of the structure. For all other structures within the Planned Residence District, the side yard shall be

not less than one sixth (1/6) of the sum of the height of the structure and length of the wall most nearly parallel to the side lot line but in no case shall said structure be closer than fifteen (15) feet to the lot line within the development except as follows:

- a) In the event that the walls are solid and without windows, said building shall not be closer than fifteen (15) feet to the adjoining structure.
- b) In the event the wall has windows, said structure shall not be closer than twenty five (25) feet to the adjoining structure without regard to lot lines.

In no case shall any building be located closer than fifteen (15) feet to the outside perimeter line of the planned area.

The requirements for side yards shall herein apply to the principal structures but shall not be interpreted as prohibiting designs of residential structures normally referred to as common wall, cluster, patio or other variations on the same theme.

- 3) Rear Yards. A rear yard of not less than twenty five (25) feet shall be maintained on all parcels within this district.
- 4) Building Height Limits. No building in this district shall exceed thirty five (35) feet in height measured from the finished grade not closer than fifteen (15) feet to the exterior wall of the structure. No aerial shall be permitted to extend to more than twenty five (25) feet over the highest point of the principal residence on the premises.
- d) Landscaping. All yards, front, side and rear, shall be landscaped and all organized open spaces or nonresidential use areas shall be landscaped. Such landscape plans shall be submitted with the development plan and shall be subject to approval in the same manner required of the development plan.
- e) Site Development. To the maximum extent possible, all natural drainage courses, vegetation and contours shall be maintained.
- f) Parking. Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in this resolution.
- g) Signs Except as provided under the provisions of this article for home occupations and except as permitted by the Board of Zoning Appeals incident to Conditional Uses,

no sign shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the sign is located. Such sign shall not exceed six (6) square feet in area per side.

Signs identifying non-residential uses within the development shall be approved as part of the development plan so as to be in harmony with the residential character of the development or neighborhood.

The developer of an area may, upon the condition and for the time period established by the Board of Zoning Appeals, erect a sign not exceeding thirty two (32) square feet in area per side advertising said development.

Section 8.08 PROCEDURE: In addition to any other procedures or limitations set forth in this Resolution, all applications for amendments to the zoning map to rezone lands to Planned Residence District shall follow the procedures hereinafter set forth:

- a) Application. The owner or owners of lots or lands within the township may request that the zoning map be amended to include such tracts in the Planned Residence District in accordance with the provisions of this Resolution.
- b) DEVELOPMENT PLAN: Fifteen (15) copies of the development plan shall be submitted with the application, which plan shall include in text and map form:
 - 1) The proposed size and location of the Planned Residential District.
 - 2) The general development character of the tract including the limitations or controls to be placed on residential and related uses, with specific lot sizes setbacks, use restrictions and all other development features including landscaping.
 - 3) Architectural design criteria specifications and elevations for all structures and criteria for proposed signs with proposed control procedures.
 - 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies, any other evidence of reasonableness and cost estimates.
 - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
 - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
 - 7) The proposed time schedule for development to existing and probable uses of surrounding areas.
 - 8) The proposed time schedule for development includes developing the land in phases, all phases to be

developed after the first, which in no event shall be less than ten (10) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.

- 9) The ability of the applicant to carry forth its plan by control of the land, the engineering feasibility of the plan, and financial capability of developer.
- 10) Specific statements of any divergence from the development standards set forth in this Resolution.
- 11) Evidence of the applicant's ability to post bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

c) CRITERIA FOR APPROVAL: In approving an application for Planned Residence District the reviewing authorities shall determine:

- 1) If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution.
- 2) if the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
- 3) If the proposed development advances the general welfare of the township and the immediate vicinity.

d) EFFECT OF APPROVAL: The Development Plan as approved by the Township Trustees shall constitute an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Regional Planning Commission of Delaware County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to its original District unless the application for the time extension is timely submitted and approved.

e) EXTENSION OF TIME OR MODIFICATION: An extension of the time limit as a Modification of the approved development plan may be approved by the Township Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of the time shall be granted except on application filed with the Township Zoning Inspector no later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 8.08.

f) PLAT REQUIRED:

shall be established or changed and no structure shall be constructed or altered until the required subdivision plat for single family residences has been prepared and recorded in accordance with Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
- 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for nonresidential uses.
- 3) in the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recording of the plat, the owner of the project shall post a performance bond in favor of the Porter Township Trustees and the Delaware County Engineer in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.

ARTICLE IX NEIGHBORHOOD OFFICE DISTRICT (C-1)

Section 9.01 PURPOSE: It is the intention of the this resolution to create a district which will regulate future commercial development of neighborhood oriented office facilities which are pleasant, safe and convenient to the neighborhood.

Section 9.02 APPLICATION: The provisions of this article of the Zoning Resolution shall apply to all proposed uses which are designed to serve a limited neighborhood area as opposed to the Township at large.

Section 9.03 PERMITTED USES: Within the Neighborhood office District (C-1), the following uses, developed in accordance with other provisions of this Resolution, shall be permitted:

- a) office facilities for providing personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, surgeons, dentists, dental surgeons, chiropractors, or podiatrists or other allied medical, dental or optical fields.
- b) offices of credit agencies, banks and savings and loan associations, personal credit institutions and loan offices.
- c) offices of veterinarians provided that the on site practice of said veterinarian is limited to small domestic animals, that no animals are boarded on the premises and that no outside runs or exercise areas are provided.

Section 9.04 CONDITIONAL USES: Within this zoning district, the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXII of this Resolution.

- a) Single Family Residence as defined in Section 6.03.
- b) Apartments in areas over or adjacent to the office facility provided that apartments constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garages, to-wit:

one (1) Bedroom unit	750 sq ft
two (2) bedroom unit	800 sq ft
three or more bedroom units	1000 sq ft

Section 9.05 PROHIBITED USES:

Use not specifically authorized by the express terms of this article of the Zoning Resolution shall not be permitted.

- a) Outdoor storage of inoperable, unlicensed and unused motor vehicles, appliances, machinery, trailers of any type, boats, motor homes, or any other recreational vehicle, for a period exceeding seven (7) days is prohibited. Said vehicles, machinery, appliances, trailers, boats, motor homes or recreational vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.

- b) No trailer of any type, no boats, motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If-structure is located on the land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or restrictions in the plat or deed.
- c) No trailer, camper motor home, truck or any other motor or recreational vehicle, or part thereof, or any other manufactured object, which original use was other than that of a storage building, shall be used as a storage or out building.
- d) No motor home, mobile home or camper of any type shall be occupied by a guest of the residence owner.
- e) Non-residential trailers may be used during construction on the premises for a maximum of twelve (12) months from the date of issuance of the zoning permit. Said temporary structure shall be removed no later than ten (10) days after expiration of said twelve (12) month period.
- f) No trash, debris, unused property, discarded building materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and / or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or parcel of land which creates an eyesore, hazard or nuisance to the neighborhood or general public if visible from any adjoining property or roadway

Section 9.06 DEVELOPMENT STANDARDS: in addition to any other provisions of this Resolution all lands and uses within the Neighborhood Office District shall be developed in strict compliance with the standards hereinafter established:

- a) Building Size. No structure in this district shall contain more than six thousand (6000) square feet of floor space devoted to the providing of such services. This square footage limitation shall apply to any office use within this district.
- b) Lot Size. No minimum lot size shall be required, however the lot size shall be adequate to provide the yard spaces and off street parking as herein required.
- c) Lot Width. No minimum lot width shall be required, however, all tracts shall have access to public streets and shall be of such width as to provide required yard spaces and off street parking.
- d) Building Heights. No building shall exceed two (2) stories or thirty five (35) feet in height.
- e) Building Setback. There shall be a setback of all buildings of not less than one hundred (100) feet from the right-of-way line of the public street, provided, however, no such setback shall be required to exceed the average of the minimum depths of existing front yards on lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.
- f) Side Yards. Side yards of not less than fifty (50) feet

shall be required when office areas are adjacent to residential areas.

- g) Rear Yards. Rear yards of not less than fifty (50) feet shall be required when office areas are adjacent to residential areas.
- h) Screening. All office areas adjacent to residential areas shall provide a screening of shrubbery or fencing so as to hide trash collection areas and service areas from the view of adjacent residential areas. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- i) Parking. Off street parking shall be provided within this district in strict compliance with the provisions of Article XVI of this Resolution.
- j) Signs. Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XVII of this Resolution.
- k) Lighting. No area lighting or lighting of buildings or storage areas shall be permitted which causes unreasonable illumination of adjacent properties.
- l) All yards shall be landscaped and maintained. The minimum landscaped area shall be that within front, rear and side setbacks.

ARTICLE X NEIGHBORHOOD RETAIL DISTRICT (C-2)

Section 10.01 PURPOSE: It is the intention of this resolution to create a district which will regulate future commercial development of neighborhood oriented commercial ventures which are small, pleasant, safe and convenient to the neighborhood.

Section 10.02 APPLICATION: The provisions of this article shall apply to all areas zoned commercial as of the date of adoption of this amendment, however, all existing legal commercial uses on lands now zoned commercial within the township shall be considered, for purposes of this zoning district, permitted uses.

The provisions of this article of the Zoning Resolution shall apply to all proposed uses which are designed to serve a limited neighborhood area as opposed to the Township at large.

Section 10.03 PERMITTED USES: Within the Neighborhood Retail District (c-2), the following uses, developed in accordance with other provisions of this Resolution, shall be permitted.

- a) Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods including hardware stores, grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, dairy product stores, retail bakeries, drug and proprietary stores, liquor stores, carry outs, florists, eating and drinking places where service is provided totally within the building, self-service laundromats, laundry and dry cleaning shops, beauty shops, health spas, barber shops, shoe repair or shining shops, or other like retail establishments consistent with the above.
- b) Office facilities for providing personal service such as Insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, surgeons, dentists, dental surgeons, osteopathic surgeons, chiropractors or podiatrists or other allied medical, dental, or optical fields.
- c) Offices of credit agencies, banks and savings and loan association, personal credit institutions or loan offices.
- d) Offices for Veterinarians provided that the on site practice of said veterinarian is limited to small domestic animals, that no animals are boarded on the premises and that no outside runs or exercise areas are provided.

Section 10.04 Conditional Uses: Within this zoning district the following uses may be permitted subject to the approval and any restrictions or limitations that may be imposed by the Board of Zoning Appeals:

- a) Single Family Residence as defined in section 6.03.
- b) Apartments in areas over or adjacent to the commercial storeroom or office facility provided that apartments

constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garages, to-wit:

one (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	800 sq. ft.
Three or more bedroom units	1000 sq. ft.

- c) outside display of products for sale.

Section 10.05 Prohibited Uses: Uses not specifically authorized by the express terms of this chapter of the Zoning Resolution shall not be permitted.

- a) The outdoor storage of any inoperable, unlicensed and unused motor vehicles, appliances, machinery, trailers of any type, boats, motor homes, or any other recreational vehicles, for a period exceeding seven (7) days is prohibited. Said vehicles, appliances, machinery, trailers of any type, boats, motor homes, or any other recreational vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- b) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- c) No trailer, camper motor home, truck or any other motor or recreational vehicle, or part thereof, or any other manufactured object, which original use was other than that of a storage building, shall be used as a storage or out building.
- d) No motor home, mobile home or camper of any type may be occupied by a guest of the residence owner or the owner.
- e) Non-residential trailers may be used during construction on the premises for a maximum of twelve (12) months from the date of issuance of the zoning permit. Said temporary structure shall be removed no later than ten (10) days after the expiration of said twelve (12) month period.
- f) No trash, debris, unused property, discarded building materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and / or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or parcel of land which creates an eyesore, hazard or nuisance to the neighborhood or general public if visible from any adjoining property or roadway.

SECTION 10.06 DEVELOPMENT STANDARDS: In addition to any other provisions of this resolution, all lands and uses within the Neighborhood Commercial District shall be developed in strict compliance with the standards hereinafter established.

- a) Building Size. No structure in this district shall contain

more than six thousand square feet (6000 sq. ft.) of floor space devoted to the storage, display and sale of said products or to the providing of such services. This square footage limitation shall also apply to any office use within this district.

- b) Lot Size. No minimum lot size shall be required, however, the lot size shall be adequate to provide the yard spaces and off street parking as herein required.
- c) Lot Width. No minimum lot width shall be required, however, all commercial tracts shall have access to public streets and shall be of such width as to provide required yard spaces and off street parking.
- d) Building Heights. No building shall exceed two (2) stories or thirty-five (35) feet in height.
- e) Building Setbacks. There shall be a setback of all buildings of not less than one hundred (100) feet from the right-of-way line of the public street, provided, however, no such setback shall be required to exceed the average of the minimum depths of existing front yards on lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.
- f) Side Yards. Side yards of not less than fifty (50) feet shall be required when commercial areas are adjacent to residential areas.
- g) Rear Yards. Rear yards of not less than fifty (50) feet shall be required when commercial areas are adjacent to residential areas.
- h) Screening. All commercial areas adjacent to residential areas shall provide a screening of shrubbery or fencing so as to hide trash collection areas and service areas from the view of adjacent residential areas. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- i) Parking. off street parking shall be provided within this district in strict compliance with the provisions of Article XVI of this resolution.
- j) Signs. Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XVII of this resolution.
- k) Lighting. No area lighting or lighting of buildings or storage areas shall be permitted which causes unreasonable illumination of adjacent properties.
- l) Freight Loading Area. When any use within this district requires the pick up or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the user. No such loading area shall be located on any public street or alley. Such loading area, as provided, shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- m) All yards shall be landscaped and maintained. The minimum landscaped area shall be that within front, rear and side setbacks.

ARTICLE XI PLANNED COMMERCIAL DISTRICT (PCD)

Section 11.01 Purpose: The Township, recognizing that with increased urbanization and population growth comes increased demands for well-organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the township, hereby provides for the Planned Commercial District, intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of the township.

Section 11.02 Application: This provision of the Zoning Resolution shall apply to all lands within the township which are to be used for commercial purposes and which are not regulated by the Districts C-1 and C-2 as herein before set forth in Articles IX and X of this resolution.

Section 11.03 Permitted Uses: Within the Planned Commercial District (PCD), the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted.

- a) Commercial and Office Establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan.
- b) Community Facilities such as libraries, offices or educational facilities operated by a public agency or government.
- c) Commercial Establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants.
- d) Other Commercial ventures not provided by this or other sections of this resolution.
- e) Apartments or Residences in areas over or above the commercial storerooms or office facilities. All apartments or other multi-family structures constructed within this district shall contain the following minimum floor space, to-wit:

one (1) bedroom unit	750 sq. ft.
Two (2) bedroom unit	800 sq. ft.
Three (3) or more bedroom	1000 sq. ft.

f) Any Use not otherwise authorized elsewhere in this resolution

Section 11.04 Conditional Uses: Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use.

Section 11.05 Prohibited Uses:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- b) The storage of any inoperable, unlicensed or unused motor

vehicle for a period exceeding seven (7) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity, if such activities are carried out in compliance with the approved plan.

- c) Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. if a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed or the development plan.
- d) No trash, debris, unused property, discarded building materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and / or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or parcel of land which creates an eyesore, hazard or nuisance to the neighborhood or general public if visible from any adjoining property or roadway.

Section 11.06 Procedure: In addition to any other procedure set out in this resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

- a) Application The owner or owners of lands within the township, being ten (10) acres or more in area, may request that the zoning map be amended to include such tracts in the Planned Commercial District in accordance with the provisions of Article XXI of this resolution. The minimum acreage requirement may be reduced if the application and supporting documents set forth the use of the entire area to be zoned and the site plan for development on each parcel including the type of business, locations of all structures, storage areas, parking areas, yard space and other activities.
- b) Development Plan - Fifteen (15) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:
 - 1) The proposed size and location of the Planned Commercial District.
 - 2) The general development character of the tract including the limitations or controls to be placed on commercial uses, operations, locations or types of tenants with probable lot sizes and other development features including landscaping.
 - 3) Architectural design criteria for all structures a criteria for proposed signs.
 - 4) The proposed provisions for water, fire hydrants,

sanitary sewer, industrial waste disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness.

- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas.
- 7) The proposed time schedule of the site, including streets transportation facilities, buildings, utilities, and other facilities.
- 8) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first shall be fully described in textural form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- 9) The ability of the proposer to carry forth his plan by control of the land and the engineering feasibility.
- 10) Specific statements of divergence from the development standards in Article XI and the justification therefore.
- 11) Evidence of the public facilities to be constructed within the project.

c) Criteria for Approval. in approving an application for a Planned Commercial District, the reviewing authorities shall determine:

- 1) if the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution.
- 2) if the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
- 3) if the proposed development advances the general welfare of the township and the immediate vicinity.

d) Effect and Approval The Development Plan as approved by the Township Trustees shall constitute an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats pursuant to the Subdivision Regulations of Delaware County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years the approval shall be voided and the land shall automatically revert to its original District unless the application for time extension is timely submitted and approved.

- e) Extension of Time or Modification . An extension of the time limits as a modification of the approved development plan may be approved by the Township Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence or reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare, and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Township Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period described in Section 11.06 (d).
- f) Plat Required in the Planned Commercial District (PCD), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
 - 1) Site arrangement, including building setback lines and space to be built upon or within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities, easements, access points to public right-of-ways, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
 - 2) Deed restriction, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of tenants, including those applicable to areas within the tract to be developed for residential use.
 - 3) in the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recording of the plat, the owner of the project shall post a performance bond in favor of the Porter Township Trustees and the Delaware County Engineer in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. in no event, however, shall any zoning certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.

Section 11.07 DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution, the following standards for arrangement and development of land and buildings are required in the Planned Commercial District:

- a) Screening. A use allowed in this district shall entirely enclose its operation within a structure or behind screening. Open storage, service areas and loading docks shall be screened by walls, fences or shrubbery at least six (6) feet but not more than twelve (12) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, production or service areas and loading facilities from adjoining streets or other zoning districts. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- b) Lot Width and Size Except as set forth in section 11.06
 - (a) no minimum lot width and size shall be required in this district, however, all lands shall be accessible by means of a duly dedicated public roadway constructed in accordance with the specifications prescribed by the County Engineer or the Subdivision Regulations of the county. All parcels shall be adequate in size to provide the yard space, landscaping and off street parking as herein required.
- c) Building Setback No building service or storage area shall be constructed closer than one hundred (100) feet to the right-of-way line of any public road.
- d) Side Yard- For main and accessory structures, including open storage, processing, servicing or loading areas, the side yard shall in no case be less than two hundred (200) feet.
- e) Rear Yards For main and accessory structures, including open storage, processing, servicing or loading areas, the rear yard shall in no case be less than two hundred (200) feet.
- f) Building Height No building within this district shall exceed two (2) stories or thirty-five (35) feet in height.
- g) Landscaping All yards, rear and side, shall be landscaped. Such landscape plan shall be submitted with the Subdivision Plat and shall be subject to approval in the same manner required of the Subdivision Plat. All landscaping used for screening purposes shall be nondeciduous.
- h) Signs. Signs identifying uses within this district shall be constructed and placed in conformity with the provisions of Article XVII of this Resolution and shall be approved as part of the development plan.
- i) Parking Off street parking shall be provided with adequate provisions for ingress and egress according to the standards set forth in Article XVI of this Resolution.
- j) Lighting No area lighting or lighting of building or storage areas shall be permitted which causes unreasonable illumination of adjacent properties.
- k) Freight Loading Areas When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or

alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

ARTICLE XII INDUSTRIAL DISTRICT (I)

Section 12.01 Purpose: The Porter Township Trustees recognize that a well planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. it is the intention of this board to provide those reasonable conditions under which desirable industry of all types may operate so that the health, safety and general welfare of the residents of the township may be preserved.

Section 12.02 Permitted Uses: Within the Industrial District (1) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted:

- a) Wholesale business, storage buildings and warehouses.
- b) The manufacture, compounding, assembling or treatment of articles or merchandise not employing a cooking or boiling process but using previously treated materials of bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell textile, tobacco, wood (excluding planing mill), yarns and or paint.
- c) The manufacturing, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products but not including fish and meat products, sauerkraut, vinegar, yeast and rendering or refining of fats and oils.
- d) The manufacture of pottery or ceramic products, using only previously pulverized clay, and kilns fired only by electricity or natural gas.
- e) The manufacturing and maintenance of electric signs, commercial advertising structures, light sheet metal products and similar items.
- f) Assembly of electrical appliances, instruments and devices, including electroplating and the manufacture of small parts such as coils, condensers, transformers, crystal holders and similar items.
- g) Distribution plants, wholesale parcel delivery, ice and cold storage plants, bottling plants and food, commissary or catering establishments.
- h) Foundry casting of light weight nonferrous metal and such similar uses as do not cause noxious fumes, noise and odors.
- i) Laboratories; experimental, photo, motion picture, film or testing.
- j) Laundry, cleaning and dyeing works and carpet and rug cleaning.
- k) Lumber yard, if saws, planers and other processing machines, are contained within a completely enclosed building.
- l) Poultry and/or rabbit killing, processing and packaging.

- m) Craft shops such as plumbing, carpentry, sheet metal, electrical and other related trades.
- n) Veterinary clinics or dogs kennels provided all outside runs are screened in the same manner as outdoor storage areas as hereinafter provided.
- o) Stone cutting and monument works.
- p) Machine shops excluding punch presses over twenty (20) tons rated capacity or drop hammers.

Section 12.03 Conditional Uses: Within this zoning district, the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXII of this Resolution:

- a) Any use of an industrial nature not already provided for by this Resolution.
- b) Circuses, carnivals, or similar transient enterprises provided such can be operated in a safe manner pursuant to previously obtained health permits.
- c) Any manufacturing process not already provided for or prohibited by this Resolution,
- d) Petroleum product storage areas.
- e) Quarries and other activities providing for the removal, processing and sale of natural resources.
- f) Exploration and drilling for oil or gas and production of said products.

Section 12.04 Prohibited Uses: Uses not specifically authorized by the express terms of this chapter of the Zoning Resolution shall not be permitted.

- a) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicle shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
- b) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the building line on any lot within this district. if a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- c) No outdoor storage of raw materials, supplies, finished products or new or used machinery or equipment shall be stored outside the building unless screening is provided as required by section 12.05 (9) of this Resolution.

Section 12.05 Development Standards: in addition to any

required other provisions of this Resolution, all lands and uses within the Industrial District shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Size No minimum lot size shall be required, however, the lot size shall be adequate to provide the required yard spaces and off street parking as herein required.
- b) Lot Width No minimum lot width shall be required, however, the industrial tract shall have access to public streets and shall be of sufficient width to provide required yard spaces and off street parking.
- c) Building Heights No building shall exceed two (2) stories or thirty-five (35) feet in height.
- d) Building Setback in this district no building, storage area or required parking area shall be located closer than two hundred (200) feet to the right of way line of the adjacent street or road.
- e) Side Yards There shall be a side yard on each side of the main building constructed in this district of not less than fifty (50) feet or one hundred (100) feet on any side adjoining residential property. No accessory building, outdoor storage area or required off street parking shall encroach in said yard except with consent of the Board of Zoning Appeals.
- f) Rear Yards No building shall be located closer than one hundred (100) feet to the rear line of any lot. No outdoor storage area or required off street parking area shall encroach in the prescribed rear yard except with the consent of the Board of Zoning Appeals.
- 9) Screening All outside storage areas, manufacturing areas, service areas and loading docks shall be screened by properly maintained walls, fences or shrubbery at least six (6) feet but no more than twelve (12) feet in height. These walls, fences or shrubbery, shall be of a design so as to effectively screen such storage, manufacturing, service or loading areas and facilities from adjoining streets or other zoning districts. Such shrubbery shall be neatly trimmed and all other fences or walls shall be maintained in a neat and tidy manner.
- h) Parking Off street parking shall be provided within this district in strict compliance with the provisions of Article XVI of this Resolution.
- i) Signs. Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XVII of this Resolution.
- j) Lighting No area lighting or lighting of buildings or storage areas shall be permitted which causes unreasonable illumination of adjacent properties.
- k) Freight Loading Areas When any use within this district requires pick up or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such area shall be located on any public street or alley. Such loading area, shall be adequate in size to accommodate tractor-trailor (semi) units with adequate room to permit

entry to such loading area without interfering with traffic on adjacent streets or highways.

- 1) All yards shall be landscaped and maintained. The minimum landscaped area shall be that within the front, rear and side setbacks.

ARTICLE XIII OLIVE GREEN - EAST LIBERTY OVERLAY

Section 13.01 PURPOSE: in as much as the only platted villages located within the Township are olive Green and East Liberty, and each Village is more than 150 years old, and these Villages create unique circumstances which need to be dealt with in a fair and reasonable manner, there is hereby created in the Porter Township Zoning Resolution an olive Green-East Liberty Overlay to improve the life style of the residents of those Villages, to promote property improvement within the Villages, and to make the Resolution more realistic to the Villages.

The Olive Green-East Liberty Overlay shall apply to all land included within the Plat of Olive Green filed for the record in Plat Book 2, Page 13 minus those portions of the Plat which have been vacated and all land included within the Plat of East Liberty filed for record in Plat Book 2, Page 9 minus those portions of the plat which have been vacated.

Section 13.02 OVERLAY PROVISIONS: in place of and in substitution for development standards contained in Sections 7.06 e, f, 9, and h of this Resolution, all land uses within the Olive Green-East Liberty Overlay shall be developed in strict compliance with the following standards and limitations:

- a) Building Setback. No building shall be located closer to the centerline of the adjoining road or street than the building existing on the lot or neighboring lot as of the date of this overlay.
- b) Side Yard. Setback No building or structure shall be located closer than ten (10) feet to any side lot line.
- c) Rear Yard. Requirement No principal dwelling or accessory building shall be located closer than ten (10) feet to the rear lot line.
- d) Maximum Lot Coverage. On no lot affected by this Overlay shall buildings be constructed which cover more than fifty three (53) percent of the lot area.

ARTICLE XIV (This Article left intentionally blank)

ARTICLE XV (This Article left intentionally blank)

ARTICLE XVI GENERAL DEVELOPMENT STANDARDS

Section 16.00 General: It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of the type of classification of development. They are designed to insure that the general welfare of citizens of Porter Township is protected and enhanced. These general development standards apply throughout the township. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the land owner in any rezoning variance.

Section 16.01 Parking. Whenever parking areas are to be provided as required by the provisions of this zoning resolution, the following conditions shall apply:

- a) Dimensions All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aiseways of sufficient width to permit easy access to all parking spaces.
- b) Paving Except in districts A-1 and R-1 all parking areas and adjacent aisles or driveways shall be paved with asphaltic material or cement.
- c) Driveways All driveways serving parking lots for five (5) or more vehicles shall be not less than twenty (20) feet in width but adequate to permit easy access to parking spaces. No driveway shall be located so that it enters a public road within one hundred (100) feet of the intersection of any two (2) public roads unless there are two (2) driveways serving the lot, one of which is in excess of one hundred (100) feet and the other not less than forty (40) feet from said intersection. All driveways shall be located so that vehicular traffic entering a public road has an unobstructed sight distance of at least three hundred (300) feet.
- d) Parking Area Location Except in the Districts A-1 and R-1 no parking lot or parking area shall be located nearer than ten (10) feet to the side or rear line of the tract on which the structure is located. Parking in front of the main structure may be permitted if approved as part of the plan of development.
- e) Required Number of Parking Spaces Off street parking shall be provided incident to any use in any district in this township according to the following table:

<u>Use</u>	<u>Required Parking space</u>
1) Single family residential	4 per dwelling unit
2) All other residential	3 per dwelling unit

3) Hotels, motels, lodges	1 per rental unit plus 1 per employee on largest shift
4) Churches or places of public assembly	1 for each 3 seats or 1 for each 45 sq. ft. of assembly area, whichever is greater
5) Hospitals	1 for each bed plus 1 for each employee of the largest shift
6) Nursing homes	1 for each 2 beds plus 1 for each employee on the largest shift
7) Museums, libraries, etc.	1 for each 400 sq. ft. of area open to the public plus 1 for each employee on the largest shift
8) Primary or elementary schools	4 for each classroom
9) Secondary schools, colleges, trade school, etc.	4 for each classroom plus 1 for each 4 students
10) Restaurants	1 for each 4 seats plus 1 for each employee on the largest shift
11) Offices	1 for each 400 sq. ft. of floor space plus 1 for each employee
12) Funeral homes	1 for each 25 sq. ft. of public area
13) Retail stores	5 plus 1 for every 400 sq. ft. of floor space
14) All industrial, warehousing or distribution facilities	20 plus 1 for each 2 employees plus 1 for each vehicle maintained on the premises

Section 16.02 Exceptions to Height Limitations: The building height limitations set forth in this resolution shall not apply to church spires, domes, flag poles, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers or necessary mechanical appurtenances which may be erected to any safe and lawful height.

Section 16.03 Structure Separation: No building shall be located closer than twenty five (25) feet to another structure unless the adjacent walls of both structures are masonry in which event said buildings shall be no closer than fifteen (15) feet. No building shall be closer than fifteen (15) feet to another unless one of said structures has as its exterior facing wall a fire wall, free of any opening and capable of stopping the spread of any fire.

Section 16.04 Sanitary Sewer Requirements and Pollution Control: All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency and the Delaware County Department of Health. Prior to the issuance of any zoning certificate, evidence of compliance with said regulations shall be presented to the zoning inspector.

Section 16.05 Water impoundments: All water impoundments such as ponds or lakes shall be constructed and developed in compliance with the following standards:

- a) With the exception of the A-1 District, no impoundment or body of water shall be located closer to any lot line than that allowed for the construction of a dwelling.
- b) With the exception of the A-1 District, all in ground swimming pools, or the entire property upon which a pool is located, shall be walled or fenced to prevent uncontrolled access by individuals from the street or adjacent properties. Said fence or wall shall be not less than four (4) feet in height and shall be maintained in good condition with a gate and lock.

Section 16.06 Landscaping: All uses and improvements in the township should pay close attention to the installation of proper landscaping as soon as possible after completion of construction of the principal structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion.

Section 16.07 Drainage: All construction within this township shall be accomplished in a manner consistent with maintenance of good surface drainage. in all improvements or uses where submittal of drainage plans is not specifically required every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or subservient properties is maintained or improved.

In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it can be removed without interfering with the drainage on adjacent properties.

Section 16.08 Flood Plain Regulation: Certain limited areas of Porter Township may lie within a flood plain. The Delaware County Building Department maintains on file, subject to public examination, a current map, delineating the boundaries within the township of any lands designated "Flood Plain".

- a) open space uses shall be permitted within the flood plain to the extent that they are permitted within the zoning district controlling use of said land and provided they do--_ not require structures, fill or storage of material or equipment.
- b) No use shall be permitted within the flood plain which will adversely affect the efficiency or which will restrict the capacity of the channel or floodway of any tributary to the main stream, drainage ditch, or other drainage facility or system.
- c) No fill shall be deposited within the flood plain without permission from the Board of Zoning Appeals. Showing must be made that such fill is for some beneficial purpose and will be protected against erosion by rip-rap, vegetation cover or bulkheading.
- d) No structure of any kind shall be permitted within the flood plain except on issuance of special permission by the Board of Zoning Appeals. Such structures shall not be permitted unless it is shown that:
 - 1) The structure has low flood damage potential.
 - 2) The location of the building or structure will not impede the flow of flood waters.
 - 3) So far as possible or practicable, the structure is elevated out of the flood level.
 - 4) All structures are firmly anchored to prevent flotation and all heating and electrical equipment is located above the flood level.
- e) The attention of anyone considering construction or alteration of a structure within a flood plain is directed to the "Flood Damage Prevention Regulations" adopted by the Delaware County Commissioners on September 12, 1983.

Section 16.09 COMMERCIAL COMMUNICATIONS TOWERS:

Telecommunications towers, including but not limited to, VHF and UHF television, AM and FM radio, two-way radio, common carriers, cellular telephones and fixed point microwaves must be located in a Planned Commercial District.

- a) No zoning certificate shall be issued for a new telecommunications tower until the applicant has documented the nature and location of all existing and approved towers within range of the proposed equipment and has certified to the Township Zoning Commission with support documentation that one or more of the following conditions exist:
 - 1) Planned equipment would exceed the structural capacity of existing and approved towers.
 - 2) Planned equipment will cause RF interference with other existing or proposed equipment for that tower, and said interference cannot be prevented at a reasonable cost.
 - 3) Existing towers do not have space on which a new antenna could function in parity with similar equipment in the area.

- 4) The fees and/or costs for shared use are unreasonable.
 - 5) other conditions exist which render the placement of proposed equipment on an existing tower impractical.
- b) New commercial telecommunications towers shall be located on a site of sufficient size so as to contain on-site, all ice fall or debris from tower failure, protect the public from any non-ionizing, electromagnetic radiation, and preserve the privacy of abutting properties, particularly if those properties are in zoning districts permitting single family residences. The following setback requirements must be met:
- 1) The base of the communications towers shall be set back from all abutting property not less than fifty (50) percent of the height of the tower.
 - 2) Guy wire anchors shall be set back fifty (50) feet.
 - 3) Accessory buildings shall be setback from all abutting property not less than fifty (50) feet.
- c) The construction of commercial telecommunications towers shall meet all standards of the Porter Township Zoning Code and the following design standards and shall be certified by an engineer registered to practice in Ohio.
- 1) Telecommunications towers of two hundred (200) feet or less in height, more than ten thousand (10,000) feet from a feeder airport and /or less than twenty thousand (20,000) feet from a major airport shall have a galvanized finish or be painted silver in color.
 - 2) Telecommunications towers of more than two hundred (200) feet in height, less than ten thousand (10,000) feet from a feeder airport, and or/less than twenty thousand (20,000) feet from a major airport shall comply with FAA and ODOT painting and lighting standards for such structures.
 - 3) All telecommunications towers shall be designed to collapse downward and inward in the event of failure instead of over and outward so as to insure the safety of adjacent structures and properties.
- d) All commercial communications towers and related structures located adjacent to districts that permit residential use shall be landscaped with continuous six (6) foot high planting, hedge, fence or wall. Earth mounding of three (3) feet in height may be used to achieve the overall buffer height of six (6) feet. Natural vegetation shall have a minimum opaqueness of seventy-five (75) percent during full foliage when viewed from two to five feet above the ground. Full opaqueness shall be achieved not more than three (3) years from the time of planting.
- 1) All towers located in or adjacent to a residential

area and one hundred (100) feet or more in height are also subject to additional landscaping requirements imposed by the Zoning Commission.

- 2) Telecommunications tower bases and all accessory structures or the entire perimeter of the entire site shall be enclosed by fencing of such a type as to prevent illegitimate access. Such fences shall not be less than six (6) feet in height and shall be screened with landscaping as required above.

Article XVII SIGN AND BILLBOARD REGULATION

Section 17.01 Purpose: The purpose of this sign regulation is to promote and protect the public health by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance and preserve the scenic and natural beauty of the communities and countryside, reduce sign distraction and obstructions that may contribute to traffic accidents, provide more open space and generally curb the deterioration of the natural environment.

Section 17.02 Permitted Signs-No Permit Required: The following signs shall be permitted in the township subject to the regulations set forth herein. No zoning permit shall be required for any sign constructed or erected under the terms of this article.

- a) Signs For Sale, Lease or Rent or Identifying the Builder or Contractor of the Premises on Which the Sign is Located: Not more than two signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed six square feet of area per side with not more than two sides. All signs shall be removed within thirty (30) days after occupancy.
- b) Signs for Home Occupations: one sign per lot shall be permitted in any residential district for the purpose of announcing a home occupation which has complied with all conditions imposed by the Board of Zoning Appeals.
- c) Vehicular Signs: Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted provided said signs are located outside the right of way of any public road, do not exceed two square feet of area per side and do not interfere or obstruct visibility when entering or leaving said property.
- d) Name and Address of occupant of residence in A-1 or R-1 Districts provided that such sign is no more than two square feet in area per side and is located outside the right of way of any public road. Said sign shall not be higher than three feet above the ground and not more than one sign shall be permitted.
- e) Political Signs: The erection of political signs shall be permitted in any district of the township provided that said signs:
 - 1) are located outside the right of way limits of the road and do not interfere with visibility of vehicular traffic entering or leaving the highway.
 - 2) are erected or posted not more than ninety (90) days prior to the election and are removed within fifteen (15) days following primary elections by the losing candidates and within

fifteen (15) days following the general election by both winning and losing candidates.

- 3) are capable of posting and removal without destruction of public or private property.
 - 4) designate the name and address of the person charged with removal of the sign.
- f) Temporary Signs announcing special public or institutional events. Such signs shall not exceed 32 square feet in area per side and shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event. Such sign shall designate the person charged with the duty of removing said sign.
- 9) Signs Approved in Planned Residence District plan of development provided that the approved sign is constructed in strict compliance with the approved guidelines.
- h) Farm Signs denoting the name and address of the occupants, the produce or products on the premises and membership in organizations. No more than one sign of any type may be permitted and it shall be located outside the road right of way. Advertising signs may not exceed thirty two (32) square feet of area per sign and all other signs shall be limited to eight (8) square feet per side.
- i) Signs Approved as Part of a Conditional Use Permit in residential zoning districts provided such signs are constructed in strict compliance with the imposed conditions.

Section 17.03 Signs Permitted-Permit Required: The following signs shall be permitted in areas clearly delineated herein and subject to the following regulations:

- a) Outdoor Advertising for a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all commercial, agricultural and industrial districts.
- 1) No billboard shall exceed three hundred (300) square feet in area per side nor have more than two sides.
 - 2) No billboards shall exceed thirty-five (35) feet in height nor have a length in excess of four times the height of the sign face.
 - 3) All billboards shall be located behind the building setback lines established for the district in which the sign is located and shall be located no closer than 1200 feet from the closest inhabited building.
- b) Commercial or Industrial Signs are to be free standing, building mounted or ground signs identifying or advertising commercial or industrial uses on the premises. If the signs are located within a planned commercial zone or are erected pursuant to

a conditional use permit, the location of said signs must be in strict compliance with the plan or permit in addition to any restrictions imposed herein.

- 1) No sign shall have a surface area of greater than forty (40) square feet per side.
- 2) No business, industry or use shall maintain a total sign area on the premises in excess of two hundred (200) square feet. This area shall be computed by adding the total sign area of all signs on the premises advertising the business use.
- 3) No sign shall be located closer than fifty (50) feet to the right-of-way line of the adjoining thoroughfare.

Section 17.04 Prohibited Signs: All signs not specifically permitted by the express terms of the Porter Township Zoning Resolution shall be prohibited in Porter Township.

Section 17.05 General Regulations: The following regulations and restrictions shall apply to all signs located and erected within the township, regardless of type, style, location, design or other classification.

- a) Location: No sign shall be located within the right-of-way of any public or private road within the township. Said sign or signs shall be located in strict compliance with this resolution and the approved development plan or restrictions imposed by the Board of Zoning Appeals.
- b) Lighting:
 - 1) No sign shall be illuminated to a level which causes unreasonably high light levels on adjacent residential lots or residences.
 - 2) No illuminating device for any sign shall be designed which permits the direct beaming of any light onto adjacent roadways or right-of-ways thereby creating a hazard to vehicular traffic.
 - 3) No flashing, rotating, or moving light source shall be permitted on any sign within this township.
- c) Height: No signs within Porter Township shall be erected to a height greater than thirty-five (35) feet.
- d) Sight interference: No sign shall be permitted in Porter Township which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on roadways or rights-of-way.
- e) Maintenance: All signs or billboards constructed or erected within Porter Township shall be maintained in good repair and in a proper state of preservation.
- f) Abandoned Signs: if any sign or billboard shall become abandoned, such sign or billboard is declared

a public nuisance by reason that continued lack of use results in a lack of reasonable and adequate maintenance, causing a deteriorating and blighting influence on nearby properties. An abandoned sign or billboard is defined as any sign or billboard that meets any one of the following criteria:

- 1) Any sign or billboard associated with an abandoned nonconforming use.
- 2) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.
- 3) Any sign or billboard that is not maintained in accordance with this resolution.

When the Zoning Inspector finds, upon investigation, that a sign or billboard has been abandoned, he shall notify the owner of said sign, together with the owner of the land on which the sign is located, by ordinary mail, of his findings. Such notice shall advise the owner that the sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The owner may appeal such decision to the Board of Zoning Appeals as provided in Article XXII of this resolution.

It shall be the duty of the Zoning Inspector to maintain a photographic file on said sign together with a written ' report of his findings for submission to the Board of Zoning Appeals.

If the sign is not removed, the same may be removed by the Township at the expense of the lessee or owner. If the Township is not immediately reimbursed for such costs, the amount thereof shall be certified to the Delaware County Auditor for collection as a special assessment against the property on which it is located.

Section 17.06 Non-Conforming Signs or Billboards: Any sign or billboard in existence within the Township prior to the effective date of this Resolution that does not conform with the provisions of this Resolution is considered to be non-conforming.

Any sign or billboard that does not conform to the provisions of this Resolution shall be allowed to continue in its non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.

A non-conforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Resolution. Should any replacement or relocation take place without being brought

into compliance, the sign or billboard shall be existing illegally.

A non-conforming sign or billboard shall be maintained or repaired in accordance with the following provisions:

- a) The size and structural shape shall not be changed or altered.
- b) The copy may be changed provided that the change applied to the original non-conforming use associated with the sign or billboard. The copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.
- c) In the case where damage occurs to the sign or billboard to the extent of 50% or more of either structure or replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than 50% of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days or section 17.05 (f) shall be enforced.

Section 17.07 Permit: No sign, except as provided for in article 17.02 of this Resolution, shall be erected prior to the issuance of a permit therefore by the Township Zoning Inspector.

- a) Fees: The applicant for a permit herein shall pay such fee as is prescribed by the Porter Township Trustees. Such fees shall be prescribed annually, or more often, by the trustees.
- b) Term of Permit: The zoning permit issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this Zoning Resolution or any amendment thereto.
- c) Inspection: All signs and billboards erected within this township are subject to inspection, whether a permit is required or not prior to erection. The Township Zoning Inspector or any other official of the township is hereby authorized to enter upon any property or premises to ascertain compliance with the provisions of this Resolution. Such inspection may be made at any reasonable time and the Township Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of this Resolution.
- d) Cancellation of Permit: in the event that the owner of any sign on a property fails to comply with the terms of this Zoning Resolution, said permit may be revoked upon compliance with the following terms:
 - 1) Notice: The Township Zoning Inspector shall notify the owner of any deficiency or violation of this Resolution. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder

may seek a hearing on said notice by complying with the provisions of Article XXII of this resolution dealing with the revocation of the Conditional Use Permit. Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within thirty (30) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by this Resolution.

e) Removal of Signs: The Township Zoning Inspector may effect the removal of any sign illegally placed within the right of way of any road within this township. The Zoning Inspector shall store said sign and shall notify the owner thereof of its location, by certified mail. if the owner of any sign fails to claim same within sixty (60) days after mailing of notice by the Zoning Inspector said sign may be destroyed.

ARTICLE XVIII NON-CONFORMING USES

Section 18.01 Continuance: The use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of enactment of this Zoning Resolution or any amendments thereof, may be continued, although such use does not conform with this Zoning Resolution or amendments. If any such non-conforming use is voluntarily discontinued for two (2) years or more, any future use shall be in conformity with this Zoning Resolution and its amendments.

Section 18.02 Restoration: Except for single family residences, when a structure, the use of which does not conform to the provisions of this Zoning Resolution, is damaged by fire, explosion, flood, wind, earthquake or other calamity, outside the control of the owner or occupant, to the extent that the cost of restoration is more than sixty (60) percent of its value, it shall not be restored unless in conformity with the provisions set forth in the Zoning Resolution, as amended, for the district in which it is located, or unless a conditional use permit is issued by the Board of Zoning Appeals pursuant to Article XXII. Such restoration shall be commenced within ninety (90) days of such calamity and diligently continued until completed. For the purpose of this section, "value" shall be defined as the reproduction cost of the structure prior to the calamity depreciated in accordance with applicable Internal Revenue Guidelines for the structure.

Section 18.03 Enlargement: No non-conforming building or use may be enlarged, extended or otherwise expanded except upon the granting of a variance issued by the Board of Zoning Appeals pursuant to Article XXII and this section, unless the enlargement, extension, or expansion otherwise conforms with the Zoning Resolution.

A non-conforming single family residence which violates any front, rear, or side setback, may be expanded in any direction except that in which the violation occurs without obtaining a variance. The new addition must not encroach further on the violated setback.

The Board shall have power to permit changes and extensions on non-conforming uses as follows:

- a) A non-conforming use less objectionable in nature may be substituted for an existing non-conforming use.
- b) An existing, legal non-conforming use which occupied only a portion of an existing structure or premises may be extended throughout such structure or premises -
- c) The alteration or reconstruction of a non-conforming use or building provided that such will make the nonconforming use substantially more in character with its surroundings.

- d) Except for single family residences and mobile homes, any extensions, alteration or reconstruction shall not be greater than fifty (50) percent of the size of the non-conforming use that existed at the time of passage of this Zoning Resolution.

The Board may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and the public interest.

Section 18.04 Non-conforming Lots: The construction of a conforming structure and / or the conduct of a permitted use shall be allowed on any lot of record at the time of the enactment of this resolution. Variance of any development standard other than minimum lot area and /or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of Article XXII. Such non-conforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership on the effective date of this Zoning Resolution. otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.

Section 18.05 Replacement or Substitution of an Existing Non-conforming Manufactured / Mobile Home: A legally existing, non-conforming, manufactured / mobile home may be replaced or may have a new mobile home substituted subject to obtaining a permit from the Zoning inspector and to the following conditions:

- a) The replacement home shall be large enough to meet the square footage required of a single family residence in the district in which it is located.
- b) The replacement home shall be a maximum of Seven (7) years old.
- c) The replacement home shall be skirted in factory manufactured skirting or with skirting approved by the Zoning inspector. Such skirting shall be installed within thirty (30) days of the installation of the mobile home.
- d) The home shall be installed in compliance with the rules and regulations established by the Delaware County Health Department.

ARTICLE XIX TOWNSHIP ZONING INSPECTOR - ZONING CERTIFICATES AND APPLICATIONS

Section 19.01 TOWNSHIP ZONING INSPECTOR: The Board of Township Trustees shall appoint a Township Zoning inspector, together with such assistants as may be necessary. It shall be the duty of the Township Zoning inspector to compare each zoning certificate application with the then existing zoning map. The Township Zoning Inspector, before entering upon the duties of his office, shall give bond signed by a bonding or surety company authorized to do business in this state, or, at his option, signed by two (2) or more freeholders having real estate in the value double the amount of the bond, over and above all encumbrances to the State, in the sum of not less than One Thousand Dollars (\$1000.00) or more than Five Thousand Dollars (\$5000.00) as fixed by the Board of Township Trustees. Such surety company or real estate bond shall be approved by the Board of Township Trustees and the bond shall be conditioned upon the faithful performance of such Zoning Inspector's official duties. Such bond shall be deposited with the Township Clerk. The compensation for such Zoning Inspector shall be set and paid by the Board of Township Trustees.

SECTION 19.02 ZONING CERTIFICATE REQUIRED: No structure shall hereafter be located, constructed, reconstructed, enlarged or structurally altered nor shall any work be started upon same, nor shall any use of land be commenced until a zoning certificate for same has been issued by the Porter Township Zoning inspector, which certificate shall state that the proposed building and use comply with all the provisions of this Zoning Resolution. No zoning certificate shall be required for any agricultural building to be erected on land that meets the definition of agriculture in ARTICLE V, SECTION 5.02 nor shall a certificate be required for use of land or building or construction of any building used for public utility or railroad purposes.

SECTION 19.03 PROCEDURES FOR OBTAINING ZONING CERTIFICATE: No zoning certificate shall be issued by the Township Zoning inspector until the zoning certificate application shows that the property is being or is to be used in complete conformity with this Zoning Resolution and the official Zoning Map. No zoning certificate shall be issued by the Township Zoning Inspector until the applicant for said zoning certificate has submitted a plan of the area upon which the applicant's use or structure is proposed. Said plan shall show the proposed use, structural dimensions at the ground, lot dimensions, side, front, and rear yard setbacks, compliance with all applicable development standards and a signed statement that said applicant will conform with all zoning regulations then in force for said area.

SECTION 19.04 CONDITIONS of CERTIFICATE: No zoning certificate shall be effective for more than one (1) year unless the use specified in the permit is implemented in accordance with the approved plans within said period or timetable attached to said plans.

SECTION 19.05 CERTIFICATE of COMPLIANCE: 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 partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.

SECTION 19.06 TEMPORARY CERTIFICATE of COMPLIANCE: A temporary certificate of compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

SECTION 19.07 ZONING CERTIFICATE - CHANGE of USE: No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered except for agricultural purposes, without a zoning certificate being issued herefore by the Township Zoning Inspector. No zoning certificate shall be issued to make a change in use unless the changes have been made in a conformity with the provisions of this Zoning Resolution, or unless a variance or special permit has been granted by the Board of Zoning Appeals.

SECTION 19.08 NON-CONFORMING USE: Nothing in this Article shall prevent the continuance of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

SECTION 19.09 RECORDS: A record of all zoning certificates shall be kept on file in the office of the Township Zoning Inspector, and copies shall be furnished on request to any person having a proprietary or leasehold interest in the building effected.

SECTION 19.10 COMPLAINTS: All complaints submitted to the Zoning Inspector regarding alleged violations of this Zoning Resolution shall be in writing and signed by the complainant.

ARTICLE XX TOWNSHIP ZONING COMMISSION

SECTION 20.01 TOWNSHIP ZONING COMMISSION: The Board of Township Trustees hereby creates and establishes a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the Board, and the terms of the members shall be of such length and so arranged so that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified.

Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board, upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and shall answer such charges. Vacancies shall be filled by the Board and shall be for the unexpired term.

SECTION 20.02 FUNCTIONS OF THE TOWNSHIP ZONING COMMISSION: The Township Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the Zoning Commission for carrying out by the Board of Township Trustees of this Zoning Resolution.

The Township Zoning Commission may, within the limits of monies appropriated by the Board of Township Trustees for the purpose, employ or contract with planning consultants and other assistants as it deems necessary.

The Township Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.

Members of the Township Zoning Commission may be allowed their expenses, or such compensation, or both as the Board of Township Trustees may approve and provide.

No Township Trustee may be employed by the Township Zoning Commission.

The Zoning commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies.

SECTION 20.03 ZONING SECRETARY: To assist in the administration of this Zoning Resolution, the Township Trustees shall appoint a Zoning Secretary or Secretaries whose duties it shall be to maintain Township Zoning Records, confirm information in applications, process all notices

required under this Zoning Resolution, record the minutes of the Zoning Commission, record the minutes of the Board of Zoning Appeals, assist the Zoning Inspector and perform such other duties relating to this Zoning Resolution as the Township Trustees may from time to time direct. A Zoning Secretary shall be compensated at rates set from time to time by the Township Trustees. The Township Clerk may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

SECTION 20.04 MEETING AND AGENDA OF THE TOWNSHIP ZONING

COMMISSION: Unless otherwise approved by the Township Trustees, the Township Zoning Commission shall meet on the second Thursday of each month at 8:00 P.M. at the township hall or if said date is a holiday, the fourth Thursday. The Commission shall consider all items on the agenda. in event there are no items on the agenda, no meeting need be held. The Commission shall adopt rules or procedures governing the conduct of each meeting. Special meetings can be called by the chairman of the Commission or chairman of the Township Trustees upon ten (10) days written notice to all commission members. All meetings if The Zoning Commission shall be open to the public.

SECTION 20.05 MINUTES: The minutes of each meeting of the Zoning Commission shall be kept by the Zoning Secretary on file in the township hall with the other zoning records. Said minutes shall be open for public inspection during commission meetings and normal business hours.

ARTICLE XXI AMENDMENTS

SECTION 21.01 AMENDMENTS OR SUPPLEMENTS: Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Rural Zoning Commission, by the passage of a resolution therefore by the Board of Township Trustees or by filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of property filing an application to amend or supplement the Zoning Resolution pay a fee to defray the cost of advertising, mailing and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each application. The Board of Township Trustees shall upon the passage of such Resolution certify it to the Township Zoning Commission.

Upon adoption of such a motion, or certification of such resolution or the filing of such application, the Township Zoning Commission shall set a date for the public hearing thereon, which date shall be not less than twenty (20) days nor more than forty (40) days from the date of the certification of such Resolution or the date of the adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one (1) publication in two (2) newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing.

Written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to the ten (10) closest different property owners and all adjacent property owners of the exterior boundaries of the land proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Regional Planning Commission and to the Board of Township Trustees as the case may be.

Within five (5) days after the adoption of such motion or certification of such resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the Regional Planning Commission.

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission of such proposed amendment or supplement.

The Township Zoning Commission shall, following the criteria of Section 22.06 (b) of this Resolution, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Regional Planning Commission thereon to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication in two (2) newspapers of general circulation in the township, at least fifteen (15) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

Within twenty (20) days after such public hearing the Board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission the unanimous vote of the Board shall be required.

Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

All procedures thereafter shall be in strict compliance with the requirements of Chapter 519 of the Revised Code of Ohio.

SECTION 21.02 Form of Application: All applications to amend this resolution and/or the zoning map shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

SECTION 21.03 RECORD: On any application for an amendment or supplement to the Zoning Resolution at which the applicant desires a record to be made, the applicant shall give notice to the Secretary of the Zoning Commission or Clerk of the Board of Township Trustees, as the case may be, requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten (10) days prior to the scheduled hearing and shall deposit with his request cash in the amount established by the Trustees to be used to defray the expense incurred in making the record. In all hearings wherein no timely request has been made for a record, the notes of the Zoning Secretary of the Township Zoning Commission or of the Clerk of the Board of Township Trustees, as the case may be, shall serve as the sole transcript of such hearing.

SECTION 21.04 FEES: The owner or lessee of property filing an application to amend or supplement this Zoning Resolution shall deposit with such application a fee, as prescribed by the Board of Township Trustees, to defray the cost of advertising, mailing and other expenses. This fee shall be required generally for each application and the amount of such fee shall be established annually by the Board of Township Trustees.

ARTICLE XXII BOARD OF ZONING APPEALS

SECTION 22.01 BOARD OF ZONING APPEALS: Recognizing that the provisions and details of this Resolution may unfairly or inequitably impact or effect a property owner in the township, or, due to unique facts or circumstances, may not equitably apply to a particular property owner, a Township board of Zoning appeals is hereby created. The Board of Zoning Appeals is to investigate and consider the facts and circumstances as they pertain to a specific lot or parcel of land and apply the provisions of this Resolution to said lot or parcel of land as fairly and equitably as possible following the provisions of Article 11 and the criteria and guidelines of this Article XXII. Said Board of Zoning Appeals shall be composed of five (5) members who shall be appointed by the Board of Township Trustees and who shall be residents of the unincorporated territory of Porter Township included in the area zoned by this Zoning Resolution. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member of the Board of Zoning Appeals shall serve until his successor is appointed and qualified.

Members of the Board of Zoning Appeals shall be removeable for non-performance of duty, misconduct in office, or other cause by the Board, upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board and shall be for the unexpired term.

SECTION 22.02 ORGANIZATION: The Board of Zoning Appeals shall organize, elect a chairman and acting chairman, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board of Zoning Appeals may determine. The chairman, or in his absence, the acting chairman, may administer oaths and the Board of Zoning Appeals may compel attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals 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 examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

SECTION 22.03 COMPENSATION AND EXPENSES: The members of the Board of Zoning Appeals may be allowed their expenses

or such compensation, or both as the Board of Township Trustees may approve and provide. The Board of Zoning Appeals may within limits of monies appropriated by the Board of Township Trustees for purpose, employ such executives, professional, technical and other assistants as it deems necessary.

SECTION 22.04 POWERS OF THE BOARD: The Township Board of Zoning Appeals may:

- a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of sections 519.02 to 519.25 of the Revised Code, or of any resolution adopted pursuant thereto.
- b) Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution 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.
- c) Grand Conditional Use Permits for uses designated as a conditional use within a zoning district.
- d) Revoke an authorized variance granted if any condition of the variance is violated. The Board shall notify the holder of the variance by certified mail of its intent to revoke the variance under division (c) of this section and of his right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney, or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested the Board may revoke the variance without a hearing. The authority to revoke a variance is in addition to any other means of zoning enforcement provided by law.

in exercising the above mentioned powers, the Board may in conformity with such sections, taking into consideration and following the criteria and guidelines set forth in Section 22.06 reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

SECTION 22.05 PROCEDURE ON HEARING APPEALS: Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeal, give ten (10) days written notice by ordinary mail to the parties in interest, give notice of such public hearing by one (1) publication in two (2) newspapers of general circulation within the township at least ten (10) days before the date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.

SECTION 22.06 PROCEDURE ON APPLICATION FOR VARIANCE: The Township Board of Zoning Appeals, appointed by the Porter Township Board of Trustees, may, in appropriate cases and subject to appropriate conditions and safeguards, vary the strict application of the terms and provisions of this Zoning Resolution in harmony with its general purpose and intent, in accordance with specific rules contained herein.

- a) Public Notice: Written application for a variance shall be made to the Township Zoning inspector who shall transmit said application to the Board of Zoning Appeals. The Board of Zoning Appeals shall cause a public hearing to be held. The board of Zoning Appeals shall give written notice by ordinary mail to the ten (10) closest different property owners of the exterior boundaries of the land for which a variance is requested. An application shall be advertised at least once in two (2) newspapers of general circulation within the township at least ten (10) days in advance of the time set for the public hearing.
- b) Hearing Decision: At such hearing the applicant shall present a statement and adequate evidence, in such form as the Township Board of Zoning Appeals may require, and the Board of Zoning Appeals shall not grant an application unless it finds that all of the following conditions apply to the case in question.
 - 1) There are special circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions were not created by the applicant to support or aid the application.
 - 2) The granting of the application will not

materially affect, adversely, the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

- 3) The granting of the application is consistent with and in conformity with the purposes and intent of this Resolution as set forth in Article 11.
 - 4) The granting of the application will not adversely affect the market value of neighboring property, said market value being determined by considering the present use of neighboring property and not the future use.
 - 5) The granting of the application will not adversely affect the quiet enjoyment of the present uses of the neighboring property.
 - 6) The granting of the application will not create a condition that will materially affect the amount of vehicular traffic in the area or the population density of the area or district.
- c) General Guidelines: in considering and granting or denying an application for a variance, the Board of Zoning Appeals shall follow the provisions of this Section 22.06 and the following criteria:
- 1) Monetary gain or loss of profit shall not be considered "substantial property right" or a "hardship" and shall not alone be sufficient grounds to warrant the granting of an application.
 - 2) in granting any variance under the provisions of this section, the Board of Zoning Appeals may designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.
- d) Form of Application: All applications under this section shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

SECTION 22.07 PROCEDURE ON APPLICATION FOR CONDITIONAL USE PERMIT:

The owner or lessee of any land or building within a zoning district within the Township may apply to the Board of Zoning Appeals for authority to carry out a use designated as a Conditional Use within that district.

- a) Application: An application for a Conditional Use Permit shall be submitted on such forms as designated and/or approved by the Township Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information on said application.
- b) Hearing: The application shall be transmitted to the Board of Zoning Appeals who shall cause a public hearing to be held.
- c) Notice: Ten (10) days written notice of the application for a Conditional Use Permit and hearing thereon shall be given to the ten (10) closest different property owners to the premises on which the use is planned. Notice shall be given by ordinary mail. in addition thereto one (1) notice of said meeting shall be published in two (2) newspapers of general circulation in the Township not less than ten (10) days prior to the scheduled hearing.
- d) Decision: The Board shall make its decision within a reasonable time after the hearing. in the event the Board approves the Conditional Use Permit, it may impose such reasonable conditions it deems necessary to insure that the use will be conducted in the best interest of the zoning district.
- e) Revocation: The Board of Zoning Appeals may revoke a Conditional Use Permit for failure to comply with the conditions of the permit. The Board shall notify the holder of the permit by certified mail of its intent to revoke the permit and of the holder's right to a hearing before the Board within thirty (30) days of the receipt of said notice, if he so requests. In lieu of said certificated mail service, service may be made personally by the Township Zoning inspector in which case the hearing shall be requested within thirty (30) days after such service. if the holder requests a hearing, the Board shall set a time place for the hearing and notify the holder. At the hearing the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and may examine witnesses appearing for or against him. if no hearing is requested, the Board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.

Section 22.08 Decision of Board: The Board of Zoning Appeals shall act by resolution in which three (3) members concur and every action shall be accompanied by written finding of fact, based on testimony and evidence and specifying the reasons for granting or denying the request. A copy of the Board's resolution accompanied by the Boards finding of fact shall be mailed to the applicant by certified mail.

Section 22.09 Public information: All communications to members of the Board of Zoning Appeals shall be reduced to writing and shall be made part of the record. The record of the Board's proceedings in any matter shall be kept on file in the Township hall, subject to the order of the Delaware County Common Pleas Court, and available for inspection by the public.

Section 22.10 Record: For any hearing a court reporter shall be retained to make a record.

Section 22.11 Fees to Accompany Notice of Appeal or Application for Variance or Conditional Use: For all actions of the Board of Zoning Appeals the Board of Township Trustees shall establish fees to be deposited with each application. Such fees shall be set annually or at other intervals determined by the Board of Township Trustees and shall be required generally for each application to defray the costs of advertising, mailing, and other expenses.

ARTICLE XXIII ENFORCEMENT

Section 23.01 Violations: No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used and no land shall be used in violation of the Zoning Resolution, or amendment or supplement to such Resolution, adopted by the Porter Township Board of Trustees pursuant to Chapter 519, Ohio Revised Code. Each day's continuation of a violation of this Resolution shall be deemed a Separate offense irrespective of whether or not a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.

Section 23.02 Remedies: In case any building 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 Chapter 519, Ohio Revised Code, or of this Zoning Resolution or amendments hereto adopted by the Porter Township Board of Trustees, 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 other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustee may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

Section 23.03 Penalty: Whoever violates the provisions of this Zoning Resolution or Chapter 519, Ohio Revised Code, shall be fined not more than one hundred (100) dollars for each offense.

ARTICLE XXIV SEVERABILITY AND REPEAL

Section 24.01 Severability. If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution are held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Zoning Resolution but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid and the invalidity of any section, sentence, clause or parts of this Zoning Resolution in any one or more instances shall not attest or prejudice in any way the validity of this Zoning Resolution in any other instance.

Section 24.02 Repeal: This Zoning Resolution may be repealed only by complying with the requirements of Chapter 519 of the Ohio Revised Code as amended.

ARTICLE XXV DEFINITIONS

All words in this Zoning Resolution shall, unless otherwise defined herein, be given the precise meaning or significance as that which is normally attributed to such word or as the same is defined in the Random House Dictionary.